

Minutes
PLANNING COMMISSION REGULAR DOCKET
TUESDAY, June 13, 2017 – 5:30 P.M.
CITY COUNCIL CHAMBERS

II. Commission Regular Meeting

Beginning: 5:30 p.m.

Location: City Hall, 2nd Floor, Council Chambers

Members Present: Vice-Chair; Lisa Green, Commissioners Genevieve Keller, Jody Lahendro, John Santoski, and Corey Clayborne;

Members Absent: Taneaia Dowell, Kurt Keesecker

Staff: Missy Creasy, Carolyn McCray

Call to Order: The meeting was called to order by Vice-Chairman Lisa Green at 5:30 pm

A. COMMISSIONERS' REPORTS

Commissioner Lahendro: attended the Tree Commission meeting on June 6th. Brian Daly, Director of Parks and Recreation made a presentation on the organization, responsibilities, staffing, and the budget of his department. There was a sensitive discussion of the condition of the trees on the mall. Significant funds and planning is needed now for remedial treatment and eventual replacement of the stressed trees. We are not getting significant response from those who probably should be concerned. Also the Redevelopment Housing Board is supportive of planting new trees at Westhaven which the Tree Commission is seeking to do. At the authority's recommendation the Tree Commission is now meeting with PHAR to engage the residents support for that plan. The data committee is collecting information on new tree planting efforts. They will be working on how best to analyze this information in a meaningful way for the city's use.

Commissioner Keller: attended the PLACE Task Force meeting and they have invited our Chair, Mr. Keesecker to attend the July meeting to have a more in-depth discussion about the Comprehensive Plan process. They were quite interested in our community meetings. A couple of people were able to attend, but some hadn't so we talked about doing that exercise at our meeting next month. To have that planning and design, arts group respond might be a good kind of check of what we have done, how does a group of professionals react to that. She also attended the TJPDC which is kicking off its regional affordable housing efforts for next year which we probably want to interface with. She asked about the opportunity later for us to talk about having perhaps either an end of the year or beginning of the next calendar year planning session so we can identify key dates that are coming up for the Planning Commission. She was disappointed that we did not have an opportunity early enough to consider whether we should holding public hearing and our meeting tonight. Someone suggested to me that some groups have an organizing meeting so why shouldn't the Planning Commission be able to look at the year ahead. Given it will be 2018, we can put things on the calendar and then institutionalize it when 2019 comes around (whomever sitting here) would have those dates to become a customary practice so that commissioners don't have to think three months ahead and say oh there is going to be an election.

Commissioner Santoski: reported he did not attend the MPO Tech or Parks and Rec meeting this month. He did report the Belmont Bridge Steering Committee meets tomorrow 6.14.2017. They are supposed to hear back from the designers the results of the open house that was held on June 1st, and hopefully the steering committee is getting to a point to make a recommendation that would come to the Planning Commission in August. He hopes everyone took the online surveys.. He attended the Rose Hill Neighborhood Association meeting; Heather Newmyer and Brennen Duncan, were there concerning on a project on Amherst and Rose Hill Drive. Keith Woodard was out there to talk to the neighborhood association, about 40 people in the audience. Staff did a really

nice job of representing the city and making sure the meeting stayed on task. Neighborhoods are not always happy with what they hear, especially with by-right developments and there is a number of people when projects are approved they kind of fall off the radar especially if years and years have gone by. He is thinking is there any way for us to periodically be able to let residents know what projects that have previously approved for the neighborhoods that are still on the books that they should be aware of because they could come back at some point and time. For instance the PUD on 5th Street there behind Johnson Village that had been approved 10 years ago but just recently began construction. Sometimes people are shocked oh my Gosh, we thought this project fell off the radar and so neighbors tend to think there is nothing going to happen with it because of the timelines for how projects can stay in the queue. A lot of times things are happening behind the scenes that they are not aware of and that might be something that might be useful in some neighborhoods especially since we're are going through the Comprehensive Plan.

Ms. Creasy said we keep a resource on that and it just may be how that is distributed.

Commissioner Clayborne: reported he attended the BAR meeting on May 16th and one thing that he thought was a highlight was review and approval of a nomination for West Main Street Historic District. That will be moving forward for submission in hopes to be named to the National Landmark Register and the Register of Historic Places. There are a lot of activities on West Main Street, an important piece of historic fabric in our city and so that will be a pretty cool recognition to get that.

