

Minutes

PLANNING COMMISSION REGULAR DOCKET
July 9, 2019 – 5:30 P.M.
CITY COUNCIL CHAMBERS
NDS Conference Room

I. COMMISSION PRE-MEETING (Agenda discussion(s))

Beginning: 4:30 pm

Location: City Hall, 2nd Floor, NDS Conference Room

Members Present: Chairman Lisa Green, Commissioners Hosea Mitchell, Jody Lahendro, Taneaia Dowell, Lyle Solla-Yates, Gary Heaton, and Rory Stolzenberg

Staff Present: Missy Creasy, Lisa Robertson, Kari Spittler, Alex Ikefuna, Joey Winter, and Matt Alfele

Chairman Green called the meeting to order at 5pm. She asked if there was discussion concerning the consent agenda. It was noted that there is no intent to remove any of the consent agenda items from that agenda.

In reference to the public hearing scheduled for this evening, Lisa Robertson outlined the order for Council's actions on the rezoning and the Comprehensive Plan amendment for the properties on Maury. Chair Green asked if 750 Hinton should go back to this process and it was noted that we will start this process from now and not go back to older projects. Matt Alfele stated that one of the rezoning criteria is "is the change warranted." That is not always easy to note in the affirmative if the land use map does not match. Ms. Robertson noted that the Comprehensive Plan can bring all of those elements together. If the land use map does not match, the community may not see the link for the change. Commissioner Mitchell asked if we move this forward, does the project become by right. Ms. Robertson confirmed that it will not. Chair Green asked if the land use map and the application do not match, can the applicant propose an amendment. Commissioner Dowell looks forward to the Comprehensive Plan being finished since it feels like it is polka dotting the City. Alex Ikefuna provided background on the RFP for the Comprehensive Plan, Housing Strategy and Zoning Ordinance.

Chair Green asked if there were any questions on the David Terrace application and then the Zoning Initiation request for the Fry's Spring area. Ms. Robertson reminded everyone of the past request in Fry's Spring to zone from R-2 to R-1. She noted that once properties are zoned for a certain level of activity that becomes the baseline into the future. It is very difficult to zone to a less intensity after that. Commissioner Dowell asked for confirmation of the goal of this request. Commissioner Stolzenberg provided information.

II. COMMISSION REGULAR MEETING

Beginning: 5:30 pm

Location: City Hall, 2nd Floor, NDS Conference

Members Present: Chairman Lisa Green, Commissioners Hosea Mitchell, Jody Lahendro, Taneaia Dowell, Lyle Solla-Yates, Gary Heaton, and Rory Stolzenberg

A. COMMISSIONER'S REPORTS

Commissioner Lahendro: Attended a BAR meeting on June 18. Seven COA applications were submitted and of those, five were approved and two were deferred. There was also an SUP application for 612 West Main Street, the location for University Tire, where the BAR had to determine if there were any adverse effects for increasing

the density. This will be coming to the Planning Commission and the density increase is from the allowed 43 dwelling units to 120. The BAR was asked to review it for City Council in terms of the criteria under the Design Guidelines for the BAR. Under those Guidelines, the BAR found no adverse impact, although they recommended the following conditions attached to the approval: 1) Garage entry shall not be accessed directly from the building's street wall along West Main Street; 2) That the building's mass shall be broken down to reflect the multi-parcel massing historically on the site, as well as the West Main Street context, using building modulation; 3) That the Holsinger Building be seismically monitored during construction; 4) That there shall be pedestrian engagement with the street with an active, transparent, and permeable façade at street level; and 5) That the building and massing refer to the historic buildings on either side.

Commissioner Solla-Yates: The HAC met on June 19. The Rental Assistance Program is going to be expanded about 50% this year and it has been successful. The grant is written and should be going live soon. Work is currently underway to create a new program to incentivize rental unit owners to invest in energy efficiency upgrades. Similar work has been finished with Crescent Hall and Westhaven is coming soon.

Commissioner Dowell: No report.

Commissioner Heaton: No report.

Commissioner Stolzenberg: There was a PLACE meeting in June where we discussed the Preston/Grady intersection in advance of the Smart Scale application. It included several different options that included lights, roundabouts, oblong roundabouts, etc. A few days later we found out that Smart Scale is doing the Cherry Avenue intersection instead so those plans will be pushed off for a while. We also discussed allowing duplexes and four-plexes in R-1, as we have been talking about in the Comprehensive Plan. It is anticipated that PLACE will produce a memo on that subject over the next few months. On July 5 it was announced that there was a bacterial flare-up in the Rivanna River, so stay clear of that.

Commissioner Mitchell: No report.

B. UNIVERSITY REPORT

Bill Palmer: No report – Mr. Palmer was not in attendance.

C. CHAIR'S REPORT

Chairman Lisa Green: Attended the TJPDC meeting in June, where elections were held and we have a new Chair of that group. There were other discussions about the new Regional Housing Study that is underway. There was no meeting on July 4 and the next meeting is scheduled for August 1 at the Water Street Center at 7pm.

