

Minutes

**PLANNING COMMISSION REGULAR MEETING
July 14, 2020 – 5:30 P.M.
Virtual Meeting**

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

Beginning: 5:00 PM

Location: Virtual/Electronic

Members Present: Commissioner Solla-Yates, Commissioner Stolzenberg, Chairman Mitchell, Commissioner Heaton, Commissioner Lahendro, Commissioner Palmer, Commissioner Green

Members Absent: Commissioner Dowell

Staff Present: Patrick Cory, Missy Creasy, Brian Haluska, Joey Winter, Lisa Robertson, Ales Ikefuna, Erin Atak, Letitia Shelton

Chair Mitchell called the meeting to order at 5:00 and asked Commissioner Solla-Yates to provide information on the item he would like to add to this evening's agenda. Commissioner Solla-Yates noted concerns with child care allowances throughout the City. He would like to propose a ZTA to open up allowances. Ms. Creasy followed up by noting that staff had considered provisional use provisions and noted that changes were to be considered with the zoning code update.

Commissioner Heaton suggested limited enforcement rather than code changes. Ms. Robertson noted that would be concerning and clarified that to discuss this issue during the meeting, there would need to be an amendment to the agenda. Commissioner Solla-Yates will address at the start of the meeting.

Commissioner Stolzenberg asked why 612 West Main contains 10 less units than were approved. It was noted that the BAR still has review of this site and that the applicant could determine the number of units as long as fits within the approval.

Chair Mitchell asked if there were any questions on CDBG-CV. Commissioner Solla-Yates was concerned about the amounts provided in each category of funding. Ms. Atak noted that if the Commission decided to recommend a different funding allocation, both the Commission and CDBG Task Force recommendations would be forwarded to Council.

Commissioner Green noted that she had been appointed to the CRHA board and asked Ms. Robertson for guidance on whether she could vote on this item.

Chair Mitchell asked if there were any questions on Landonia. Commissioner Stolzenberg asked if critical slopes would apply to this site due to the elevation change. Mr. Winter clarified the difference between critical slopes for subdivisions and zoning. This will not be a consideration for the rezoning but could be in the next phase. He later confirmed that this site would not trigger the critical slopes requirements.

Commissioner Stolzenberg asked if Landonia is a public street. Commissioner Green asked if this roadway needed to be brought up to standard. It was noted that traffic had done an initial review and provided some recommendations. Ms. Robertson found that part of the roadway was accepted in the

1970s. Staff will continue to work through the road status requirements but that will not affect the rezoning application this evening.

II. COMMISSION REGULAR MEETING – Meeting called to order at 5:30 PM by the Chairman

Beginning: 5:30 PM

Location: Virtual/Electronic

Commissioner Solla-Yates moved to add an amendment to the meeting agenda. The added agenda amendment was a zoning text amendment on childcare to be discussed at the end of the meeting (Motion was seconded by Commissioner Lahendro). Motion passed 6-0.

A. COMMISSIONER’S REPORT

Commissioner Green – I have not had any commission related meetings. I have been appointed to the Charlottesville Redevelopment Housing Authority for the next three years. My term started July 1st. I am very excited to start the next chapter of public service. I will be available for a couple more PC meetings until someone is appointed.

Commissioner Stolzenberg – We do have a MPO Tech meeting next Tuesday. I will tell you about that next month.

Commissioner Heaton – No Report

Commissioner Solla-Yates – The Housing Advisory Committee met twice to discuss emergency housing measures. All of the CAHF funding was redirected to emergency relief. It’s all gone. No more housing projects. The money is running out. There is some new relief money coming. The situation is dire, drastic, and getting worse. There has been some heroic effort to keep high risk people in hotels. That money is also running out. There is a desire and some money to replace with a permanent situation. There is no timeline on that. There is a massive eviction crisis coming. It’s very bad.

Commissioner Lahendro – I did attend a Board of Architectural Review virtual meeting on June 16th. It was the first one since last February. We did nominate and appoint Carl Schwarz as the new chair and Brett Gastinger as the vice-chair. We had four Certificate of Appropriateness applications. All four were approved. The BAR, with staff, will write a letter to the Department of Historic Resources in support of Burley High School being nominated to the Virginia National Register of Historic Places.

B. UNIVERSITY REPORT

Commissioner Palmer – A master planning council meeting was supposed to be scheduled in July. We decided to postpone that until September. I don’t have a date for the new one.

C. CHAIR’S REPORT

Chairman Mitchell – I have appointed myself to be our representative to the CIP. I will be there taking over for Commissioner Green since she is going over to the Housing Authority.

D. DEPARTMENT OF NDS

Ms. Creasy – Commissioner Solla-Yates has been re-appointed to the Planning Commission. He will serve until 2024. They are still recruiting for Commissioner Green’s spot. Applications are due by July 25th. Council will be reviewing and holding interviews. I am hopeful that they will have someone in place in early August. If not, Commissioner Green has tentatively put the September meeting on her schedule and will be available to help us out. We have a robust meeting for August coming up. We don’t have a public hearing scheduled. We have some things that will be of interest to a lot of individuals. Potentially a couple of site plans and entrance corridor application reviews. We have our Cville Plans Together consultant speaking about housing aspects and project update. We will have a brief presentation from JAUNT. We are working to have the individuals with the Starr Hill Community Visioning Plan speaking. Our regular meeting is going to look like a work session. We are grateful we’re able to move forward with some of these things that we have had out there for quite a while. Work continues with the Comprehensive Plan. We continue to work remotely. We do have some people in the office. We have a significant number of applications coming in. We average between 20 and 30 building permits on our Friday drop off in addition to what is mailed in. We have a number of site plans under review. We have a couple of things that we will be speaking with Council about regarding community meetings for our rezoning, SUP, and site plan applications. Council requested that we bring forth a guidance document for that. Also, Ms. Koch is calling in during matters of the public to give an update on the comprehensive plan.