Commissioner Lahendro said he is on the State Review Board and they will be reviewing the nominations on this Thursday. The nomination form is really well done. It is very interesting how West Main has developed as the transportation corridor, from railroad stations to hotels, the Black communities around there, the three churches that have formed on West Main, it is a fascinating story.

Commission Keller said there is a nice little presentation, the required one, and DHR has to come and do their dog and pony show. There only three people that happened to attend but it was quite interesting. If there are opportunities to present that to a larger audience in the city later during the year after it is listed that could increase public understanding.

Commissioner Santoski said this is a question for Commissioner Lahendro, you mention something about them trying to attract new planting.

Commissioner Lahendro said they have come up with a method of when the tree is planted and what kind of tree it is and then tracking it over time to see how it does and also what kind of watering it is getting and use that information to report on how many new trees are planted every year in the city so that we can give more definitive information of what we are planting and what we are leaving behind what we are losing.

Commissioner Santoski said he was assuming that is all the planting that the city does and would not be a private planting or private removal of trees and yet that has a real impact on the canopy.

Commission Lahendro: said the Tree Planting Committee is looking into tree planting at places like Westhaven or FHA property and we are trying to figure out places like Belmont that has a dense population where there are fewer trees because the houses are so close to together there are fewer trees there than most places in the city. We have already started doing something like this for 10th and Page neighborhood. We hope to reach out to the public and providing information on the types of trees that would be appropriate, what kind of care they would need, were they should be located and utility information.

A. UNIVERSITY REPORT – Brian Hogg: said the UVA Board of Visitors met at the end of last week and took a number of actions: The Memorial to Enslaved Laborers was approved both its design and its location.

We are moving forward with fundraising to enable the construction of that project. We presented the beginnings of an athletics precinct plan that included plant scheme for pedestrians and bicyclist through the athletic complex to north grounds to try to re-enforce the connections between grounds and central grounds and continue to study the larger plans for that area. He said with our Emmet Ivy project called Ivy Corridor, we are working with the city staff on coordinating the smart scale project for Emmet Street with the Emmet Ivy construction so the infrastructure for that is promising. Ivy Mountain what you all may know as KCRC, the Kluge Children's Rehabilitation Center, we have an approved master plan for that and an architect was selected on Friday for a new health system structure as CGF from Washington. On Brandon Avenue the schematic design was approved for a new student residence at the south end of the building. People of his generation will remember 600 Brandon Avenue as a sprawling apartment building and that is being replaced with a new larger building and that design is in PE right now. Construction for the street improvement is well into planning if not in execution.

B.

Commissioner Santoski: asked if the Cavalier Inn will shut down in June of 2018.

Mr. Hogg: answered yes.

Commissioner Santoski: asked will demolition happen soon thereafter.

Mr. Hogg: said yes and the same is true with the Villa, it will be closing also. The goal is to get the infrastructure for the large plan that is the basis for Ivy/Emmet through the Ivy Corridor in place and we will be working from the east to the west and that would be among the first part of that project.

Commissioner Keller: asked how does the loss of the motel building affect your plans in that area?

Mr. Hogg: said there is a discussion about whether hospitality would be retained on the site but no plans are certain for that.

Commissioner Keller: asked do you have interpretive plans for the 1960 civil rights events associated with that site?

Mr. Hogg: said the Cavalier Inn?

Commissioner Keller: said yes.. She said when those demolitions happened nobody was really thinking about it in a way that the city is now. Mr. Hogg said there are no plans now but he wouldn't say it won't be in the future. It is certainly possible. Of course we do not own the most important of the sites there, the hotel site, is still a private property.

Commissioner Keller: said with current discussions it would be good as plans develop to keep that in mind and maybe coordinate with the African American Heritage Center.

Mr. Hogg: said of course the Memorial to Enslaved Laborers is not meant to be a unique site. There are plans for it to be in a much larger group of sites and structures to discuss the African American presence at UVA. It is not a one and done thing. It is intended to be a multi-location type of memorial.

Commissioner Keller: said it just seems timely as the city struggles with response to the current events to look back into our recent past and say we have had difficult moments that perhaps would have lessons for today or that should at least be remembered in some evocative way if not tangible.

CHAIR'S REPORT – Vice-Chair; Lisa Green: said she did not have any meetings this month. The Citizens Transportation Advisory Commission will be meeting on July 19th at the Water Street Center at 7:00 p.m. Yesterday she attended a legislative agenda meeting in Richmond about some of the recent legislation that has passed from this session. It will take affect July 1st. Some of the things they anticipate to come up this upcoming session will be solar farms which is timely with our discussion this evening.