D. DEPARTMENT OF NDS

Missy Creasy: There is a work session scheduled for July 23 for the presentation of the Fontaine Avenue Streetscape. They are currently presenting to other boards and commissions and the consultants will be here to provide information on that. From a staff perspective, we are gearing up for phase 2 of the Rivanna River project. We are in some of the early phases prior to the steering committee getting back together again. We will be hearing more about that very soon.

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

None.

F. CONSENT AGENDA

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

1. Minutes – June 11, 2019 – Pre Meeting and Regular meeting
2. Minutes – June 25, 2019 – Work Session
3. ZTA Initiation – Access Management
4. Preliminary Site Plan – Gallery Court Hotel
5. Preliminary Site Plan – 901 River Road

Commissioner Solla-Yates moves to approve the consent agenda as presented. Seconded by Commissioner Dowell. Motion is approved 7-0.

III. JOINT MEETING OF COMMISSION/COUNCIL

Beginning: 6:00 pm

Continuing: until all public hearings are completed

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

1. CP19-00001: Comprehensive Plan Amendment – Future Land Use Map Amendment

The Planning Commission and City Council will jointly conduct a public hearing on a proposed amendment to the 2013 Comprehensive Plan's Future Land Use Map. The Future Land Use map is provided for the purpose of guiding a coordinated, adjusted and harmonious development of the territory within the City limits, in accordance with present and probable future needs and resources. The purpose of this request is to evaluate approximately 1.6 acres of land identified within City tax records as Tax Map and Parcel (TMP) 17-18, TMP 17-18.1, TMP 17-18.2, TMP 17-184, TMP 17-185, and TMP 17-186 (collectively, "Subject Property"), which is the subject of a rezoning application (ZM19-00002) seeking to increase the intensity of uses as well as allowable density of residential uses. The Subject Properties have frontage on Maury Avenue and Stadium Road. The Comprehensive Plan Land Use Map for this area currently calls for Low Density Residential (15 Dwelling Units per Acres); the proposed ZM 19-00002 seeks to reclassify the Subject Properties to the R-3 zoning district classification, which would allow multifamily dwellings and a residential density of development of up to 21 DUA by right or 87 DUA by special use permit. The Comprehensive Plan Amendment is being evaluated by staff to see if it is appropriate to change the Future Land Use Map designation to High Density Residential (Over 15 Dwelling Units per Acres) based on existing patterns of development, probable patterns of development, and other factors.

Staff Report, Matt Alfele: Tonight you are holding a public hearing on amending the Comprehensive Plan Land Use Map from low density residential to high density residential. This was a component of a rezoning request that this Commission recommended approval on at the June 11 meeting. At the July 1 City Council meeting, they heard the rezoning and held their own public hearing. City Council was inclined not to pass the rezoning recommendation and it has likely been moved to the August 5 agenda, but a final decision has not been made. Their discussion on the dais made it sound like they were not in favor of rezoning the subject parcels. The Comprehensive Plan component is currently low density residential, which is the housing type of single family and two family types of dwellings under 15 dwelling units per acre. Our definition of high density residential in the Comprehensive Plan includes the housing type of townhomes, apartments, and a density over 15 dwelling units per acre. In deliberating, the Commission should consider two roads: Maury Avenue and Stadium Road. Under the Streets that Work plan they are considered roads that should be access to higher density.

COMMISSIONER QUESTIONS

Commissioner Solla-Yates: Is there a public benefit to keeping higher density housing away from this area?

Mr. Alfele: The subject property is located near Grounds and it is in a typically single family and two family neighborhood. The majority of the homes in the area have switched to rentals but there are still some owner-occupied lots. You are at an intersection of student housing at the northwest and directly to the east, and Jefferson Scholars is directly to the southeast. Then you move to lower density to the west, even though they are rentals. We don't have a good transition zone from something like an R-3 down to an R-1. There is a little bit of balance on that because there are some height and setback restrictions since they are based on density. It isn't as bad as some of the single family low residential that abuts highways where there is no buffer.

Chairman Green: Did Council have any reasoning in their discussion?

Mr. Alfele: Their concern didn't really get into the Land Use Map, it got into the request for rezoning that there was nothing to review as far as a plan, which made them uncomfortable. It wasn't that they were necessarily opposed to higher density in this location but they had a hard time visualizing what that would look like.

PUBLIC HEARING

William Atwood: I am an architect and have been associated with this particular project ever since the Jefferson Scholars Foundation tore down the sister house. We have been working on a strategy to protect the house for about 5 years. The neighborhood south is a small scale architectural endeavor. It's almost like a horizontal apartment building in Brooklyn because it is very intense and small but it is like the Minnesota Model for number of units per acre. We built three on Price Street that sold instantly. Across the street, there are two white windowless elements that were approved, so it is transitioning to these wide sardine cans with no windows full of students. There is a lot of pressure on it. Fortunately for us, the neighborhood is extremely stable. A famous architect from New York came and did Hereford. There is a park across Stadium and across the street there is an apartment complex that is about 60 years old, so from that side the environment is very stable. There are a lot of graduate students so they make a lot of money. Then there is a non-conforming use, which is not a star for why you would do this. We have encouraged the Commission to consider transitional zoning. This goes from R-2 to R-33. This is not R-3. It's like taking a walk to the Omni for R-2 and a walk to Chicago for R-3. It looks deceptive but we had mostly apartment people come. Everyone who came made a proposal prior to just blankly asking for the R-3 and they all fell short. It is a beautiful forested lawn, as is the whole neighborhood. If a bomb gets across that island it's going to spread. It is stable and it works. We switched from housing to duplexes to increase the density. We sold it to Mr. Armstrong and now he wants more units. The big problem is he hasn't designated the number so we don't know how much. We want a strategy to help our house.