Comprehensive Plan Update

Jennifer Koch, Cville Plans Together Consultant – **Cville Plans Together** is the name of the process that is led by Neighborhood Development Services with our consultant team. The process includes an update to the Comprehensive Plan, including the development of a housing plan and an update to the zoning ordinance after completion of the update to the Comprehensive Plan. The last time I spoke with you, we were in the middle of the May-June public engagement efforts. In May and June, we were focused on sharing information about the project, making sure people knew about **Cville Plans Together**, people knew the process moving forward, and how they can be involved. We were focused on giving input related to priorities and goals going into the future, particularly with equity and affordability. We held several webinars and many small group discussions. We also had a survey open for about five weeks to get input on those issues. That survey was available online and through paper distribution. Two of three webinars were recorded. The third one had a technical error. The two that were recorded are available on the website. I would encourage everyone to sign up for the project email list, which can also be found on the website. You will get updates and notices about upcoming events or opportunities. We got over a thousand survey responses, including about eight to ten in Spanish. The survey closed about two and a half weeks ago. We are still deep into all of that data. There is a lot of great input that we received. We are planning to process that and share summaries this summer. We have had the website available, cvilleplanstogether.com. We also started a toll free number in May that people can call to listen to a brief project overview. It’s available in English and Spanish. People can provide input and ask questions in the form of a voice mail. That is still active. It’s 833-752-6428. I do want to thank those, who helped us reach out. We know that we weren’t able to reach everyone, particularly with COVID restrictions. We’re looking forward to the Fall, when we’ll be coming back to talk with everyone about the input that was received and what it might mean moving forward. We will be coming back to you in August. We’ll have a larger discussion at that point. Part of that will include looking at what future engagement may look like. We did schedule a utility bill mailing. That’s going out this week.

Commissioner Stolzenberg – Is there a specific ‘ask’ in that utility mailer going out this week? How do you continue to engage now that the survey is over?

Ms. Koch – We want people to be aware that this process is still going on. We weren’t able to schedule an earlier mailing. This was the first point that we could do that. We hope that they will call the number and they can leave their number. We will reach out to them. They can sign up for the email list. It lists out the different ways people can stay in contact with the project.

Commissioner Green – Are you still on target for the timeline that is listed on the website?

Ms. Koch – Overall, we don’t have changes to the different elements. What might change a bit is the exact location of those little community engagement bubbles. The number of times we’re looking to come out to people and the topics are not changing. They just may need to shift a slight bit. We can talk more about that at the meeting in August.

Commissioner Stolzenberg – With the optional demographic data, do you have a sense of how many respondents you got that from? Do you know what the demographic makeup of respondents was?

Ms. Koch – Yes. It depends on the question we asked. We asked where they lived, neighborhood, age, income, etc. It ranges from 700 and almost everyone had answered some of those questions. Overall, there is a very good spread of people geographically, different income levels, etc. What needs to be looked at more is whether people are from the city and the county. When we look at the demographics, how do they compare between the city and the region. We need to look closer at that. We do have a good amount of data that will allow a good comparison.

Commissioner Stolzenberg – When you make your final report, will it be mostly quantitative data representing the straight forward answers? Is there going to be some way that you’re going to make free form answers public?

Ms. Koch – What is taking the most time is that we are going through and coding all of those by hand. It’s a very interesting process. It does take a bit of time. We are planning to make some version of that accessible. We want people to see how we thought about those different responses. There will be a summary that will provide a quicker takeaway. We will make some kind of categorized version. We need to figure out what will work best. It is a large amount of data.

Commissioner Stolzenberg – The intention is to possibly release the raw data?

Ms. Koch – We do plan to release the data.

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

Robin Hoffman – In the back field where there is a flood zone behind the Rivanna River Company, I spoke to Wendell Woods. He’s willing to develop that field into a hemp field. There is a market for hemp fiber. He has 15 acres there. He can’t do anything with it. I came up with this idea with an Elkton farmer.

The governor has talked about developing the industry in Virginia. Once you develop the hemp, the topsoil will happen. It's going to help with the whole border of Charlottesville going into the river.

The chairman recessed the meeting for five minutes and the arrival of a third council member.

F. CONSENT AGENDA

1. Site Plan – 612 West Main Street
2. Site Plan – 167 Chancellor

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

Commissioner Solla-Yates moved to approve the consent agenda. (Commissioner Lahendro seconded) Motion passed 5-0.

III. JOINT MEETING OF COMMISSION AND COUNCIL

Beginning: 6:00 PM

Continuing: Until all public hearings are complete

Format: (i) Staff Report, (ii) Applicant, (iii) Hearing, (iv) Discussion and Motion

Vice-Mayor Magill called City Council to order for the two public hearings.

1. **Community Development Block Grant Coronavirus (CDBG-CV) Funding, FY 20-21:** The Planning Commission and City Council are considering projects to be undertaken in the amended Fiscal Year 2021 Action Plan of the multi-year Consolidated Plan utilizing CDBG-CV funds for the City of Charlottesville in response to the growing effects of the historic public health crisis. In Fiscal Year 20-21 it is expected that the City of Charlottesville will receive about \$246,699 in Community Development Block Grant Coronavirus (CDBG-CV) funds from the Department of Housing and Urban Development HUD authorized by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act). CDBG-CV grants will be used to facilitate projects to prevent, prepare for, and respond to coronavirus. Information pertaining to this application may be viewed online at www.charlottesville.gov/agenda. Persons interested in this item may contact Grants Coordinator Erin Atak by e-mail (atake@charlottesville.gov).

i. Staff Report

Erin Atak, Grants Coordinator – The City of Charlottesville has been authorized a special allocation of Community Development Grant Coronavirus funds, also known as the CDBG-CV to be used to prevent, prepare, and respond to the Coronavirus. This has been the major HUD level priority. This allocation was authorized by the Coronavirus Aid Relief and Economic Security Act, also known as the CARES Act to respond to the Coronavirus. We received \$246,699 for 2020-2021 program year. All award applicants are able to use the funds for a 2 year period. Once they get the funds, they have two years to spend it. Minutes from the CDBG Task Force are attached, which outline the recommendations made. All projects went through extensive review by the CDBG Home Task Force as a result of the RFP process. The City of Charlottesville began accepting CDBG-CV proposals May 4, 2020 to May 18, 2020. Acceptable projects included the support of a viable urban community through the provisions