DEPARTMENT OF NDS - Missy Creasy reported they have two kick off meetings occurring next week which are the last two in that series. The first kick off meeting is on Wednesday June 21st at CHS in the evening, and the other one is on Saturday, June 24th at the Central Library from 10:00 to 12:00. We encourage anyone who is interested to attend those sessions and provide us some feedback on the Comprehensive Plan. We are starting to have conversations about what phase 2 is going to be looking like

from an outreach standpoint and will be moving forward with some of the logistic plans very soon. Tuesday, June 27, 2017 – 5:00, Work Session with the City Attorney Review of Zoning Ordinance

MATTERS TO BE PRESENTED BY THE PUBLIC NOT ON THE FORMAL AGENDA

Travis Pietila from the Southern Environment Law Center: Thank you for the chance to speak. My comments tonight will focus on the ZTA for solar energy systems that the commission will consider later this evening. As we mentioned at the public hearing on this item last month, SELC supports this effort to make clear that the City’s zoning ordinance allows solar energy systems as an accessory use. Providing this certainty can go a long way toward promoting these renewable energy sources as homeowners and businesses plan for the future of their properties. In our comments last month, we did flag a couple of areas in which we felt the proposed revisions could be clearer. On that note, we’d like to thank Susan Elliott and Tish Tablan for following up with us and trading ideas back-and-forth on ways to clarify the requirements for yards and setbacks. We believe the revised ordinance before you tonight provides greater clarity on this subject and includes some reasonable protections for neighboring properties, while still facilitating solar energy. One other area we think could still use some clarity and further discussion is the question of when certificates of appropriateness would be required. Particularly in the case of installations that would be highly visible in design control districts and entrance corridors, it’s important to make sure everyone is as clear as possible about which types of solar facilities would require a COA, and which would not. Although many of the photos in the attachments staff provided show facilities with little visual impact that may not need to undergo review, some of the examples could undermine the purposes of those overlay districts without a COA and the review that goes along with it. With a clear understanding of when that review would be required, the Commission, City Council, and the BAR can better determine whether those lines are set in the right place for solar facilities, or may need to be adjusted one way or the other. If there is a desire to adjust those lines, staff had suggested to us the possibility of moving these initial changes forward now, but adding an enactment clause that would make clear they wouldn’t go into effect until the overlay district ordinances are updated to reflect any changes needed for solar facilities. We have no objection to that approach, so long as the enactment clause isn’t tied to a certain future date, but is instead tied to changes to the overlay district having actually been adopted or voted on.

But in closing, we want to once again offer our support and our thanks for all of the work that has gone into crafting these important changes to the zoning ordinance to promote solar energy in the City.

CONSENT AGENDA

(Items removed from the consent agenda will be considered at the end of the regular agenda)

1. Minutes - April 11, 2017 – Pre meeting and Regular meeting
2. Minutes - May 9, 2017 – Pre meeting and Regular meeting

Motion by Commissioner Santoski, Seconded by Commissioner Lahendro to approve the Consent Agenda, motion passes 6-0.

No members of Charlottesville City Council attended the joint public hearing.

III. JOINT MEETING OF COMMISSION/ COUNCIL

Beginning: 6:00 p.m.

Continuing: until all public hearings are completed

Format: (i) Staff Report, (ii) Applicant, (iii) Hearing

1. **ZM16-00003 910, 912, 914, and 916 King Street** –Atlas Projects LLC, owner of 910, 912, and 914 King Street and the contract purchaser for 916 King Street (owned by Jeffery Marshall) has submitted an

application to rezone land at 910, 912, 914, and 916 King Street (“Subject Properties”) from low-density (R-1S) Residential to Cherry Avenue Mixed Use Corridor (CH) with proffers. The Subject Properties are identified on City Real Property Tax Map 30 as Parcels 124, 125, 126, and 127 with frontage on King Street. The Subject Properties contain approximately 24,393 square feet of land or 0.56 acres. The residential uses allowed by-right in the current R-1S classification are limited to single-family detached dwellings (SFD), which may contain interior or exterior accessory dwelling units), limited to 1 SFD per 6,000 square foot lot (effective density of 7 DUA). The proposed CH Mixed Use Corridor would allow the same SFDs, at a density of 7 DUA, but would also allow two family dwellings, and single-family attached/ townhouse and multifamily dwellings (at a density of up to 21 DUA by-right, or 43 DUA by special use permit) , and mixed-use development containing any residential uses, up to 43 DUA by right. The applicant proposes to build a mixed use building with residential and commercial components, supportive parking, and other amenities on the Subject Properties. The rezoning is proposed subject to proffered development conditions including: dedication of right of way to accommodate a 5’ sidewalk; additional step back requirements abutting to low density residential; and restricting hotel use to no more than 30 rooms. The Land Use Map designation within the City’s Comprehensive Plan identifies this property as being planned for Low Density Residential, but the Comprehensive Plan does not specify a density range. A copy of the proposed zoning map amendment, and related materials, is available for inspection at the Charlottesville Department of Neighborhood Development Services, 610 East Market Street. Persons interested in this rezoning petition my contact Matt Alfele by email (alfelem@charlottesville.org) or by telephone (434-970-3636).