Virginia Luna: We are neighbors of this zone and we wanted to try and understand what is going on. Our hope is that it can be kept as a zoning where there are more people invested in the neighborhood and the community. A lot of students, especially undergrads, live around there and we've seen that they are only there during the semester and they don't have much investment in the community itself. This is in regards to noise, trash, taking care of property, and doing neighborhood events. It is unclear how big of a scale this rezoning would mean and how big they want to develop but our interest is trying to have a place where there is more community.

Cliff Fox: Given the course of the Comprehensive Plan to date, Land Use Map, etc., I have no idea why there is a rush here. I am a strong proponent of higher density, better planning, and better sustainable development of greenspace into our neighborhoods. This seems to have been ripped out of the common and placed into a special

situation, just like the Fry's Springs issues that you will hear. It is not ordinary and it is not the best approach. A more holistic approach for this whole area where you can have an idea of where greenspace is going to be would be a better format for looking at this, especially in the scenario of a Special Use Permit. While it is good to utilize as much of the space as efficiently as we can, it's important to keep the master plan process in context and not rip little pieces here and there out of context because it provides a privileges situation that everyone else doesn't have the opportunity to.

Jennifer Ward: I grew up on this property. This is a stable neighborhood and it seems to me that it would be a mistake to make the jump right there and go to R-3 and change. The minutes from the June 11 meeting mentioned that it seemed as if the back part of the house looked as if a fire escape had been torn off and shingles were on the ground. That doesn't make sense at all. At one point the garage was demolished and perhaps someone saw that. The house has been in good repair and has been lived in all along. As far as the Land Use goes, it is a stable neighborhood and it should stay that way.

Christopher Luna: I am a resident in the Fry's Springs neighborhood and I am a researcher on sound. One overlooked topic that is being researched is the effect of noise pollution in the environment and the people that live in the communities, which is very relevant to this zoning discussion. For example, NYU's Steinhardt School of Music is very heavily invested in noise pollution research and how that affects samples of society that are subject to these practices. A lot of Nordic countries have been doing this study as well. Myself and several friends we have in the Fry's Springs neighborhood have experienced the impact of these practices, like keeping up with leaf blowers and guarding all of these machines that are happening. Rezoning will have an impact in that sense as well so I would love for the Commission to consider sound pollution on this matter.

Justin Shimp: I don't necessarily have an opinion on this lot but as this Comprehensive Plan process goes, as these things do drag out it does have an impact on people. The people aren't here who are impacted but every day that goes by and there is not a house built, it's a little harder for them. Rents are outrageous and we see old houses being bought up and converted into high rent investment properties, which is a result of not having projects like high density student housing in this corridor. It's tough to transition but at some point in time you have to think about the people more broadly who are around who are adversely impacted by not making these changes. Regardless of the project and wherever I work, I see that trickledown effect. We have a lot of inequality problems in this country and one of them is that the preservation of housing in certain areas has kept other people out of those areas of opportunity, which is something you have to weigh with these holistic sort of things.

COMMISSIONER DISCUSSION

Chairman Green: Reminds the Commission that we are not discussing the rezoning, as that is in front of Council. We are talking about the Comprehensive Plan Land Use Map and discussing changing from low density to higher density. Low density is not just R-1, but it's also R-2 and R-2U. The rezoning of that property to R-3 is something completely different.

Commissioner Solla-Yates: Can staff clarify the City's position on the house?

Mr. Alfele: In the last meeting the Eugene Bradbury house did come up. In the City we have Individually Protected Properties (IPP) and this is not one of those. There is a deed restriction on it that requires the house to stay and be kept in good repair. That is a civil matter and it is not something where a municipality would step in. If it were an IPP, the City would step in.

Commissioner Lahendro: Is this currently zoned R-2U?

Mr. Alfele: It is zoned R-2U, which does match the Land Use Map for the definition of low density residential. If City Council were to rezone it, it would no longer match the Land Use Map. There would be disconnect. It would match if it were R-3, as defined in our City's Comprehensive Land Use Map.

Chairman Green: Council hasn't been in favor of rezoning this, correct?

Mr. Alfele: They are the decision makers so they would work with the legal department to make sure this gets heard at the same time to make that decision. They could approve or turn down both at the same time. Again, this is a recommendation to City Council.

Commissioner Dowell: I voted against this in the last vote.

Commissioner Mitchell: The reason you voted against the zoning is because you didn't know exactly what they were going to build, which is the same reason Council didn't want to move forward with this as well. There isn't a better place in that general area to zone up. It is right there at UVA adjacent to the dorms and near Scott Stadium. What better place to up-zone in that area is there?