of decent housing, a suitable living environment, and economic opportunity for low and moderate income citizens to prevent, prepare for, and respond to the Coronavirus. All applicants were required to connect the activity to the CDBG-City Council priorities, which are updated yearly. The City also required all applicants to schedule a mandatory 30 minute technical assistance meeting with myself. During this meeting, we went over grant requirements like filing, invoicing, the CDBG program requirements, the CDBG-CV program requirements, and how the audit is run. We also went over past audits, organizational capacity requirements. I met with eleven applicants. We received five applications on time. One application came in late and it was not considered for scoring. For economic development, the overall funding award was split up three ways: public services, economic development, and administrative/planning. Under economic development, funds are proposed to be used for providing microbusiness grants to assist 24 business owners with business expenses. The grants are going to be cut at \$4,000. In that \$4,000 grant, \$3,000 will go toward business expenses and the remaining \$1,000 will go towards technical assistance support for the business owner. That will help the business adapt to the new economic environment that we are in right now. Bringing a business online, helping with financial planning, and cleaning will be the remaining \$1000. The CDBG Task Force subcommittee (Strategic Action Team) reviewed one application and made a funding recommendation to reward the Community Investment Collaborative a funding amount of \$98,679.60. For public service programs, the estimated benefits include homeless prevention assistance in the form of rental and utility payments and hiring an additional staff person to help with the increase of intake appointments for the homeless prevention for a minimum of 25 households. The benefits also include hiring two full time community health worker positions that will act as liaisons for testing and wrap around services to help inform the community of the health department's COVID-19 strategy and engage the priority populations in COVID-19 prevention. The CDBG Task Force reviewed a total of four applications and made a funding recommendation to award the Thomas Jefferson Health District a total of \$49,661.78 and the Thomas Jefferson Area Coalition for the Homeless \$49,017.82 with CDBG funding. The last umbrella for the CDBG award is the administration and planning. Applicants were only able to apply for economics and public service umbrellas. The admin and planning umbrella goes towards helping pay for grant related costs and for citizen participation. That's a total of \$49,339.80. The award and approval of these funds are required to follow the same regulations as the CDBG funds. Once the Planning Commission has reviewed and made their funding recommendation on the funding activities, the CDBG budget will be brought back to City Council for final approval on August 3rd. We have a couple applicants to answer any questions, as well as Task Force members.

Commissioner Stolzenberg – I would like to focus on the 20% that's available for administration and planning. HUD requires a cap of 20% of the funds to be spent on that. I am trying to understand why we need to spend the maximum allowed by federal rules. What exactly are those funds going to? Who will be doing those things?

Ms. Atak – Depending on the activities that we are funding, there is a number of different federal requirements that come with it. If an activity hits a certain funding threshold, sometimes Section 3 or environment review get triggered. With that comes the community engagement process. Those all have to be paid through the admin and planning portion of the

CDBG Grant. Generally, we block off about 20% of it just because the city always runs through all of the 20% just through the number of applicants each year. That's why we blocked off 20%.

Commissioner Stolzenberg – In a practical manner, what they are going to be spent on, it is compliance with federal rules and reporting and verifying that compliance. Whatever costs are associated with community engagement, which will be in the form of Zoom meetings?

Ms. Atak – It's now Zoom meetings. We have reports that we have to submit. Keeping track of those reports and auditing have paper trails that we have to pay for.

Commissioner Stolzenberg – Most of that reporting will be done by you. Are there other consultants that will be brought in for those audits? Is this going to consume all of your time in the next year?

Ms. Atak – It's generally me.

Commissioner Stolzenberg – Assuming that you are going to be doing other things, the city probably already budgeted for you to be employed by the city. Does this money from the federal government to pay for your time, implicitly free up the money, that would otherwise be allocated, to pay for your position?

Ms. Atak – The CDBG grant does also pay for my position

Ms. Creasy – Ms. Atak's position is funded through CDBG. The CDBG allotment is a lot less than it used to be, the CDBG funds don't necessarily cover all of her salary. The city puts in the additional amount to maintain that position. Ms. Atak does have a lot of roles in addition to the CDBG. Adding in the CDBG-CV will mean that she will be managing additional projects. Those funds will support the salary. There are also items, such as the accounting, legal, and if we do have to outsource for sort of other aspects, that funding covers that. We would love to put more towards the program. We also want to be able to address the expenses. Once we accept CDBG funding, there are a lot of reporting and requirements that are involved. We have to support those in order to get the allocation at all.

Commissioner Stolzenberg – It's that we already allocated city funds to pay Ms. Atak, the money actually comes from the federal government. This is what pays her.

Commissioner Green – With this funding and with this position, if the city accepts these funds and if we don't have that reporting and monitor the funding, we have to pay those funds back to the federal government plus a penalty. We definitely do not have that budgeted. It is an administration thing that is definitely necessary.

Alex Ikefuna, Director of NDS – That is correct. We have to pay a penalty and the money back.

Commissioner Solla-Yates – It was a helpful packet. Page 63, which lays out the scoring, is extremely helpful. I see that there are two rounds of scoring: total score and final average. Can you talk me through that and how that relates to the amounts recommended?

Ms. Atak – The total score is adding up what is in the subtotal column altogether for that particular applicant. For the final average, I am dividing out the number of people, who submitted the scores to get me that orange/yellow box score. The CDBG Task Force used the yellow box score to make their funding recommendation in their deliberation during the meeting that we had.

Commissioner Solla-Yates – The CIC is not the highest scoring, but they received the most money. Can you explain why?

Ms. Atak – The CIC received a score of 32.6. They were the only economic development application received for the CDBG-CV award. The Task Force Subcommittee went back and forth of whether to award CIC the full funding amount or to put forth all of the economic development funds into public services, given that there were so many applications in public services. They looked up the scores and they saw that the Thomas Jefferson Health District, TJAC, and CIC were the top three scores. They decided to give CIC the full economic development umbrella.

Commissioner Solla-Yates – Was the concern that it was more pressing to the current health crisis?

Ms. Atak – They did want to address and highlight that. Businesses are a focus for the city. We wanted to make sure that we gave support to the micro enterprises that needed it for the 0 to 50% AMI.

ii. Public Hearing

Rebecca Schmidt – From the Thomas Jefferson Health District. I did want to clarify our application for the full amount. That was to fund two full time community health workers at \$18 an hour. With the funding that is recommended, we could hire one community health worker full time. I wanted to clarify that so that everyone was aware.