Oliver Platt Mills said this location in the city is where one can imagine the increase in density, the increase in growth that is so clearly asked for in the comprehensive plan, and said it feels difficult today to stand in that site and imagine single-family houses going back up where they’ve been taken down.

Open the Public Hearing

Ms. Joyce Hillstrom, King Street said she is in full support of the project.

The last thing I know that anyone wants to see is three huge homes going up there. We want something mixed-use. We want something that local people can take part in and are proud of and can be neighbors with. We want to have more neighbors there whether they’re long-term or short-term.

Mr. Gary Funston, Grove Street, said we are very concerned about traffic and I’m not sure if a two-way street is a good idea or at least would be helpful at that point. I’d like to see the project proceed with just as much attention to that as possible, especially access to Roosevelt Brown from both King and Grove.

Closed the Public Hearing

Commissioner Keller stated she is concerned about the possibility of a hotel on the lot after a zoning change. Although one of the proffers provided by Atlas ensures a hotel built can have no more than 30 rooms. She is wary, citing previous instances wherein approved zoning changes resulted in unwanted development.

Vice-Chair Green said all of the uses in the use matrix apply every other use is still for by-right or an SUP.

Commissioner Keller stated we’re dealing with zoning category, R-1S [residential], which is one of the few things that are keeping a number of our neighborhoods owner-occupied and somewhat affordable. I’m not sure if at this point in time I’m comfortable with moving ahead with no more assurance than we have, that this project will go the way we saw it envisioned.

Mr. Platt-Mills assured those at the meeting that Atlas Projects was not interested in building a commercial hotel and inserted the proffer dictating a room number limitation to ensure no hotel would be built. Not wanting to eliminate future opportunities for a combination short-term and long-term rental building, technically classified as a hotel, the proffer did not preclude all hotel uses.

Mr. Platt-Mills said with the proffer statement that we made, the most important one is we gave with a site plan for a big building, at that moment when traffic is increased by this project we will deed one foot to the city or enough to reach the Streets That Work guidelines which would allow us to do a two way street from the top of our property down. It would also help with what is happening on the other side since there is a parking lot there for UVA. If you go there today, it is largely treated as a two way street at the low end. It is quite wide and would allow it to efficiently be a 5 foot sidewalk, and enough road-way to go two ways with one side of on street parking.

Commissioner Keller: asked if he could talk with us a little more on the hotel.

Mr. Platt-Mills said in speaking to the neighborhood we tried quite hard to get folks to tell us things they did not want. Most people were really interested in what they do want: grocery store, ATM. The one thing nobody wants is a hotel. What we got is a stand-alone hotel we feel a chance in the future of this property ability to rent a piece of this property a match with other stories building different ways to rent property and doesn't want a stand-alone hotel.

Mr. Platt-Mills said we don't want to build a stand-alone hotel and we don't want to sell it to anyone that does a stand-alone hotel. Mr. Platt-Mills said the proffer we believe, would make it completely unattractive for any hotel to come in and purchase the property.

Matt Alfele said if this goes forward the traffic engineer be more involved assuring careful attention to the street in the site plan phase.

Commissioner Santoski: said if we approve the re-zoning and the project goes through does that give the traffic engineer time to look at the whole traffic flow for that area. I know because I come through there almost every day and the traffic backs up extremely far on Cherry Avenue as folks are trying to get to the University and try to make a right, on King Street and Grove Street in the morning or evening, restrict any of the turns. Will the traffic engineer look at that.

Mr. Platt-Mills said King Street is currently one-way, raising the issue of car backups if more occupants take up residency in the proposed mixed-used building. He said he spoke with the city traffic engineer about converting it to a two-way street but is unsure that the solution will be that simple.