Commissioner Dowell: I would prefer that we stopped doing this piecemeal. If we are going to do our Land Use Map and update it, let's do it all at one time. That is why I have a hard time accepting this. If we want to condense so we can open up other opportunities for people to have affordable housing in the City, this has the potential to be a good location. However, there might be adverse effects on the neighborhood because there is already a lot of traffic and density so there are reservations about that. Whoever gets the RFP and looks at the Land Use Map, this should be part of what they are reviewing.

Commissioner Lahendro: On one hand we shouldn't be doing this piecemeal and out of context. We should be doing it with our entire Comprehensive Plan. However, I'm also frustrated that the Comprehensive Plan has not gotten as far as it has and I'm not optimistic that it will get done anytime soon. I am leaning in favor of this because of its context. This is contiguous to higher density residential and I am completely looking at this in context. As we were studying the Comprehensive Plan that we were moving forward with, we also saw this area as being higher density.

Commissioner Stolzenberg: Our 2013 Comprehensive Plan does call for us to have more density near UVA. In the Transportation chapter it says to "work with UVA officials to encourage students, faculty, and staff to live closer to the University or to use alternate modes of transportation wherever they live." The other one is in the Housing Chapter and it says to "encourage housing development where increased density is desirable and to strive to coordinate those areas with stronger access to employment opportunities, transit routes, and commercial services." This area has all of those and we can all agree that this is the area where we want to see density, it's just that we are doing it piecemeal. I agree with Commissioner Dowell that we should be doing this comprehensively, however I differ in that we shouldn't be doing it piecemeal because at this rate we are probably a couple years until we get a Comprehensive Plan update and it's going to be so much time of nothing changing. We talked about this neighborhood being stable in its under 35 state according to the Census, but we hear from Fry's Springs all the time that their neighborhood is not stable and the neighborhood pressure is spreading farther and farther into Fry's Springs and taking up traditionally non-student housing. UVA's enrollment is set and it is external to anything we do, so the only way to keep them out of areas where we don't want them to go is to give them enough places closer that they will pick those instead.

Chairman Green: I will not be supporting this because it is not the best approach to planning. We do too much spot planning throughout the City and that is part of the biggest problem we have in our Comprehensive Plan today. It's interesting that we like to pick apart the zoning ordinance like we do the Bible and pick out the parts that we like. In our Comprehensive Plan we have talked about up-zoning, but a large part of the Comprehensive Plan has been talked about transition areas and that is not being approached or looked at in this area. While we think we are moving forward, this takes us about 2 or 3 steps behind because we are not doing what we talked about wanting to do and providing the transition zones.

Commissioner Mitchell moves to recommend approval to amend the 2013 Comprehensive General Land Use Map for the Subject Properties from Low Density Residential to high Density Residential. Seconded by Commissioner Solla-Yates. Motion is approved 5-2.

IV. COMMISSION'S ACTION ITEMS

1. Subdivision – David Terrace

Staff Report, Matt Alfele: Tonight the Commission will be reviewing a major subdivision, which is 105 David Terrace. This is a major subdivision due to the fact that it is extending public utilities. A sewer line needs to be extended to make the major subdivision. Staff has reviewed the major subdivision and finds it to be in compliance with all subdivision and zoning codes, with one outstanding question. Section 29-161(c) states that "No lot shall contain peculiarly shaped elongations designed solely to provide the required square footage of area or frontage on a street." The Commission needs to look at that code section and determine if this subdivision is in conformance with that code section. There are 4 lots on the site and the one in question is lot 4 with whether or not its design is in conformance with that section or not. There is not a lot of support from staff because staff does not have consensus on this.

COMMISSIONER QUESTIONS

Commissioner Lahendro: How is the piece of the property that faces the railroad tracks developable in any other way besides this?

Mr. Alfele: One of the questions has been how you would subdivide this without creating that particular odd shaped lot. There is a choke point between lots that are not owned and in any configuration you will still have that choke point. In theory you could not divide it and build one duplex on this R-2 lot.

Commissioner Lahendro: The only other thing is for one of the adjacent property owners to purchase that piece and then include it into their lot. Is that feasible? What are the options for making that little piece of property contribute to the City?

Mr. Alfele: The applicant would have to comment on the feasibility of that.

Chairman Green: If that were to happen and properties purchased it, there still would be no access.

Mr. Alfele: The only access to that back part is the choke point that is 17.4 ft. wide.

Commissioner Lahendro: If an adjacent property purchased it and they had access to the street, then it could be combined with their property.

Mr. Alfele: It would also depend on what is built on that property. If there was a home there you couldn't build a second structure behind it unless it was an accessory dwelling unit.

Commissioner Solla-Yates: The word "design" strikes me. It looks like this parcel is residual of previous developments. This was not a design and it wasn't intended to be this shape. Is that history correct?

Mr. Alfele: It was residual. A dry cleaners used to be here on Shamrock.

Commissioner Heaton: As a building lot, there is no structure on there currently. Did there used to be one?

Mr. Alfele: It wasn't located on that back corner, it was closer to the road and it has been demolished. It is currently vacant and there are no structures currently on the property.

Commissioner Heaton: In terms of water and sewer hookup for building lots, is lot 4 due a hookup? Are all of these lots on David Terrace due a hookup if it's approved?

