



Agenda
Joint Meeting
Madison County Planning Commission &
Madison County Board of Supervisors
Wednesday, October 7th, 2020 7 p.m.
Madison County Administrative Auditorium
414 N. Main Street, Madison, Virginia 22727



Planning Commission

Call to Order

Pledge of Allegiance & Moment of Silence

- 1) Determine Presence of a Quorum
- 2) Approval of Agenda (Additions or Changes)
- 3) Review of Minutes from the August 25th, 2020 Committee Meeting & September 2nd, 2020 Joint Meeting
- 4) Public Hearings:

A) Case No. OA-10-20-16: Amending article VII (Residential Multiple Family R3), section 7-3-3 (Maximum Building Groupings) of the zoning ordinance. Proposed additions to this section of the ordinance are **bolded** and deletions are underlined:

7-3-3 Maximum Building Grouping - Not more than eight (8) townhouses or attached dwelling units shall be included in any one grouping, and no more than eight (8) dwelling units shall be included within any multiple-family dwelling, except **affordable housing and/or for older persons senior housing** not exceeding sixty (60) dwelling units may be included within a multiple-family dwelling. The maximum frontal length of any building or structure in this zone shall not exceed two hundred (200) feet, except such maximum frontal length shall not apply to a multiple-family dwelling used as **affordable housing and/or senior housing for older persons** not exceeding sixty (60) dwelling units.

B) Case No. OA-10-20-17: Amending article 20 (definitions) and adding a new definition codified as 20-5B to the zoning ordinance. This proposed definition would read as follows:

20-5B Affordable Housing – Housing intended for sale or rent to person(s) or families earning eighty (80) percent or less of the Area Median Income as determined by the Department of Housing and Urban Development (HUD).

C) Case No. OA-10-20-18: Amending article 20 (definitions) and adding a new definition codified as 20-167A to the zoning ordinance. This proposed definition would read as follows:

20-167A Senior Housing – Housing intended for sale or rent to person(s) in which one (1) owner or tenant is at minimum fifty-five (55) years of age or older.

D) Case No. OA-10-20-19: Amending article 14 (general provisions), section 14-9 (minimum off-street parking) of the zoning ordinance. Proposed additions to this section of the ordinance are **bolded**:

14-9 Minimum Off-Street Parking - There shall be provided at the time of erection of any main building or at the time any main building is enlarged, **or for outdoor event venues**, minimum off-street parking space with adequate provisions for entrance and exit by standard sized automobile.

E) Case No. OA-10-20-20: Amending article 14 (general provisions), section 14-9-8 (minimum off-street parking) of the zoning ordinance. Proposed additions to this section of the ordinance are **bolded**:

14-9-8 For Churches, school auditoriums, theaters, general auditoriums, stadiums, **event venues** and other similar places of assembly, there shall be provided at least one (1) off-street parking space for every four (4) fixed seats, based on the maximum seating capacity in the main place of assembly for the building. For assembly halls without fixed seats, there shall be provided one (1) parking space for each one hundred (100) feet of gross floor area. **For outdoor event venues without fixed seating, there shall be provided sufficient parking for customers/visitors and staff members or owner(s). Parking on public roads and their right of ways is prohibited.**

5) Items from Public or Planning Commission

6) Adjournment

Madison County Planning Commission

Business Committee Meeting

August 25, 2020

As advertised, the Business Committee met at 1:00 p.m. in the County Administration Building auditorium to discuss R3 (multiple family dwelling) zoning requirements. All Commissioners were present: Fay Utz, Francoise Seillier-Moiseiwitsch, Peter Work, Nan Coppedge, Mike Mosko, Mike Fisher, Danny Crigler, Steve Carpenter, and Pete Elliott.

Steve Carpenter, Chair, opened the meeting stating there is interest from a developer for 8 acres of land between Food Lion and Courthouse Mountain Road, zoned R3. Current R3 zoning (section 7-3-3) allows by right, 8 units per grouping, except for senior housing, and the frontal length of the building not exceed 200 feet, except for senior housing and not exceeding 60 units. The developer would like to provide "affordable housing" using "tax credits," and increase the number of apartments to 48 in a single building, or 60 units in two buildings. The issue for discussion is should the Ordinance be amended to allow this change, either as a by-right use, or be addressed by a SUP. Mr. Carpenter stated there are very few R3 zoned properties in Madison County; an 80-acre parcel between Fishback Road and Gate Road; and land behind Maple Drive and Resettlement area. Ligon Webb provided possible wording "apartment building(s) not conforming to all provisions of 7-3-1, 7-3-2, and/or 7-3-3 . . . may deviate from said articles provided a special use permit is issued." Mr. Webb stated with this wording, a SUP would allow analyzation concerning density, site design, impacts on adjacent land uses, traffic, etc. Mr. Carpenter also stated requiring a SUP maintains control for current and future projects.