Nancy Carpenter – As a task force member, we did some good deliberations and there were some really good applications. I feel like we did our due diligence in trying to use the CV money for the purposes that it was meant to be used for in our community. I hope that the Planning Commission moves forward with a recommendation to accept our recommendations for how this money should be appropriated.

iii. Discussion and Motion

Commissioner Stolzenberg – I generally understand what each of the applications were for from the titles on page 52 and from the minutes of the CDBG committee. Specifically, I have

questions about the Office of Economic Development application that Go Deliveries/Self Odyssey. What is that? Why wasn't that in Economic Development category funding request?

Ms. Atak – The main focus of OED was to implement services within the Downtown Job Center and Home to Hope program. That would identify SS and provide intensive case management to justice involved women to address barriers that relate to COVID-19 Pandemic issues. These were issues concerning housing stabilization, peer support, and focused programming for low income women served throughout incarceration and release. The reason why it wasn't included into the Economic Development portion of the CDBG-CV award was because they were more focused on public service and housing rather than the more technical, financial planning, and business development aspect.

Commissioner Stolzenberg – For the CIC grants, they would be for entrepreneurs at 0 to 50% AMI. Is that correct?

Ms. Atak – That's correct.

Commissioner Stolzenberg – Is that a program that exists outside of this grant that we're funding and supplementing? Is this that program in its entirety?

Ms. Atak – They are adding COVID-19 aspects with the technical support to help business owners adapt to the new COVID-19 environment with the \$1000 grant portion. They do have a micro enterprising scholarship grant with the normal CDBG allocation that they have received for FY 2020 year.

Commissioner Stolzenberg – The grants are all \$1,000 each?

Ms. Atak – They are \$4,000. They are aiming to help 24 business owners.

Commissioner Stolzenberg – That's pretty low overhead. That's \$2,600 that won't be going to the business owners?

Stephen Davis, CIC – While we regularly do micro loans, we are currently helping to administer business grant programs. This is a special case related to COVID grants that are helping businesses impacted because of the pandemic and required shutdowns. It is a special one-time only. We have done things like it before. On this program, we endeavor to keep our overhead very low. As much of the money as possible can go directly to businesses. I believe it was that \$2,000 or \$3,000 was the administrative costs. Everything else is going to be funneled to help the businesses.

Commissioner Stolzenberg – For the Habitat application that was late, why did they submit even though it was late if late applications weren't going to be submitted?

Ms. Atak – They were about 15 minutes late. They claimed that they submitted the application. The new website sends a receipt for online submissions. I asked for that receipt,

and they didn't have it. I took their copy of the Word document for record. Per the program guidelines, we don't grade late applications.

Motion: Commissioner Green – I would like to move that we approve the recommendation as submitted by this Task Force to Council based on the fact that we have a committee that does all of this research with all of these applications. I move to recommend approval to Council as submitted. (Second by Commissioner Lahendro)

Motion passed 6-0.

Commissioner Heaton did have to leave the meeting due to another commitment

2. **ZM19-00004 – 909 Landonia Circle** – Landowner Long Street LLC, by its member Stockbridge OPCO LLC, has submitted an application seeking a rezoning for a lot, having an area of approximately 0.6790 acres, identified within City tax records as Tax Parcel Identification No. 490079000 (“Subject Property”) and having an address of 909 Landonia Circle. The Subject Property has approximately 378 feet of frontage on Landonia Circle. The rezoning application proposes to change the zoning district classification of the Subject Property from B-1 Business to B-2 Business subject to a proffered development condition (“Proffer”). The Proffer states the following shall not be permitted on the Subject Property: Amusement Center; Auditoriums, Theaters; Bowling Alleys; Clubs, Private; Dry Cleaning Establishments; Movie Theaters; Dance Hall / all night; Pharmacies >1,700 SF, GFA. The Comprehensive Land Use Map for this area calls for Low Density Residential Development. Information pertaining to this application may be viewed online at www.charlottesville.gov/agenda. Persons interested in this Rezoning may contact NDS Planner Joey Winter by e-mail (winterj@charlottesville.gov)

i. Staff Report

Joey Winter, City Planner - This item is a Rezoning petition for 909 Landonia Circle. An application for a Zoning Map Amendment has been submitted which proposes a zoning change from B-1 Business to B-2 Business. The General Land Use Plan calls for Low Density Residential development at this location, but the Subject Property is in a commercial zoning district and has been since 1991. The previous use of the Subject Property was also commercial in nature. The owner of the car wash adjacent to the Subject Property purchased this parcel in 2019 and intends to expand their car wash. Expansion of the car wash onto the Subject Property requires a zoning map amendment since car washes are not permitted in the B-1 district. The existing car wash currently lies on two parcels fronting the 250 Bypass and contains a self-serve car wash with vacuuming, an automated car wash, and a propane refilling kiosk. Those uses would remain unchanged at the proposed new car wash. There is no site plan proffered with this application, but the applicant did include a proffer statement to prohibit several of the more intense by-right uses in the B-2 district. The applicant has consistently indicated to staff that their intent is to develop this property as part of the expanded car wash should this rezoning be approved.

IN TERMS OF COMMUNITY ENGAGEMENT:

This application was received at the end of December, so all required community engagement was held prior to the pandemic. The applicant held a community meeting as required by City Code Section 34-41(c) (2) on February 13th at Burnley-Moran Elementary School. Two members of the public attended the meeting and were generally supportive of the applicant's plans for the property. Staff received no written feedback in favor of or opposed to this application.

STAFF RECOMMENDATION:

Staff recommends approval of this rezoning application. Neighbors have not raised any concerns about rezoning the Subject Property for the purpose of expanding the car wash; and an adequate transition exists between commercial use on this property and residential uses to the north and west- there is a significant change in elevation and a natural landscaping buffer which will remain in place. Furthermore, required improvements to pedestrian connectivity, specifically sidewalk improvements along Landonia Circle will benefit nearby residential areas. The proposed zoning change could also contribute to goals of the City's 2013 Comprehensive Plan related to Economic Sustainability.

IN CONCLUSION:

Please remember that the role of Planning Commission is to make an advisory recommendation to City Council on this proposed rezoning based on the factors listed in City Code Section 34-42(a).

Commissioner Stolzenberg – Is the current vegetative buffer in place in excess of the required amount? Do they need to keep a buffer in place? Is it possible they'll remove part of it?