Mr. Alfele: There is no sewer. One of the criteria for a major subdivision is if you have to extend public utilities, regardless of the number of lots. It will extend sewer down David Terrace to run laterals. If someone decided not to develop and built one duplex on this, they could run a long lateral under the street from the sewer to the lot and it would be considered a lateral because you are only serving one. Once it is subdivided and you have to extend the sewer line to start serving laterals to multiple lots, it becomes a main that is maintained by the City up to where the laterals come off. There is no problem with the design for running the main. One thing to consider is one of the City's main water lines runs through here and currently there is no easement on here. One of the things as part of the subdivision is them providing an easement. It's a larger easement than we would typically ask for because that waterline is one of the larger ones that serves half of the City.

Commissioner Stolzenberg: We have an access ordinance that requires access to things. Since this ordinance says "solely to provide the required square footage of area or frontage," wouldn't access be a reason to do it this way?

Mr. Alfele: A lot of it is the typical flag lot. The City didn't want that; we are an urban setting. There are several in the City that have been there and have these flag lots, but this section was really trying to avoid producing flag lots where you have just enough to have a driveway and get passed that lot that is fronting on the road to get to a lot behind it.

Chairman Green: Since there was not a consensus on this from staff, does staff have any ideas on how this would be possible to be developed?

Mr. Alfele: The alternative is to build a duplex or subdivide it maybe twice.

Commissioner Stolzenberg: We would still be creating a peculiar elongation, we just wouldn't be creating a lot that's only a peculiar elongation, right? We are just attaching that peculiar bit onto a different lot.

Mr. Alfele: I don't see how you ever divide this lot without creating something that's peculiar.

Commissioner Stolzenberg: From that perspective, it's already non-conforming.

Mr. Alfele: No. This lot has more than the required 50 ft. of frontage.

Commissioner Stolzenberg: Would you say it wouldn't violate this ordinance as is because it wasn't created in order to get around those things?

Mr. Alfele: That would be my argument. If you looked at the lot and looked at the code you couldn't say it was created to get around it. It just happened to be created and it's way above the required square footage and street frontage. Once you start dividing it, how would you ever create a lot that isn't funky?

Commissioner Dowell: One of the public comments was about the sewer backing up in the area. Is there further information on that? Are there sewer issues in that area?

Mr. Alfele: Utilities would have better clarity on that. It doesn't appear to be an ongoing issue and Utilities is not aware of current issues.

Commissioner Dowell: What are staff's concerns if we do approve this? Are there any big adversities to approving it?

Mr. Alfele: No. Staff simply didn't come to a consensus in its internal discussions. Reviewing and approving major subdivisions is up to the Planning Commission and because we didn't have consensus we brought this forward. There was not a big issue, but it's a funky lot.

Applicant – Justin Shimp, Shimp Engineering: One thing to note is that the triangle shape on the back of lot 4 is a normal shape. It has 16,000 sq. ft. so we aren't using the elongation to get the area. Here is where we run into trouble: If I wanted sell a portion of lot 4 to a neighbor it would be a boundary line adjustment and then I would only have 7,200 sq. ft. including the elongation and the square lot, which would be crossing that line. As it is, the elongation is already there and anything you do would create a funny lot. We aren't really circumventing the area requirements of the ordinance with this division. We have it, we just have this little pinch point and we can't do anything about it, which is what led us to this design.

COMMISSIONER QUESTIONS

Commissioner Stolzenberg: Aren't you tripping the frontage requirement, not the area requirement?

Mr. Shimp: You have to have the frontage and it has frontage now, but the elongation essentially has to stay. I could clean this up by just chopping it off at that little pinch point and have the back lot by itself, but that wouldn't have frontage. It has a non-conforming elongation now and we aren't going to change that and violate the area criteria by virtue of subdividing it in this instance. The frontage is an existing non-conformity and we can't really do anything about it.

Commissioner Lahendro: Can you tell us about the history of the development of this area and how this lot ended up to be so strange in its shape?

Mr. Shimp: We don't have a clear answer. It goes way back and the dry cleaner and the lots around it were owned by members of the same family for a long time. It is suspected that before the subdivision ordinance existed people cut off pieces from their houses and there wasn't a rule to prohibit this sort of shape so it just got left behind. There are some old fences and an old road path that goes past the house at 2262, but I didn't see any foundation for a house back there. Many years ago this wasn't that uncommon and you might walk a path back to your house.

Commissioner Mitchell moves to approve the proposed subdivision plat located at 105 David Terrace, Tax Map 22 Parcel 59. Seconded by Commissioner Lahendro. Motion is approved 7-0.