Commissioner Clayborne asked is there anything we can do if the land changes ownership in light of what Commissioner Keller was talking about where someone had potentially said we will do a mixed use and then the plans change. Is there anything we can do to protect ourselves?

Lisa Robertson said the landowners are giving you an idea and their concept of where they hope to go. This is not a proposed rezoning for a specific use or development. They are still in the planning phases. This is just a general rezoning. Once it is rezoned to the Cherry Avenue district other than the hotel use that is proffered out and the other proffers that we have, it will just be Cherry Avenue. Our protection is through the regulations in the zoning district. Once that happens as you go through the zoning ordinance update you get to the point later on down the road where you are looking at your Comprehensive Plan and your land use and you think about updating your zoning ordinance in the Cherry Avenue small area plan. Those are the places to think about what you want the Cherry Avenue regulations to look like. This is just a straight up re-zoning

to the Cherry Avenue district so this property can be used for any of the uses that are allowed in that district and the building envelope standing district would apply to that use they choose.

Mr. Hogg said there are not any plans for that property and we have no position as an institution on this application as it relates to re-zoning.

Commissioner Lahendro said he has complete respect for the applicants. He commend them for how closely they have worked with the neighborhood and they have done everything they can to think ahead and think of a development to tie in with the neighborhood and the University but it scares the hell out of him that something could happen and they would be selling it to another developer. It gives him pause.

Vice-Chair Green said she has those same concerns.

Commissioner Keller said we have not had much of an opportunity to have much discussion of this. She said she can't think of another place that is more suitable for housing more particular for housing related to the largest employer in our region so she is all on board for housing on this site. She said there is a reason to have some mixed use, some very minor food service, convenience kind of retail. We have had a lot of push back because of hotels and impacts of neighborhoods and she would like an opportunity to explore that a little bit more and do the dance that one does with applicants that are considering a re-zoning and going to engage in the proffer process to some extent and I don't feel like we have had the opportunity to explore that enough yet and she doesn't think we have had enough opportunity to explore all of those other potential uses in the Cherry Avenue corridor and beyond that one of the most important things John said was at this point and time. We are dealing with a zoning category R1-S which is one of the few things that is keeping a number of our neighborhoods owner occupied, lower scaled, somewhat affordable and she is a little bit concern about creep into R1-S neighborhoods. You are saying King Street at this point and time and we don't really know what that means if this project were to go 100% commercial. Does that mean the more intensive residential use would go up other places in King Street and does that make other edge areas of the city that are adjacent to R1-S more vulnerable. That is one of the things we have been talking about in the Comp Plan - what we are doing for protection of the edge areas that are between very different intensity uses. This is a real poster child for that and it could a really good example.

Commissioner Santoski said we can only go by what we have in front of us and I think sometimes we spend too much time trying to negotiate something with folks when if they wanted to they could change something if they felt they needed too. We've had many developers stand up in front of us and over the years at times we've encouraged them to do certain things even if they really didn't want too. What we see is what we have.

Commissioner Santoski moved to recommend approval of this application to rezone subject properties from R-1S with proffers to Cherry Avenue corridor zoning on the on the basis that the proposal would service the interests of the general public and good zoning practice, seconded by Commissioner Clayborne, (Commissioner Keller voted no) motion passes 4-1.

Break 7:17- 7:25

IV. COMMISSION'S ACTION ITEMS

Beginning: upon conclusion of all joint public hearings

Continuing: until all action items are concluded

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1. Report: Long Range Transportation Plan – Will Cockrell, MPO Coordinator

- a. Purpose: The Charlottesville-Albemarle MPO (CA-MPO) recently initiated an update of the region's Long Range Transportation Plan (LRTP), for its 5-year update. MPO staff is presenting to the Planning Commission as a primer for upcoming involvement with the LRTP update.
- b. Background: The CA-MPO is the official forum for cooperative transportation decision-making for the metropolitan area. It is federally designated to consider long-range regional projects that receive federal funds. One of the core responsibilities of the MPO is developing and maintaining the LRTP. This plan guides the region in creating a more efficient, responsive and environmentally-sensitive transportation system over the next 20+ years. The plan examines transportation trends/issues and offers a list of specific projects for addressing the region's mobility needs.
- c. The MPO Policy Board, which includes representatives for the Charlottesville City Council and Albemarle Board of Supervisors, approved the most recent plan in May 2014. During the update of that plan, the MPO had greater coordination with the local planning commissions. In that process, local commissions requested that they be included earlier in the process and more often. In response to that request, staff is initiating its first contact with the City and County commissions, two years prior to adoption.
- d. Summary: MPO staff officially kicked-off the LRTP update this past March, establishing a detailed scope of work and beginning initial steps. Just over two months later, staff completed a draft of the plan goals and objectives. Through an online survey, staff will collect early public input on transportation needs in the metro area. The MPO is also planning to collect public feedback by engaging with established groups, such as neighborhood associations and other community groups.
- e. Action Items: This discussion is a primer for future coordination in this planning process. Later this summer, MPO staff will return to the commissions with presentations of early data analysis and finalized goals. If there are any questions or comments, please contact Will Cockrell at wcockrell@tjpd.org or (434)422-4823.