Mr. Winter – There are requirements in the zoning code as to how much buffer needs to be there. You will see in the applicant's presentation that they do intend to keep landscaping there. There is no specific proffer to indicate as to how much landscaping will be there. We are also not at the site plan stage yet. There are other considerations that need to be taken into account before you promise to keep a specific look to the site until it's been fully engineered and determined to be actually feasible.

Commissioner Lahendro – In the report, staff states that neighbors did not raise any concerns about rezoning for the purpose of expanding the car wash. You just said it again now. Would the neighbors have a problem if it was a hotel or a convenience store or a laundry mat or a shopping center? They are all allowed under B-2 by right.

Mr. Winter – I cannot speak for all of the neighbors. I certainly don't speak for any of the neighbors. I was at the community meeting. The two ladies did not indicate that they were concerned about any of the B-2 uses. It is worth mentioning that it's not a proper rezoning for a specific car wash. We have all indications from the applicant that is what they intend to develop the site as.

Commissioner Lahendro – That is beside the point. Isn't it? It's a B-2 that they are asking for?

Mr. Winter – That’s correct.

ii. Applicant

Aaron Revere, Applicant – I appreciate your time and consideration this evening for the zoning amendment request to enable what has been the All American Car Wash to be expanded to the new brand of the Tiger Wash here located on Long Street. We are requesting to rezone parcel 49-79 from B-1 to B-2. That site was the former daycare facility and that site is adjacent to our existing carwash, where we have operated for more than 25 years. We have commercial uses on both sides along Long Street. We do have Burley-Moran Elementary School across the street. To the north, there is single family residential. Our intent is to clean up and consolidate the entire site and bring our operations up to modern standards, continuing to serve our long list of regular customers, both individuals and businesses alike, and maintain a well-balanced transition with our neighbors and the other uses within this corridor. We think that we can do that. Here are some site plans and some aerials that can contextualize some of this. Currently, the site houses 5 self-serve bay carwashes, one automated carwash tunnel, several free-standing vacuums, a propane refilling station, and air for tires. We intend to keep this same operational use, except we are going to go down to 4 self-serve bay washes and an improved and enclosed automated carwash tunnel. As you can see from the conceptual layout, the building square footage will stay pretty comparable to the overall site now. As you can see, we are going to repeat that zigzag feature. That’s where the self-serve carwashes are. The top end on the zigzag was the automated carwash. We take that square footage and the old daycare facility. It is repurposed into the more automated carwash tunnel. We are able to pull the carwash back away from the edge of Long Street creating a reinvestment in our local business, adding service to our customers, and working to improve the Long Street corridor aesthetic as well. We did hold a neighborhood meeting at Burley-Moran. They wanted to see us address several things. They wanted us to address the homeless that was beginning to frequent the old daycare facility. They wanted us to clean it up, to make sure we had thoughtful landscaping adjacent to the residential areas, improve pedestrian connectivity, make sure that in the site plan process that we work with the city to avoid light pollution, and they wanted us to not encourage automobile traffic through the neighborhood. We intend to address all of these items well within our plan. We will maintain our current access points down at the front of the site that we use today, to avoid changes in traffic patterns, and we will include in that a sidewalk, which is the yellow feature along the edge of the pavement of the existing Landonia Circle to enhance that pedestrian connectivity from the neighborhood down into this commercial area. We have to maintain that birthday sign out front as an institution and it means a lot to everybody. We will keep it as is. Given that the development is already a commercial site, the utilities are already there. Our new facility will focus on modernizing it, making it more efficient than the current and dated one. As we go through the site plan process, we will address storm water, lighting, parking, and all of the things required here. The site can and will adequately be able to address all of those things. Given our recent news regarding alternative energy, we are also considering some solar on the back roof there that can face south. We think it’s a great thing. We will create some jobs using these facilities. It’s about 5 full time and 7 part time jobs. We have noted several uses in the rezoning district, clearly not in keeping with the location. It was quick and easy to proffer those out and never use those. Our intent is if we are able to get your recommendation as well as Council’s

approval, we will go immediately into the site plan process. We have already worked on the design with Water Street Design Studio and Design Development. These are some before and after images for you based on these current site plans. Pulling back that self-serve carwash from the edge of the pavement is an immediate change in the area and it is a great improvement. We're going to soften the color palate. We're going to work suitable landscaping and sidewalks. It makes a nice difference. We are considering a bio-filter and landscaping down on the front. From the east view, you will see similar results. One of the things we have strove to and worked hard to do is not have a long building façade down the roadway, helping break up that design aesthetic and it helps provide views into our property. It gives a softer experience, as well improved circulation for our customers. Any and all of our uses can be queued on site. Coleman Street coming south and north intersects Landonia Circle at a T intersection. Behind that is the vegetation where our sites are. A lot of the tree cover there is not in the best health. We are going to be working on most of those trees there. We will be replanting it. A lot of it is covered in ivy. There is a lot of privet. That view is largely unchanged. We envision some sort of fence might be down there next to where the pedestrian path will be; not much of a visual change. Coleman Street comes in the backside and intersects with the sidewalk that runs down the north side of our site. As you hit that T intersection with Landonia Circle, there is some inconsistency with that pavement. That actually provides alternative areas for some softening up. Whether it's a white board fence or a split rail fence, we envision something there that would have a better design for the area.

Commissioner Stolzenberg – Tiger Fuel is a gas station company. Gas stations are allowed by right under B-2 and not in B-1. Why should we believe that you will not immediately turn around and build a gas station?

Mr. Revere – We have one right down the street just in the county. This is our carwash site. We have customers, who love this site. Our intent is to do a carwash here. We operate over a dozen carwashes in the region.

Commissioner Lahendro – It is a vast improvement that is being proposed. I have no doubts that Tiger Wash is wanting to develop the site. Things do change.

Commissioner Green – Those are my thoughts. It is a vast improvement. That's what I saw from the beginning. What I am concerned about are all of the things left in that matrix for a B-2.

Commissioner Palmer – No comment.

Commissioner Solla-Yates – No comment.

iii. **Public Hearing**

No Public Comments

iv. **Discussion and Motion**

Councilor Snook – What does Tiger Wash do about recycling water? How do you deal with water and water demand?

Mr. Revere – It is important to us as well. Most of these carwashes recycle about 56% of the water. We are also phosphate free. It's an improvement over the current facility that is there. It is a lot more efficient. It is more efficient than washing your car in your own driveway.