2. ZTA Initiation – R-1 to R-2 in portions of Fry's Springs

Staff Report, Matt Alfele: This is just an initiation and there is no decision being made tonight on up-zoning certain properties in the Fry's Springs area from R-1S to R-2. The proposed properties are broken down into five areas. As part of the discussion, the Commission should determine if these areas are appropriate in the scope of what was anticipated and if there are any changes. Staff would like to get some direction on the initiation as well. A full analysis has not been done and we would not do this until this becomes something that we are acting on. However, there is information on each area that the Commission may want to consider during the discussion. For example, even though some of the parcels that are being proposed are vacant, there are building permits pulled most likely for single-family homes that take up a large portion of the lot. These are happening on Naylor Street, Porter Avenue, and the Woodland subdivision area. One of the other areas mentioned is the area that is currently under consideration for a rezoning to PUD, which is the Flint Hill area. This was at City Council on July 1 and was not received well. There was not a lot of support but there was an opening for the applicant to amend his proffer statement to allow additional affordable units or perhaps for a longer period of time. There were also design concerns but it is not anticipated that the applicant will make changes to the design. It will be on the August 5 agenda as a regular item and a decision will be made. The other area is the old Azalea Cottage area, which are non-conforming lots. Staff has concerns about them being large enough for single-family homes and would have a lot of concerns about them being duplexes. The last group is one single lot that has dual zoning. It is a large lot at the end of Stribling Avenue. The front end is already zoned R-2 but the back end is zoned R-1S and it is a fairly large parcel. Staff would appreciate any guidance on what the Commission is thinking with this initiation.

COMMISSIONER QUESTIONS

Commissioner Solla-Yates: Could the lot lines be moved in the Azalea Cottage area?

Mr. Alfele: They could, it's just something for the Commission to consider. You could always move the lot lines, but any applicant is going to be leery to give up those lot lines because once you give up that nonconformity, it is gone.

Commissioner Heaton: Between Monte Vista and Azalea, is that an alley in the number 2 area? Are those lots contiguous across the alley?

Mr. Alfele: That is a platted alley, platted street. The proposed development for the pump station was to switch the location of the alley in the street. Right now you have some lots that front on an alley and they were going to reconfigure the lot lines to get everything on a City-maintained street and move the alley where the street is. Right now it is small and is not a City standard street.

COMMISSIONER DISCUSSION

Commissioner Dowell: We do need more density and housing, but we should be doing this comprehensively. We should not be looking at one neighborhood and picking just a few lots to change. We should be looking at it Citywide. It isn't that it is a bad idea, but it's just bad timing.

Commissioner Stolzenberg: It is a good point that we should do it comprehensively, but in this case there is a level of urgency for Fry's Springs in particular, largely because many of these lots have impending development on it. If there is any hope of getting a better product that works better for the City to go into that spot, now is the last moment for that. That was my motivation for bring this up now.

Commissioner Solla-Yates: My concern is that we don't just have problems in Fry's Springs. We have problems Citywide. However, I am compelled by the research that has been done that Fry Spring's is the tip of the spear and

that is where we are seeing a lot of the action because the UVA community is pushing further from the University. It's not happening in the future, it's happening right now.

Commissioner Stolzenberg: My goal is that if we can set an example with this one and make a little bit of progress, then we can start to look at other neighborhoods in the City next and make little bits of progress until we finally get the Comprehensive Plan and zoning code done. It would be nice for us to be making a little momentum, even if it would be nicer to make all the changes at once.

Commissioner Mitchell: If we were voting on this tonight I wouldn't be able to support it. It is still unclear what we are asking staff to study. Are we attempting to understand the environmental impact, infrastructure impact, the neighborhood impact, etc.? What are the components of the study that you would like to see?

Commissioner Stolzenberg: It seems to me that R-2 is already strictly better than the R-1 we have here now. If you look at these places and the prospect of building these large single-family homes by-right, there is no situation in which it is not better to have at least the option of having duplexes there. Staff can study the normal parcel history and background that they do in any rezoning. Even among new homes, which are pretty much all more expensive than existing homes, the differences between the duplexes that have been built in Fry's Springs and the single-family homes that we've seen go up is enormous. It's the difference between being around the median for a home in the City when it's first built and being 3X the median. To me, it's almost a no-brainer. This, and more, should be legal everywhere. You should be able to build a duplex anywhere you can build a giant single-family house. Why not?

Commissioner Mitchell: When reading the Standards of Review, none of these questions are going to be answered until we get a more complete report from staff relating to the impact of the rezoning. How much work is involved in the study? I would hate to duplicate the work that the consultant we are about to bring onboard is going to do.

Ms. Creasy: We aren't 100% clear on how much effort it's going to take. We will take the guidance we receive if it's initiated and we will have some internal discussions to put together a plan to present something that provides something logical to the Commission for analysis. At this moment we don't have a straightforward idea of what that would look like.

Chairman Green: Does staff work together with Council to create a work plan with initiatives you want to get done throughout the year? What from the work plan, which is initiated by Council, will have to be bumped off of the priority list?

Ms. Robertson: As a general rule, the City Manager has a work plan. Council is allowed to initiate a project for the Planning Commission in particular to review. By "work plan" you may be thinking of a resolution from about 3 years ago by which City Council asked for us all to look at the different provisions of the Comprehensive Plan and update discrete portions of it. The Planning Commission undertook a year or more of work looking at the Long Range Land Use Plan. We called it a work plan, but it was more of a Council-initiated look at the Comprehensive Plan/ Zoning Ordinance. As a general rule, staff does not get a work plan from City Council. We have to do what we are asked to do and we have to juggle all of it.

Chairman Green: On the annual work plan for things that NDS should be doing for the community, what would we be bumping off of it in order to do this?