Commissioner Lahendro asked if there were any coordination among metropolitan areas to metropolitan areas for the future with rail, high-speed rail, and how our current transportation plans need to dovetail with aspirational transit in the future.

Will Cockrell said we have been talking with Lynchburg about the new Amtrak service that comes through the region that has been budgeted and planned for. The Department of Rail and Transportation are also updating their rail plan and we have been participating in the process and going to those meetings. We fight for our region and put in recommendations that would help strengthen the Amtrak Station here in Charlottesville and try to bring new rail services urban areas like Northern Virginia. We are trying to push for additional service between Richmond and Charlottesville so you won't have to go to D.C. and come back or use bus service. We have given a lot of recommendations to them and as far as he knows a lot of those recommendations are going into the plan.

Commissioner Santoski: How does it tie into Louisa, Fluvanna, Orange, Green and over the other side the mountain and what is going to happen in 2045?

Mr. Hudson: said they have a federal funded project to look at the I-64 (Rt. 250) corridor the freight and Amtrak running between us and Staunton. We have to look at that and figure out how to coordinate things like developing inter-regional transit and service or facilitating the movement of freight and goods to our region and throughout the region. The efforts of inter-regional transit service to our region additionally end up feeding up into the state.

Commissioner Keller said her question is for Ms. Creasy. How does this coordinate with the Comp Plan and our calendar?

Ms. Creasy said we were talking about that as well. We are on a similar path at least in the beginning phases. Much more of our focus is not as in-depth on the transportation this time because we had a very detailed review of that portion in 2013. We have elements that we need to work on from a transportation standpoint and we have staff that is working on the transportation end here that are working with these guys on transportation plans. We don't typically have any conflict because most of the things that come big project wise are in the County but what we do is make sure that that things that would be promoted from the city prospective would be compatible.

Commissioner Keller said the one thing she thinks is really positive is you scheduled to come and we are engaged in the Long Range Transportation planning at this point in the process instead of it just being informational when it is too late to even comment on it. Thanks to the three of you. She appreciates the Planning Commission being involved.

2. Solar Energy System – Proposed Zoning Text Amendments

Susan Elliott presented updated information noting that: Solar energy systems may encroach into required front, side and rear yards, subject to the provisions of sec. 34-1108 (limitations on placement in front of buildings). No solar energy system shall be placed closer than five (5) feet to any lot line and unenclosed structures (such as decks, porches, stoops, etc.) attached to a building, and which have a maximum floor height of three (3) feet above the finished grade, may encroach into any required yard, but not closer than five (5) feet to any lot line and no more than ten (10) feet into a required front yard; however, no such structure or improvement appurtenance, shall occupy more than thirty (30) percent of a rear yard.

(8) For any single- or two-family dwelling, an unenclosed structure attached to the façade of the dwelling, and having a height greater than three (3) feet above finished grade, may encroach into a required front yard by up to ten (10) feet, but no closer than five (5) feet to a front lot line.; Any such structure shall comply be in with the applicable side yard setback(s).

A solar energy system may be attached and incorporated as part of any building façade (for example: roof tiles, window shutters, canopies, etc.).(4) Placement in front of buildings: (i) Within required front yards-- Within a required front yard, a solar energy system may be incorporated as part of any structure allowed by Sec. 34-1101(b)(7) and Sec. 34-1101(b)(8). Otherwise, no solar energy system shall be located within a required front yard.

(ii) Within other areas forward of the front building façade—Within a low-density residential zoning district, except as provided in subparagraph (i), above, no solar energy system may be located forward of an imaginary line extending along the exterior façade of a residential building, parallel to the front lot line and extending between the side lot lines.

Vice Chair Green spoke on the allowed structure stating if she had a carport then solar would be allowed.

Ms. Creasy said you would not find that in the front yard. It would be a stoop or covered front porch.

Commissioner Green said she is talking about a carport.