Councilor Snook – In the drought of 2002, when we were getting very close to running out of water. There was a big flap about whether we should even allow carwashes to continue. The issue became how to distinguish between carwashes based on their water consumption and recycling. I am glad to hear that you have some of those conditions already in place.

Mr. Revere – We're actually reducing a self-serve bay count down by one. All of the modern equipment will be more efficient. We don't expect a major change with we are currently experiencing at the current location.

Councilor Magill – What other environmental aspects are you looking at? What other green initiatives are you taking into account? It is a lot of pavement. There is a lot of runoff and a lot of storm water. Are you looking at permeable pavers or anything like that?

Mr. Revere – While the impervious surface is a little bit higher, we are trying to keep that the same. The site is already developed. Right now, they're not very well designed to help try and address onsite storm water. We have already tried to work with Water Street to help make sure we are thinking about that onsite. In terms of the chemicals we use, we try to operate well with phosphate free and other things. I mentioned solar as well. We do a number of things at our gas stations and our other places where we allow people to offset their trips. In terms of site specific, the main thing is that storm water.

Commissioner Green – As far as the transportation, those entrances won't change. Has engineering taken a look at that to see if anything will hinder the Landonia Circle?

Mr. Winter – There is no site plan application at this point. When the site plan comes in, then traffic engineering will fully look at this and all of the requirements under our code and figure out what makes sense. There have been no discussions at this point because there is no application.

Commissioner Green – You said that you were hoping to do a bio-filter on the front, but you're not sure. Do you have any preliminary engineering on that? Do you think that it is what is going to happen? Do you see any reason for that not to happen?

Mr. Revere – We don't see any reason not for it to happen. I am not sure that it is scaled to size. We are probably showing it oversized at this point to be conservative. That is the lower front corner of the site.

Commissioner Lahendro – Is this a 24 hour operation?

Mr. Revere – The self-serve carwashes today are open 24 hours a day. The tunnel is not. It is open 8 to 8. It is the same with the propane. We are going to keep it consistent with the current uses and not expand that at all.

Commissioner Lahendro – I see at the rear of the proposed development there is a drive up device. Does it talk to you to get your fee for going through the drive thru carwash?

Mr. Revere – I am not sure that the device always has to talk to you. Usually, it's a self-touch screen. I can double check on that in the settings that are going to be used.

Commissioner Lahendro – We do have contiguous residential properties right there in the back.

Commissioner Green – Wont those grades be drastically lower than the residents on top. I don't see the numbers on the plan. I see them to the side. What is that?

Commissioner Lahendro – It is a severe drop of 12 feet. That would help if it is actually developed that way.

Commissioner Green – Can't we condition the rezoning on the application plan?

Lisa Robertson, City Attorney – No. It's not a Special Use Permit.

Motion: Commissioner Solla-Yates - On the basis that the proposal would service public necessity, convenience, general welfare, and good zoning practice, I move to recommend approval of application ZM19-00004. (Motion seconded by Commissioner Stolzenberg)

Motion passed 3-2.

IV. COMMISSION'S ACTION ITEMS

Childcare Restrictions within the City of Charlottesville

The following article from the New York Times was posted in Zoom chatroom during the Pre-Meeting as a reference for discussing a zoning text amendment on childcare in Charlottesville. <https://www.nytimes.com/2020/07/10/nyregion/nyc-school-daycare-reopening.html>

Commissioner Solla-Yates – I posted in the chatroom a New York Times article from three days ago talking about the issues in New York City starting schools again but only partially. Here we are only talking about two days. The question being: Where do the kids go? Do people work and have kids sometimes? How does that work with employers? The University is expecting us to work and not watch children at all. There are many University employees in the city. The childcare operators are starting to open again, but at a reduced capacity. We are not as strong as we were before. We are substantially weaker than before. Before, it was a seven month wait. It's much worse now. It's a disaster. It is difficult as we have seen. It's difficult for applicants to get permission to start childcare. Most places don't allow it in the city, which is very simple. Most people don't do it. There are too many things to say 'no.' People hear 'no' and they think 'no.' I

am proposing, given the current emergency, we should allow childcare in the city where it is needed. The language of the proposal is as follows: **Motion - I move for a zoning text initiation to make both family day homes for up to twelve children and daycare facilities by right uses in all zoning districts and exempt them from the off street parking requirements, and I also ask staff to develop a standard drop off and pick up code to ensure safety, given this change.** There was some pushback when I discussed this from a former planning commissioner concerned about safety. I want for staff to work on this. This is an emergency.

The motion was seconded by Commissioner Stolzenberg

Commissioner Green – Aren't these allowed by right everywhere anyway as a home occupation permit for up to five kids?

Ms. Creasy – It is allowed in residential areas without going through many processes. Once you get above five children, you link into the state permitting requirements as well as different building code requirements.

Commissioner Green – I want us to be careful and think about this. We don't want everybody opening up a daycare. There are child predators out there we don't want opening up a daycare.

Commissioner Solla-Yates – Are we in a place to prevent child predators from opening daycares in the NDS?

Commissioner Green – I am saying that we need to be careful. It is allowed in all residential zoning districts for five kids. It is a by right use as a home occupation. I understand what you are trying to do. I am saying that I am not sure how many large daycares we can open when we are trying to social distance. I hope that people hearing this will want to open up their homes. It would be a great idea right now. Some of the things done in the county are relaxed restrictions on some of the permit requirements or home occupations. In the county they opened up the seating requirements on restaurants so there could be emergency orders. The county has something in place to set up or temporarily loosen up sign restrictions, so people can do the signs for longer periods of time for businesses. We could look at something like that as a quicker and easier fix to what you are trying to do. I am not sure what the requirements are for the permits. That would be much quicker than a zoning text amendment to change daycare centers.

Commissioner Solla-Yates – It makes sense as an 'and.' It doesn't make sense as an 'or.'

Commissioner Stolzenberg – Can we do both?

Commissioner Solla-Yates – I think that it is a good idea.

Commissioner Green – You are saying this as a thought. When people can't go to work, it's going to be "taking care of my kids or going to work." We need a quick fix, not a zoning text amendment. That's my concern with it. Zoning text amendments are not quick.

Commissioner Solla-Yates – Would this take years? How long are we talking about?

