

**PLANNING COMMISSION REGULAR MEETING**  
**February 10, 2026 – 5:30 P.M.**  
**Hybrid Meeting**

**I. COMMISSION CLOSED SESSION (Agenda discussion(s))**

***Beginning:*** 5:00 PM

***Location:*** NDS Conference Room

**Members Present:** Commissioner Carp, Commissioner Harness, Chairman Schwarz, Commissioner Solla-Yates, Commissioner Mitchell, Commissioner Yoder

**Staff Present:** Patrick Cory, Missy Creasy, Dannan O’Connell, Matt Alfele, Remy Trail

**II. COMMISSION REGULAR MEETING – Meeting called to order by Chairman Schwarz at 5:31 PM.**

***Beginning:*** 5:30 PM

***Location:*** City Hall Chambers

**A. COMMISSIONERS’ REPORTS**

**Commissioner Carp** – I went to the BPAC meeting last week. I think BPAC is advisory to the Planning Commissioner or believe they are advisory to the Planning Commission. There is now a publicly available city portal on the paving schedule. If you want to know when we will have a road resurfaced or repaved, that information is available. We don’t think it is complete or fully correct, but it is there. Follow up questions are going to Public Works. There are some omissions there like Rose Hill and Main Street that we will investigate. It is a place to start. There is hope and uncertainty about bike and pedestrian improvements to follow along with utility work on Main Street, Cherry, and Elliott, a topic that needs to be followed up here and elsewhere. There is also hope, uncertainty, and questions about the future of the city’s quick build program. Last year, the Planning Commission discussed more money for quick builds in the CIP. Within BPAC, there is not much clarity on how that program will continue in the medium and long term.

**Commissioner Mitchell** – No Report

**Commissioner Solla-Yates** – I have two updates. One is from the school’s capital improvement meeting today. The other update is a legislative update. We talked about the zoning update on field lighting. That is not time sensitive. It is good to fix. Oak Lawn Pre-k is currently in legal limbo. We may see a year or more of unplanned delay. Our legal team is working hard on this with the University. Solar on school roofs appears to be on track, especially for the high school and middle school. We have power purchasing agreements lined up for both. With the smaller schools, we are still figuring out a way forward. The facilities plan is on track for around June. That is related to HB334, sales tax for schools. It passed the House and now moves to the Senate Finance Committee. It would need to pass a local referendum here. It would generate \$15 million a year in needed school revenue that could be used for meaningful improvements, especially at Charlottesville High School. I see that Kim Powell, the city school’s Chief Operations Officer, is attending this meeting and will be attending future meetings to better coordinate between our two bodies. With the legislative subcommittee, HB1279-Faith and Housing has passed the house with a 1-year delay with LI HTC processes. That is an additional year. We are talking about two-year delay. That goes to the Senate Local Government Committee. HB282-Real Property Tax for Charlottesville, Falls Church, Fredericksburg, and Newport News from Delegate Callison has passed the House. It moves to the Senate Finance Committee. That does not include the County if we want to fund

regional transit. That would have to go another year. HB888-Zoning Minimum Off-Street Parking requirements has passed the House. That goes to the Senate Local Government Committee. It is like what we have done here. SB454-Housing Near Jobs has passed the House and Senate.

**Commissioner Harness** – I attended the CAAR Foundation meeting today, which is the local association of realtors. They held a lunch-and-learn for realtors. They hosted former Commissioner Rory Stolzenberg and development & land use attorney Nicole Scro to talk about the city’s zoning code. There was a good discussion about how this impacts realtors and how they can think about it when working with landowners and property owners in the city. There was a good discussion between the presenters and the crowd. I was there to listen to and hear what people’s concerns were.

**Commissioner Roettger** – No Report – Not Present

**Commissioner Yoder** – I had my first meeting with MPO Tech last week. Since I am new to that committee, I will give some background on that committee. The Metropolitan Planning Organization (MPO) is the federally designated body that coordinates primarily transportation planning for the region. It has a staff. There is a policy committee made up of elected representatives of Albemarle County, City of Charlottesville, etc. There is a tech committee, the technical committee, which is what a member from the Planning Commission serves on. The technical committee votes on things to recommend to the policy committee, which adopts them. Like the Planning Commission, the real power is one level above, but we recommend things to the people with the power. We heard a couple updates from the MPO and VDOT. It is the transportation bodies that attend. The Department of Rail and Public Transportation, VDOT, FHWA, Federal Highway Administration, and Federal Transit Administration attend. A lot of the conversation was on smart scale, which is the state’s performance-based process for allocating funding to transportation projects. Most of these projects start out as a study, which then results in a smart scale application. The city, county, and the MPO are allowed to submit a certain number of smart scale applications. There is a formula that the state uses to basically rank these applications and decide what is funded. The current formula weighs congestion, mitigation, and roadway capacity heavily. It is difficult to win funding for smart scale projects if you are building a bike trail, unless you can show that you are increasing roadway capacity somehow. The city’s goals, county goals, and MPO goals are to manage highway capacity while shifting trips to other modes like transit, biking, and walking. A lot of what they are focused on in these smart scale applications is finding a project that scores well with smart scale so it will be funded. It means that it has roadway capacity but also has multimodal elements like a path or something like that or a transit improvement. The Ridge, McIntire, and West Main intersection is currently a study that VDOT is leading on behalf of the city, which will likely result in a smart scale application and make its way through this process. The tech committee and policy board are going to vote on advancing certain projects to the smart scale application phase. The city is probably going to recommend Ridge, McIntire, and West Main. We had a public meeting for that a couple weeks ago. Albemarle County has four. There are five under consideration for the MPO, which is Rt. 29 and Barracks Road. That has some kind of sidewalk trail improvements there near the off ramps. There is I-64 and 5<sup>th</sup> Street diverging diamond interchange, which may or may not have multimodal improvements. The status is that VDOT does not think that they can have a path crossing over the existing bridge there. There is I-64 and Rt. 29 which is more of a highway safety and capacity project. There are two on the bypass at Rt. 29 & Rt. 250 offramp extension and onramp extension at Old Ivy Road, which is a sheer capacity project. It has no multimodal benefits. The plan for next month is for the tech committee and policy board to vote on what should be recommended. The MPO is going to resubmit a build grant application for the Rivanna River Bike-Ped Bridge, which is a federal grant program. They have submitted it multiple times in the past. It has not been approved. The feds have said, ‘We think you should resubmit this.’ ‘It is a great project.’ They are going to do it again. The MPO is updating its travel demand model. The future year of planning is for 2050. Their modeling consultant presented the demographic estimates for 2050 for approval. They are projecting that the city’s population will grow by 13 percent to 57,000 by 2050. This is based on Weldon Cooper projections. However, this is the lowest population growth of any of the jurisdictions in the region.