Ms. Creasy said you would not put a carport in the front yard, it would be on the sides or in the rear.

Commissioner Lahendro said even non-conforming?

Ms. Creasy said it could be an existing situation now and you could place solar on it now anyway but a new carport is not allowed in the front yard. The allowance for this in the front yard is to allow someone to have a stoop or a small unenclosed porch on their front because that is a very common architecture in the city.

Commissioner Keller said that would be perfectly reasonable because it would be a roofing surface.

Commissioner Santoski asked can you have an unattached enclosed structure in the front yard like a garage.

Ms. Creasy stated no.

Commissioner Santoski said suppose you have parking area and you want to put a roof over it because of snow, you can't do that.

Ms. Creasy said she didn't have a 100 % answer for that.

Ms. Lisa Robertson, City Attorney, stated there are some circumstances in which parking space is allowed to be in a required yard but most of your building setbacks and most of the language in the ordinance do not allow buildings or structures in the front yard and according to the building official if you put four posts in the ground and you cement them in that makes footers and you put a roof on it that is a structure.

Ms. Creasy said there are some minimal allowances about what you can pave in the front yard too.

Vice Chair Green stated if she had a building and she puts windows in it, a concrete slab, put a roof over it and got four posts, you are telling me that now that is considered a structure.

Ms. Robertson answered saying if you have walls and columns that support a roof and closed in, that is a building.

Commissioner Lahendro said on this diagram of all the zoning districts front yard, is this only referring to the front yard or does this diagram implying that solar structures aren't allowed in any yards except for the non-required front yard.

Ms. Elliott said these two diagrams are looking just at the front yards. The next page speaks to the back yards and side yards.

Commissioner Lahendro said this is confusing and he is an architect.

Ms. Creasy said when you look at the side yard drawing you see those panels. This is what is currently in our code. This is not what the zoning staff hopes will be in there later when we move forward with changes. If it were to move forward at this point it would have to be interpreted based on what is currently in the code and if that changes then these diagrams would have to be altered to address that change. This is reflective of what the current code would allow.

Ms. Robertson said if they are okay with the parameters you are recommending and their main concern is whether they need to recommend a tweak to the language of the overlay district then she thinks it can go back to Council; and Council can initiate whatever changes to the overlay district are necessary before the rest of it goes forward. If the BAR doesn't like the recommendations that you've made about what should be in the ordinance whether it's the height or the placement that can be communicated prior to the second reading.

Commissioner Keller said would we need to do that as an ECR as well or are we going to skip that.

Ms. Robertson said yes you can do that as the ECR as well. You can do that at a separate meeting while the BAR is reviewing it. She said decide on the basic ordinance and we can help everybody understand the design issues that they should look at when it gets referred.

Commissioner Keller added it might be useful to have the BAR do it first because they do more design review than we do as the ECR and we can follow their lead.

Ms. Elliott recognized Ms. Tish Tablan who is the Sol Smart Program Consultant. She has helped with diagrams, pictures, and has been a sounding board and put in a lot of background work for this presentation.

Public Comment

Public demand for solar energy systems has been increasing. Staff has received comments observing that its allowance is not clear in the zoning ordinance. Local solar PV industry practitioners who have aligned themselves as members of the recently-launched Charlottesville Renewable Energy Alliance (Cville-REA) reviewed the originally proposed zoning text amendment and supported the draft without concern. Staff has also incorporated comments from the public and the Planning Commissioners provided at the May 9, 2017 Planning Commission meeting.

Commissioner Santoski moved to recommend that City Council should amend the text of Sections 34-1101, 34-1146, 34-1147, and 34-1200 of the zoning ordinance and add Section 34-1108 to the zoning ordinance, to clarify allowances and specifications for solar energy systems, because the proposed changes, with the following adjustments, are required by the public necessity, convenience, general welfare or good zoning practice, the recommended adjustments being as follows; 1) In Sec. 34-1200 (zoning definitions) heating, electrical and

mechanical equipment, utility service lines and meters, solar energy systems and related equipment should be referenced as being equipment or fixtures used accessory to the building structure or use being served. 2) Prior to taking action on the proposed amendments, City Council should have the BAR and ECRB review the ordinance and advise them whether any additional zoning text changes would be necessary in order to assure that those bodies will have the ability to review solar energy facilities that might have impacts on historic or entrance corridor districts. The motion was seconded by Commissioner Lahendro, 5-0 motion passes.