Ms. Robertson – Staff will need to investigate. The Planning Commission is not under the same 100 day rule as when Council refers something to it. You don't have that time period. The proposal has to be vetted by staff. Staff would need to make its own recommendations to you. At whatever point you might decide to go forward with a specific proposal, you would have a public hearing on it. It can go to City Council when it is ready. The amount of time will depend on how long it takes to fully vet a proposal. Keep in mind that when you do a significant zoning change with a public hearing electronically like this, it can be a little challenging to make sure word gets out to enough people to get comments on it. On July 20th, staff is taking some interim regulations to City Council for its consideration in terms of requirements for asking people to undertake certain steps for public engagement, while meetings are being done electronically. Staff can always consider complying with those steps in the context of this type of amendment.

Commissioner Green – If this is voted on tonight, what do you think the earliest date that you can get this back to the Planning Commission?.

Mr. Ikefuna – We have to look at the workload. Workload consideration is very critical. Things are moving on the regular schedule. It's going to be at least a few months for it come back to the Planning Commission.

Commissioner Green – It's not going to get to us until, I dare say September. I totally understand what you are saying (Commissioner Solla-Yates). If we have these locations where we can do five or more with social distancing, who knows how many people can happen with that. What kind of permitting requirements are there? How fast can the permits work their way through the system if people want to do this?

Mr. Ikefuna – If you have five kids or less, you can have a daycare in any location that is conducive for the kids. Looking at any hurdles that may get in the way of expedited approval in our current situation. If you have to go in the direction of more than five kids, then you are also looking at state requirements. You start looking at the space requirements. Once it exceeds five, those things come into play.

Commissioner Green – Then it comes to the state doing inspections. That is what I am asking. If I were to apply to have a home daycare for five kids or less, what do I need to provide the NDS staff and what do I need to do to make that happen rapidly? How fast does that happen?

Ms. Creasy – You will need to fill out the application for a home occupation and turn it in. It's a small fee. Mr. Fabio on the zoning staff reviews and turn that around very quickly.

Commissioner Green – How long does it take?

Mr. Ikefuna – It will take weeks, sometimes days. It depends on the number of applications ahead of that.

Commissioner Green – If this is something that you (Commissioner Solla-Yates) want to do, go for it. I think we need a more immediate stop-gap. Are NDS and Council willing put in an

emergency order into place to say that the daycare comes in as home occupation? Will that application go to the top of the pile? To get Dr. Richardson and Council on board, that is a priority project. If a daycare comes in, we put that at the top of the pile for first review.

Commissioner Lahendro – Why not even waive the fee to get the attention of the newspaper and get public attention to this?

Commissioner Green – Maybe this is a CIC looking at this and promoting this kind of thing for people to do something like this in their homes. Especially, people who are out of a job.

Chairman Mitchell – I like where we are going with this. I am not certain what our role is in this.

Ms. Robertson – There are layers of issues here. As with many other things, our ordinances are a little bit out of date. Under state law, up to a certain number of children cared for in someone's home, exclusive of that person's own children, is considered residential occupancy by single family. You are required to allow that anywhere for someone that cares for children in their own home. If you are allowed to live in a place as a single family, you're allowed to do this with up to four children under state law, exclusive of the children that belong to you. When you get to five children, you are subject to the state regulations. New provisions of state law do allow localities to authorize the zoning administrator to use an administrative process to issue zoning permits for those larger facilities that have five to twelve children. That still requires an action of an ordinance. If you want to go that route, it might be a little easier to authorize those homes to go through an administrative process to be approved. When you do that, you're still supposed to have standards developed to guide the zoning administrator in making those decisions. You're back to the same problem that you're discussing now, which is quite a bit of work for you to go into determining who gets approved and who doesn't from the zoning perspective.

Commissioner Green – You're saying four kids, not five kids or less?

Ms. Robertson – In 2015, Virginia code 15.2-2292 was amended to reduce the number from five to four.

Commissioner Green – Basically, all we need to do is get an emergency order through the legislation to change so that we can help?

Ms. Robertson – Not necessarily. One can take the position that under our current zoning ordinance, we never changed it. You can still have up to five. You need to be aware that when you're at five, the state now requires you to have a regulation where it didn't used to require that until you got to six. Under our local ordinance, anyone who wants to care for children in their home, can have up to five children anywhere that residential occupancy is allowed by right within the city. Someone, who wants to start care in their home at five, may or may not be able to get that home approved by the state agency that regulates them.

Commissioner Stolzenberg – We do have a couple of restrictions on that one to five category that looks they are not allowed by the state law. In UMD (University Medium Density and University High Density), they're not permitted at all. The state law would override if it is one to four, but for

the fifth. In terms of off street parking requirements, we require one space per non-resident employee plus space required for the dwelling for family day homes from one to five children. For one to four, the state law says there shouldn't be any conditions more restrictive than those imposed on residences. The off street parking requirement is not allowed for those if you consider that a condition for restriction. In the off street parking ordinance, there's no requirement for family day homes from six to twelve. There is a requirement for daycares, which are thirteen plus.

Ms. Robertson – You have laws that haven't been updated comprehensively and maintained in accordance with state law since 2003. You have problems. We definitely need to put this stuff in the basket of things that need to be updated when we're ready to go there. Commissioner Stolzenberg is correct that in the event of a conflict between state law requirements and our local ordinance, we need to allow compliance with the state law up to four people.

Commissioner Green – Basically, we're back to what I was talking about. We can do this up to four in homes without all of the regulations. With the fifth, the ordinance says that we can do. It's going to start a bunch of parking requirements.

Commissioner Stolzenberg – If we have permit forms or FAQ on how to get this started to switch those to be combined with state law rather than our long and over written local ordinances. I like the idea of doing administrative things quickly. We should do both because it might take 3 and 4 months to get a ZTA passed. We do need to do it anyway. Four months ago, it was easy to think that this pandemic was going to be a short time. At this point, it seems really clear that this is the indefinite future for us. Early next year, we may have a vaccine. There is a good chance we don't. We should plan for that contingency. This is critical for the pandemic. I think it's important to move forward. I also think it's important in general. I know Commissioner Solla-Yates and even my co-workers were complaining about daycare even before all of this.