Ms. Creasy: I would say we wouldn't bump anything off.

Mr. Ikefuna: In terms of work plans, every department in the City has a strategic plan, which outlines each department's work plan. That work plan has a performance measurement attached to it.

Chairman Green: What will have to come off of that plan? There has to be an annual plan that you follow.

Mr. Ikefuna: What is being proposed tonight is not specifically listed on the work plan, however there is a general reference in the strategic plan dealing with the developmental review process and things like that. We have enough workload right now to keep us busy for the next five years. We aren't going to do this overnight and we can't expect staff to come back next month or to provide an immediate analysis. We do what we can and we have to balance this particular project against the existing workload. We would have to sit down at the Management Team meeting at look at the workload and see what the priorities are.

Commissioner Heaton: Staff asked for direction for whatever work they might be doing and three things come to mind right away, which is the economic impact on property value and housing costs, transportation and what it will do to the number of vehicles using the same streets, and parking issues.

Chairman Green: This is not an undertaking that staff can sit down and undertake in a week. Alongside those things, there are infrastructure questions that need to be answered like water, sewer, etc. If we do it right, it takes a significant amount of time.

Ms. Creasy: It's also tricky because it is five separate things and it isn't necessarily looking at one large area. Another consideration to be made is the groupings of things, which is why we are trying to get more clarify on whether this is the scoping or if it should be something different in scope.

Commissioner Heaton: We already know what they can do by-right and what the infrastructure can handle. The question is, is what is currently there that could be developed by-right significantly altered if you change the density?

Chairman Green: Typically, in an area such as this people would pick out contiguous areas, which would be a small area plan. It takes about 18 months to get to a small area plan. If the Commission wants to initiate this, so be it, but I will not be supporting it. This is another area where we are taking staff time where they could be doing the things that we need to do, like working on the Comprehensive Plan. This might be an urgent need for some, but I haven't heard from the community at large in Fry's Springs that this is urgent for that community. We can't look at this area and rezone it without having some kind of overall look at everything. We mentioned bringing the small single lots into conformity, but maybe these people like their non-conforming uses and may not want to.

Commissioner Stolzenberg: We dropped those from the request. Personally I would recommend all of Oak Lawn and Porter Avenue be considered because those homes are all clearly big enough by far to be two family if they wanted to be. I don't see a lot of reason why we should leave the brand new ones out, as they aren't reflective of the historical character of the area.

Mr. Alfele: As a point of clarity on existing homes, converting a single family home to a duplex is very hard because of fire rating walls. It would be especially hard for new homes in that area to be turned into duplexes. It could be an accessory dwelling unit, which they can already do under R-1.

Commissioner Lahendro: After studying these 5 parcels and looking at current uses around them, it seems like the commonality between most of these parcels is the fact that they are vacant land now, which is because they are the most difficult areas to build on. If we are being asked to consider land use, then being vacant is not a land use that is any benefit to the City. If you look at the uses around them, there isn't anything that shows that they should be considered separately. There aren't enough compelling reasons here to support doing this before the

Comprehensive Plan. The difference between voting favorably for the prior application and this is the fact that this was one cohesive large lot continuous to similar types of developments. This is very different.

Commissioner Solla-Yates: Looking this over and considering staff time, I like areas 1 and 2 more and more and areas 3, 4, and 5 less and less.

Commissioner Heaton: When we were talking about the previous property by the University, that is a compelling argument to do something that is not in perfect planning order. This proposal is not as compelling as the previous.

Commissioner Stolzenberg: There is a very real difference between vacant land and any other land as far as how its future land use impacts the existing residents of the City. If we want to say that this vacant land should be greenspace forever because it's difficult to build on and it's currently woods, I might be okay with that but we need to make sure that we make room elsewhere on currently used land for people to have homes. There is a very real expressed need from the community, not just from Fry's Springs, but from the whole City. We've done so much outreach for the Comprehensive Plan and there is a housing crisis and a need for more housing. That isn't getting kicked down years down the road just because we can't get it together to do our Comprehensive Plan. It was mentioned that it would potentially take staff resources off of the Comprehensive Plan, but that is currently on hold and we're taking it out of their hands and handing it off to a consultant. While I would prefer to do everything comprehensively, if we aren't going to do anything ever until we do it comprehensively, shouldn't we just dissolve the Commission until 2024 or so when the consultant gives us a plan?

Chairman Green: We are bound by the state to have a Commission and we are public servants of this City to make sure we are good stewards of the land and we plan comprehensively.

Commissioner Heaton: Our role is also to be responsive and by approving some things and not others, this Commission has been trying to not be stuck in a pattern that hasn't been proven to be efficient. We try to be responsive when we can be and try to be comprehensive when we can be.

Commissioner Dowell: Moving forward we need to work on being more comprehensive. We do need housing, but if we are supposed to be future planners and map out what we want this City to be and how we're going to have housing, doing it piecemeal won't get us to the overall goal of what we are trying to accomplish. I do like that we're looking at vacant lots, but I just don't agree with the spot updates. Everywhere needs more housing. If we were to approve this and if we initiated a study for these lots, how do we comfortably tell the next resident who is not in this area that we can't do that for them in their neighborhood? We are going to open up a can of worms when we already have this plan in the pipeline. It may take some time, but all good planning takes time. We should definitely include this in our review, but we should wait until we have a comprehensive review of the housing for all of the City and what the overall plan is going to be. What if this portion ends up conflicting with it? We would be back to square one.