3. Comprehensive Plan – Community Engagement Element

Ms. Creasy said there was some informal dialogue that occur concerning having a Community Engagement Chapter within the Comprehensive Plan. It went back and forth and no set decisions were made. The Commission was interested in have a definitive answer. If you all are to say yes then we would schedule a work session in the near future to discuss more details about what would be included in such an element. You all do not have to do much more this evening other than say yes or no.

Commissioner Keller moved that we include a Community Engagement Chapter in the 2018 Comprehensive Plan, Seconded by Commissioner Lahendro 5-0, passes unanimous.

Review of Recommendations Set forth within the Zoning Ordinance Legal Review

Ms. Robertson provided the Commission with a chart, identifying several categories of issues that have been noted within the Legal Review document. Ms. Robertson suggested that the PC commence with review of the City Attorney’s Office’s proposed changes to current zoning text provisions that allow administrative officials (such as the NDS Director, the Zoning Administrator, or the PC in its role as site plan reviewer) to (i) create new requirements or standards which aren’t found within the zoning ordinance text, (ii) which modify provisions or standards expressly set forth within the ordinance, (iii) that give administrative officials overly broad decision-making standards normally associated with legislative decisions (e.g., decisions based on assessments of the “public welfare”; “best interests of the public”; “demonstrated hardship”; “consistent with purpose or intent”; etc.

Ms. Robertson led the Commission through a discussion of each of these items listed on the Chart, and explained the basis or rationale for the proposed changes. The Commission considered each item and at the end of its consideration of each item the Commission indicated by consensus whether or not each item could proceed for further consideration for short-term adoption during a public hearing process. A copy of the chart used as the basis of the Commission’s discussions is included as **Attachment 1** to these minutes. There was consensus for most items to proceed for further consideration. Items on which there was consensus to either consider at a later date, or not to consider at all, were as follows:

- a. Current provisions of 34-108 allow the zoning administrator to grant a variance to building setbacks of less than one (1) foot. Ms. Robertson explained that Va. Code 15.2-2286(A)(4) authorizes zoning administrators to grant “modifications” from provisions specifying the location of a building, subject to specific procedural requirements, including advance notice to adjacent property owners. Ms. Robertson noted that the proposed change, as drafted, would allow the zoning administrator to begin making all decisions regarding building setback variances, without being limited to only a 1-foot variance. The Commission discussed the potential impacts of this change, including what may be an unintended result of requiring adjacent property owners to have to pay to appeal a decision, instead of having an opportunity to appear at a BZA hearing and comment. After completing their discussion, the Commission authorized Ms. Robertson to proceed with a change that would change the current wording of 34-108 to reference a “modification” instead of a “variance” (consistent with state law) and to include provisions requiring

compliance with the notice to property owners and other procedures specified within Va. Code 15.2-2286(A)(4). However, the Commission determined by consensus that the proposal to expand the zoning administrator's authority beyond the existing 1-foot allowance should not proceed for further consideration.

- b. In sections where the existing Code refers to "landscaping plan" the Commission by consensus directed Ms. Robertson to substitute the term "landscape plan".
- c. Current provisions of 34-874(a) require each off-street parking space to be provided with a 6-inch high concrete chock, "if deemed necessary by the planning commission" The commission agreed by consensus that, instead of modifying the existing provision as proposed within the Legal Review, Ms. Robertson should change the recommendation to a removal of sec. 34-874(a) entirely from the zoning ordinance.
- d. Current provisions of section 34-974(a) and (b) state that, "with the approval of the NDS director" required off-street parking may be provided cooperatively, and further, that the NDS Director may partially reduce the normally-required number of parking spaces for any use if uses won't conflict in time of operation and all uses' needs will be adequately met through the parking arrangements. Ms. Robertson noted first that there is really no need to reference the requirement for some special "approval" of the NDS Director for cooperative parking arrangements. The proposal is for cooperative parking to be allowed when appropriate. The Commission agreed by consensus that this change may proceed. Ms. Robertson also explained that there is insufficient guidance within the language of this section to indicate when the NDS Director might, or might not, allow a reduction if the criteria are satisfied, or to indicate whether or not there's a maximum reduction. The Commission, by consensus, agreed that no changes to the existing language regarding reductions should proceed for short-term modifications, but that this is an issue that should be considered later as part of a more comprehensive consideration of generally-applicable parking standards.

V. FUTURE MEETING SCHEDULE/ADJOURN 10:00 p.m.

Commissioner Lahendro motion to adjourn, seconded by Commissioner Santoski until the second Tuesday in July 11, 2017.