Commissioner Green – I don't want staff working on this when there is much quicker result that we can get through for people, who can use it right now. It's great Commissioner Stolzenberg for months down the road. Some people are going to lose their jobs before 4 months or 3 months because school should be starting in August. The \$600 additional funding from the federal government for unemployment ends at the end of July. A lot of people are going to go back to work. We have a bigger problem and it's going to be August two weeks from now. It is not October when we can get it to Council. I would really like staff to look at what we can do administratively quickly and then step 2. I think it's a twostep process.

Chairman Mitchell – What would like to do with motion Commissioner Solla-Yates? Would you like to keep it as is or would you like to amend it based on the input from Commissioner Green?

Motion: Commissioner Solla-Yates - I move for a zoning text initiation to make both family day homes for up to twelve children and family day homes by right uses in all zoning districts and exempt them from the off street parking requirements, and I also ask staff to develop a standard drop off and pick up code to ensure safety, given this change and take all administrative measures to ensure childcare is provided as quickly as possible and waive the application fee for the one to four. (Motion seconded by Commissioner Stolzenberg)

Motion passed (4-0) with one abstention.

Commissioner Green – What are the restrictions on daycares and churches where most of the infrastructure is in place?

Commissioner Heaton – That’s why I am abstaining. Churches have a religious exemption even though many of them exceed the state and city requirements. We’re exempt from having to adhere to them.

Commissioner Green – How is that possible?

Commissioner Heaton – They are technically religious schools. They are schools as opposed to daycare.

Ms. Robertson – A few years ago, there was a court case that came out of Fredericksburg that dealt with the licensing and zoning issues relating to daycare and churches. I will need to review that. There are some special licensing provisions or exemptions that certainly apply at the state level for churches. I will need to review the zoning issues in that case.

Commissioner Green – If that hoop is something that we can tear down quickly, maybe that’s something we need to add to this.

Commissioner Heaton – Some churches have daycares and some have schools. Schools are different than daycares, even though they serve the same population.

Commissioner Green – I would like to know that Ms. Robertson. I thought our only exempted churches had the same exemptions as wineries and breweries.

Ms. Robertson – I don’t think I would use the word ‘exemption.’ What you always have to analyze is whether your regulations impose burdens on the churches that aren’t permissible. ‘Exemption’ may be the correct word relative to the state regulations that deal with either financing of the school or a daycare.

Commissioner Heaton – There is a lot of precedent where nearby churches open up after a school burns down or is hit by a tornado.

Commissioner Green – Maybe that is what I am saying as well. If there are hoops, we can put some kind of emergency order that expires.

Commissioner Heaton – The mayor or governor can stay the state of emergency. A lot of the things that we are talking about tonight will not be an issue. That hasn’t happened yet. We are doing the right thing.

Commissioner Green – There is a state of emergency.

Commissioner Stolzenberg – Is there anything related to daycare?

Ms. Robertson – No there is not. The governor could address that if he wanted to relative to the state regulations. From the city's perspective, we have to look at what the impact is on local zoning regulations and to what extent something is modifiable in the short term to facilitate something happening that will be helpful to people who need that additional childcare.

Commissioner Green - If you can find that, you can let us know. Our next step may be to reach out to Delegate Hudson. I know the legislature is doing an emergency session in August. They may need to bring this up and there may need to be an executive order from the governor.

Commissioner Heaton – The school board doesn't have their plan nailed down either.

Commissioner Green – They're only going two days a week. There are three days a week that somebody, who is working full time has to have childcare. I worry about the kids with no internet and nobody at home. It is something that I have been thinking about a lot.

Commissioner Heaton – I would concur, especially the most vulnerable kindergarten and pre-kindergarten home may not be the best place for them. Whatever the governor can do to expedite that so it doesn't become a zoning process.

Commissioner Green – Ms. Robertson, can you get us that to see where we are with that. We will know what to request from delegate Hudson.

Ms. Robertson – The state regulations?

Commissioner Green – What our regulations will be and what roadblocks we would endure in the city to be able to do something like this in institutions like churches.

Ms. Robertson – Sure.

Commissioner Green – Does that make sense? I feel like there is more urgent need than a zoning text amendment.

Chairman Mitchell – Let's wait until we get the feedback from Ms. Robertson before we go down that road.

Commissioner Stolzenberg – With the ZTA we just initiated, is it possible for staff to come back to us with the non-discretionary, obvious, or necessary things by state code that could be changed quickly without a full report of impact analysis because there is not a lot to debate and come back later in that 4 month timeframe with the items we actually would have to discuss and debate?

Ms. Robertson – Other than things that Council could do, I am comfortable in giving an opinion that if you're allowed to do something under the state law that you need to be allowed to do that regardless what the city ordinance says. The main thing that you all might want to consider in the longer term is whether you allow administrative approval by the zoning administrator of 5 to 12. When you do that, it's an equal amount of work. Instead of putting standards to guide that

discretion in your ordinance, you have to put together a set of standards that the zoning administrator has to do to make a decision. That would include everything, such as parking. You have to lay that out in a policy and procedure document for the administrator to apply.

Commissioner Green – There would be hoops to jump through for the state regulations for 5 to 12?

Ms. Robertson – That's correct.

Commissioner Green – Would that be something we would be able to waive or have a conversation about?

Ms. Robertson – That's right. It's not something I would encourage you to ask after the next two weeks. It's going to require more work and thought than that.

Commissioner Green – The vice-mayor has asked how much the application fee is for the home occupation for 1 to 4 children.

Ms. Creasy – It is \$100.

Commissioner Stolzenberg – One thing I noticed in the state ordinance is that for the 5 to 12 family day home. Regardless of the regulations for administrative approval, there is a requirement to give notice to neighboring property owners. They can object. It seems to me that you could implement fairly lenient regulations because this objection mechanism is there. You can make them fairly lenient and then consider objections brought up by neighbors if they happen. If you have an application where they have spoken to the neighbors and the neighbors approve. There is really no need for all of this process.

Ms. Robertson – That could be looked at. I would suggest that ordinarily I wouldn't recommend putting the zoning administrator in the position of resolving objections involving neighboring property owners. What you want to do is approve the ones that nobody objects to and send anything else to some other level of administration. Maybe the Planning Commission could be the administrator for ones that have objections. It's going to take some thought to figure out all of the details for the long term solution. We can get some things moving in terms of information and administrative details like the waiving of the fee in the short term.

Commissioner Solla-Yates moved to adjourn. The meeting was adjourned at 7:38 PM.