Danny Crigler disagrees.

The Commission was mindful of separating this particular development from universal ordinance wording.

Background information on the developer, Jen Surber, and her previous projects was distributed. Peter Work asked if Courthouse Mtn. Road would be widened, and no answer was given. Proposed parking would be for 142 + 12 spaces, and two per unit is the standard.

Mike Fisher said traffic, sidewalks, medical care, etc. would be impacted with influx of 150 tenants.

Ms. Surber was reached by telephone, and replied to Ms. Seillier-Moiseiwitsch's question about the sizes; there will be some 1 BR, but about half 2 BR, and half 3 BR. She stated it could be a 3-story building, 459' x 47', one building and one elevator, vs. two buildings and two elevators, and building up is cheaper. All traffic would be from Courthouse Mtn. Road, and her purchase of the land is contingent on receiving the tax credits.

After more discussion, by consensus, the PC will recommend the BOS allow multi-family dwellings be allowed by-right in R3 zones, for affordable housing and senior housing, rather than by SUP.

The meeting was adjourned, and will be discussed at the Joint meeting on September 2, 2020.

Notes by Nan Coppedge

Madison County Planning Commission

Joint Meeting

September 2, 2020

The Madison County Planning Commission Joint meeting was called to order by Chair, Mike Mosko, in the County Administration Building auditorium at 7:00 p.m. A quorum was established with all members present: Fay Utz, Francoise Seillier-Moiseiwitsch, Peter Work, Nan Coppedge, Mike Mosko, Mike Fisher, Danny Crigler, Steve Carpenter, and Pete Elliott. Also present were: Ligon Webb, County Planner; Jack Hobbs, County Administrator; Sean Gregg, County Attorney; and Clay Jackson, BOS liaison.

All rose for the Pledge of Allegiance, followed by a moment of silence. Motion was made by Mr. Work to approve the agenda as submitted, seconded by Mrs. Utz, and carried, with all members voting aye.

Motion was made by Pete Elliott to approve the **minutes of the August 5, 2020 meeting** as submitted. Motion was seconded by Steve Carpenter, and carried, with all members voting aye, with Crigler and Fisher abstaining, who had recused themselves from the meeting.

There was much discussion on **increasing the number of apartments for affordable housing in R3 zoning (Article 7-3-3)**, and should the Ordinance be amended to allow “by-right,” or by a special use permit. Mr. Mosko stated a new term “workforce development housing” is now used in applications for funding through the Virginia Housing Dept., and is understood to mean affordable housing. The developer was reached by telephone who stated all of the apartments will be for those with less than 80% of the area median income. General consensus is to advertise for an Ordinance Amendment to allow more than 8 units per building, and more than 200 feet in length, for multi-family affordable and/or senior housing apartments.

Potential Amendments: Articles 14-9 and 14-9-8, Off-Street Parking, were reviewed to require outdoor venues have sufficient parking, and no parking is allowed on public roads. Also, add to **Article 20-133** that open space may be used for crop land.

Mr. Webb proposed that non-conforming minimum size lots that were established before Zoning (circa 1973) be administratively approved, if they meet all other requirements, rather than go to the BZA.

Mr. Mosko reviewed attendance at BOS meetings: September – Steve Carpenter; October – Mike Mosko; November – Mike Fisher; and Peter Work will cover December. Mr. Mosko stated he appreciates the PC members’ side conversations during meetings, but asked that we speak one at a time so all can hear clearly.

There being no further business, the meeting was adjourned at 7:55 p.m.

September 2, 2020 meeting

Nan Coppedge, Secretary

Approved

Certified

PUBLIC NOTICE

Notice is hereby given that Madison County's Planning Commission and Board of Supervisors will hold a joint public hearing in the Madison County Administrative Center Auditorium on **Wednesday, October 7th, 2020 at 7 p.m.** The Planning Commission's recommendation(s) will be forwarded to the Board; the Board of Supervisors' meeting will begin after the Planning Commission's meeting has adjourned.