Commissioner Stolzenberg: It seems unlikely that any future plan won't include more density in these areas and elsewhere, given the shortage. More than that, it's important to remind everyone that we have an adopted Comprehensive Plan from 2013 that talks about infill development and putting housing on vacant lots, which is definitely in conformance. We also have a future Land Use Map that this conforms to. There are a lot of areas in the text that call for more housing and density and putting it in places with good access to amenities. This initiation can easily be justified under the existing Comprehensive Plan. If we are saying we will have a new Comprehensive Plan sometime in the next several years, that is great, but should we just un-adopt our current plan? Our current plan might be old but it means something.

Commissioner Mitchell moves to decline to initiate the process. Seconded by Commissioner Dowell. Motion to deny the application is approved 5-2.

Chairman Green: Regarding the RFP, since there isn't going to be a staff person hired, staff will have to be very involved in managing this RFP for this.

Ms. Creasy: It will be helpful once we get some sort of clear message from the decision makers. Most of us are hearing different things. We are wondering about next steps and the roles that everyone will have and it may be that they are still being worked on by the core group. Hopefully very soon we will have a clearer path and we do know that it closes in mid-August and the path will need to be much clearer when that closes. We are in a big transition in a lot of ways community-wise and hopefully we can get something more concrete so we don't perpetuate the frustration that is going on in many places.

Chairman Green: Can Mr. Ikefuna provide the Commission with some type of update on the plan on August 13 when we meet next?

Mr. Ikefuna: What do you want to be included in the update?

Chairman Green: I want the plan that includes who is going to manage the RFP and if we are hiring.

Mr. Ikefuna: I will consult with the City Manager and Assistant City Manager and provide the Commission with the appropriate response.

Commissioner Stolzenberg: Putting aside the ZMA, you all read the report and Fry's Springs is a microcosm of the rest of the City. We have a neighborhood with a diverse mix of home types that are historically relatively affordable and now we have \$600,000 homes being built by-right in the middle of this \$280,000 neighborhood with prices rising by double digit percentages. There is a problem. What is this Commission, and you personally, going to do about the problems our City is facing?

Commissioner Dowell: I can only speak for myself, but this issue isn't just in Fry's Springs and that is where the holdup is. I do not feel comfortable only addressing one neighborhood. I feel comfortable addressing our City as a whole. I don't think the information you gave was inaccurate or incorrect but the timing is off, especially with us having this new position of someone who is an expert and we are paying a lot of money for to figure that out. I want to see my tax dollars go to good use to whoever is going to get this RFP.

Commissioner Mitchell: This is a citywide problem and it's even bigger than that. It is a regional problem and we have to begin working with the surrounding counties cohesively to solve this problem. We can't do it in our little 10 square miles. It has to be bigger than that.

Commissioner Heaton: I would encourage the Commission to realize that there is a Commission so that things can be taken outside of the designated comprehensive planning process. There is a Commission so we can be responsive to the citizenry. We are also here to educate the citizenry as to why comprehensive planning is best for everyone, but we are also here so when a compelling reason is presented to us we can take action. This is not easy stuff to do but that's why we are here and there is a good balance being worked on by this group.

Commissioner Dowell: Mr. Stolzenberg's points are very valid, but unfortunately it was just bad timing.

Commissioner Lahendro: I have agreed to serve as a Planning Commissioner by following the protocol of the Commission, which is that you don't make decisions unilaterally, even as a group. You have to make them based upon Guidelines and a Comprehensive Plan, which has to come first. Then you can look at individual cases based upon that Comprehensive Plan. Unfortunately within the last few years our Comprehensive Plan route has gone

off track. I spent two years looking at the City and how the future Land Use Plan should change. I have some definite ideas based upon that but it has been held up and pushed aside. I am waiting for that to proceed and be finished so we can start to make our decisions based upon that new Comprehensive Plan.

Chairman Green: Because my work is public service, being on this Commission means I am a public servant to the citizens and residents of this community. Part of that Comprehensive Plan process is definitely engagement and public outreach. Some of the reason we pause this is we aren't getting the outreach from everyone we need to hear. It's not about not wanting to do anything, but it's about wanting to reach all the people, not just the people who have the opportunity to show up at the meeting. We need to hear from everyone who is affected by this and look at it comprehensively. It is a regional issue, which is why the Thomas Jefferson Planning District is looking at regional housing. It is regional and we have to get the adjoining counties and the University involved because they play a major part of the housing crisis in this community. This affordable housing crisis is huge and it's all over our country. While I am discouraged that it is taking this long, I am encouraged that we at least have something in place to marry the housing strategy and Comprehensive Plan, with a guarantee that we get this zoning ordinance changed. I meet about every other night with citizens because my service on this Planning Commission is to speak to the people, not make decisions based off of my activism or what I want to see happen in the City personally.

V. Adjournment

7:30 pm – Commissioner Heaton moves to adjourn until the second Tuesday in August 2019.