Case No. OA-10-20-16: Amending article VII (Residential Multiple Family R3), section 7-3-3 (Maximum Building Groupings) of the zoning ordinance. Proposed additions to this section of the ordinance are **bolded** and deletions are underlined:

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The public is invited to attend the hearing and comment. Comments may be submitted by email or in writing beforehand. All comments will be included in the official meeting packet. The meeting will be online via multiple platforms. The public may go to the following website for information regarding livestream access and to view documents related to the above cases: www.madisonco.virginia.gov/meetings Copies of the ordinances and documents related to the cases are available for review in the Building & Zoning Office, 414 North Main Street, Madison, VA; documents can be inspected Monday - Friday from 8:30 a.m. to 4:30 p.m. Documents can also be sent electronically by request. Comments or questions can be sent by email to lwebb@madisonco.virginia.gov, or by calling 540-948-7513. Mr. Ligon Webb, County Planner

August 13, 2020 (see update at end of document dated 10/2/2020)

To: Planning Commission

From: Ligon Webb, County Planner

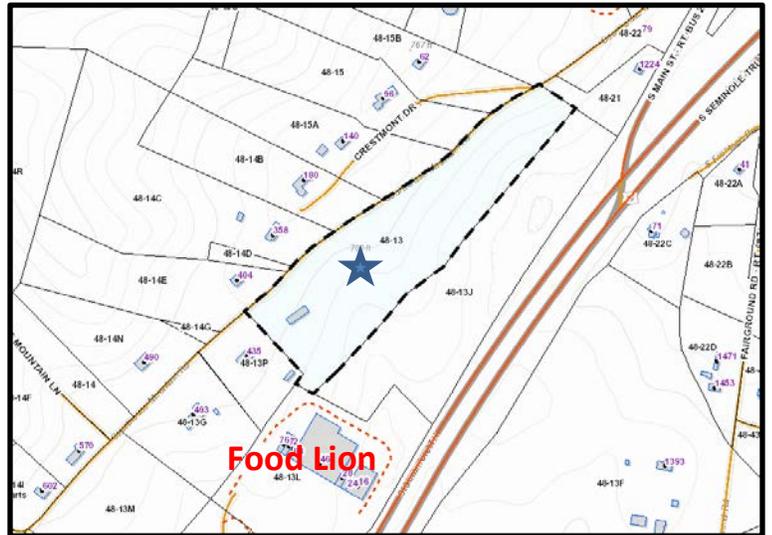
RE: Considerations regarding developing apartments on an 8.19 acre R3 zoned parcel

Overview – The subject 8.19 acre parcel is located on Courthouse Mountain Road and is zoned R3 (Residential Multi Family). The property is owned by Carlyle Weaver; Jen Surber (Member/Manager at Surber Development & Consulting, LLC), a multi-family housing developer, is enquiring to potentially develop the site for apartment(s) using Virginia Housing (formerly known as VHDA) tax credits.

The Virginia Housing tax credits are awarded through a competitive application process each spring. If tax credits are awarded (once constructed) the rental units are offered at below market rates to qualifying individuals and families; depending on household income levels rents would fluctuate between a minimum of \$310 up to \$1,165 per month.

Ms. Surber requests the Planning Commission, and ultimately the Board of Supervisors, consider potential R3 zoning changes/amendments allowing for increased site density by special use permit. Ms. Surber has submitted documents which are included in this packet for review. Applications for the next round of Virginia Housing tax credit funding are due in March of 2021.

Property History - In February of 2009 the site was rezoned from B1 (Business) to R3 (multi-family residential) with conditions; the principal condition being the proposed apartments would be restricted to senior housing (55 +). Subsequently several senior housing developers showed interest in the property, but after detailed study concluded regional demographics did not support an exclusively senior development.



In January of 2019 the site was again the subject of a rezoning. This rezoning modified the previously approved rezoning conditions from 2009. This rezoning was approved and the most notable change was the removal of the “senior housing only” condition. Today the site is still zoned R3, but the previous rezoning conditions requiring the exclusive development of senior housing has been removed. The January 2019 conditions are attached to this report and remain in full-force.

Existing Zoning & Proposed Zoning Text Amendments – In the R3 zoning district “multiple family dwelling (apartment)” is a use allowable by right; further in the R3 portion of the zoning ordinance, section 7-3-3, Maximum Building Grouping states (**bolded** for emphasis):

*Not more than eight (8) townhouses or attached dwelling units shall be included in any one grouping, **and no more than eight (8) dwelling units shall be included within any multiple-family dwelling**, except housing for older persons not exceeding sixty (60) dwelling units may be included within a multiple-family dwelling. The maximum frontal length of any building or structure in this zone shall not exceed two hundred (200) feet, except such maximum frontal length shall not apply to a multiple-family dwelling used as housing for older persons not exceeding sixty (60) dwelling units.*

Ms. Surber has indicated the non-age-restricted building(s) proposal could contain between 48 units, but not exceed 60 units. Ideally, if only 48 units, a single apartment building would be preferred; but if 60 units two (2) apartment buildings would be a viable alternative.

An initial conversation between Ms. Surber and the County Planner indicates the single building options would allow Ms. Surber increased flexibility for additional site amenities (playground, park area, walking trails, etc.).

It is recommended the Planning Commission and Board of Supervisors consider a zoning text amendment providing Ms. Surber with an avenue to apply for a special use permit to development the property utilizing a single, or potentially multiple, apartment buildings. If the code is amended the potential special use permit application would be thoroughly scrutinized regarding access, traffic generation/trips, site layout/design, utilities, etc.

Potential Code Amendment(s) – A fairly simple addition to the R3 zoning district allowing for an increased apartment building size/footprint would be necessary. This potential amendment could read as follows:

Special Permit Uses: 7-2-7 Multiple Family Dwelling (apartment); apartment building(s) not conforming to all provisions of articles 7-3-1, 7-3-2 and/or 7-3-3 of this ordinance may deviate from said articles provided a special use permit is issued.

Summary – Multi-family housing has been discussed (and proposed) for the subject site for many years now. Particularly for older populations the site’s location adjacent to shopping amenities makes it an attractive site for such a use. Also included in this packet is a (draft) Regional Housing Study recently completed by the Rappahannock-Rapidan Regional Commission. Below are a couple of points to consider from this study, and commentary provided by the County Planner:

- Data collected from the Greater Piedmont Realtors shows that between 2016 and 2020 (first quarter) the median house price in Madison County rose from \$152,450 to \$259,000 (69 percent increase). A search on the popular internet real estate aggregator Zillow lists fifty-two (52) housing units for sale in Madison County as of August 14, 2020. Of these 52 units for sale, 42 are priced \$250,000 or above; 37 are priced above \$300,000 and 25 are priced over \$400,000. Conversely, 10 housing units are priced under \$250,000.
- In 2018 the U.S. Census estimated Madison County had a supply of 1,385 full time (year round) rental units. And Madison County’s rental vacancy rate was 0.3 percent, the lowest vacancy rate in the four (4) county region. This rate indicates a lack of supply. As of August 14th, Zillow lists eleven (11) rental properties available in Madison County; four (4) of these available properties have monthly rents under \$1,000; and six (6) are over \$1,500.

When developing such a project “economies of scale” is tantamount; meaning increases in density (i.e. the total number of units) generally lowers the per unit development cost. The County Planner believes amending the R3 zoning ordinance would simply provide an avenue for submitting an alternative proposal for site; and this potential proposal will be guided by the economic realities associates with site development. If the recommended R3 zoning amendments are effectuated, via a subsequent special use permit the proposal could be analyzed concerning density, site design, impacts on adjacent land uses, traffic generation, access, utilities, and so forth.

Update: October 2nd, 2020 – The Planning Commission and Board of Supervisors considered two options for the development of larger non-age-restricted multi-family housing/buildings on the subject 8.19 acre R3 zoned site. As written, the R3 zoning ordinance allows the subject site to be developed for multi-family housing units similar to the density expected to be proposed by Ms. Surber; however, the ordinance prohibits larger buildings (containing up to 60 units) unless the building is exclusively restricted to “older persons”. If restricted to older persons, a single building may contain up to sixty (60) separate apartment units and exceed two-hundred (200) feet of frontal length.

The two R3 zoning ordinance amendment options considered by the Planning Commission and Board of Supervisors were as follows: 1) an amendment in which a larger “affordable” non-age-restricted building would be allowable by special use permit, and 2) an amendment in which a larger “affordable” non-age-restricted building would be allowable by-right in the R3 zoning district.

After September’s joint meeting the Planning Commission and Board of Supervisors came to a consensus that amending the existing R3 ordinance thus allowing for a larger non-age-restricted building by-right would be the preferred course of action (option 2); provided the amendment limits the larger by-right building exclusively to “affordable housing” as defined. Of course, if the amendments are approved a (future) proposed affordable housing building/development would be required to submit a detailed site plan and hold a public hearing before the Planning Commission and Board of Supervisors; and prior to the site plan’s public hearing the County Planner would analyze specific impacts of the proposal in detail.