Albemarle County and all the other counties are experiencing much higher rates of growth. They presented the unified planning work program, which is essentially the MPO's budget. It is 80 percent funded by the federal government. 20 percent is funded by local government.

## **B. UNIVERSITY REPORT**

**Commissioner Joy** – No Report – Not Present

## **C. CHAIR'S REPORT**

**Chairman Schwarz** – I went to the BAR meeting last month. We did not have any agenda items. We reviewed our bylaws and what constitutes a major and minor historic review and the various levels of minor reviews. We do have a landscape architect vacancy. When the zoning code was redone, certain things were moved out of the ordinance into the Procedures Manual and vice versa. One of those items is that the BAR only has 30 days to review a historic conservation district application. I had thought that was in our ordinance. It is in the Procedures Manual. This was done by Council when they created the Woolen Mills Historic District. The idea was that it would make things move along faster for homeowners. The unintended consequence is that if the BAR for some reason cannot form a quorum, items that are part of a historic conservation district review are automatically approved. We did have that happen last year when an item was automatically approved. This seems like something that would be good to fix.

## **D. DEPARTMENT OF NDS**

**Dannan O'Connell, City Planner** – The ADU Manual and the student housing study that you were presented with at the last meeting in January has been published. The city is seeking feedback on it. It is published on Connect Charlottesville, which is the city's new public engagement website. That is [connect.charlottesville.gov](http://connect.charlottesville.gov). That is available for feedback through February 28<sup>th</sup>. The City Council will hold a work session on the tax abatement study, which was also presented to you in January. That work session will be next Tuesday, February 17<sup>th</sup>.

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

No Public Comments

## **F. CONSENT AGENDA**

### **III. PLANNING COMMISSION PUBLIC HEARING ITEMS**

*Beginning:* 6:00 PM

*Format:* (i) Staff Report (ii) Public Hearing (iii) Commission Discussion & Motion

### **IV. PLANNING COMMISSION ACTION ITEMS**

*Beginning:* Following any public hearings

### **V. PLANNING COMMISSION WORK SESSION**

## **REGULAR MEETINGS DATES, WORK SESSION DATES, AND TOPICS**

**Matt Alfele, Development Manager** – You are going to start with reviewing the dates that was included in your packet. The Planning Commission regular dates and work sessions were also included. As noted, this is a draft. Since it is draft, there have been some changes that I would like to read into the record. Under work

sessions, for March 24<sup>th</sup>, you will have the Homestay/Short Term Rental work session. At your regular April 14<sup>th</sup> meeting, there will be the housing, student housing in lieu of fee and ADU Manual work session. That will be a combined regular meeting and work session. There is no item listed for April 28<sup>th</sup>. For your regular meeting on May 12<sup>th</sup>, there will be a presentation on the Downtown Mall Action Plan. At the May 26<sup>th</sup> work session, that will be your citywide mobility plan scope. There are currently no items at the June regular meeting. June 23<sup>rd</sup> is a tentative BAR Guidelines work session or sometime in the 3<sup>rd</sup> quarter. For the 2<sup>nd</sup> quarter, but no date has been set, is a work session for the NDS 2026/2027 Department work plan that the Director puts together each year. She would like to bring that forward sometime in the 2<sup>nd</sup> quarter. There are no items in your 3<sup>rd</sup> quarter work sessions. For the 4<sup>th</sup> quarter, your October 27<sup>th</sup> meeting is open. You will have on November 24<sup>th</sup> your CIP work session. Typically, the December 22<sup>nd</sup> work session is cancelled. Those are the general layouts. This is an opportunity to ‘digest’ that. If there are any specific things you are looking at specifically, this would be a good time to have that conversation.

**Commissioner Mitchell** – With the June 23<sup>rd</sup> meeting with the BAR Guidelines, what are we trying to get done in that meeting?

**Mr. Alfele** – The Preservation Planner has been wanting to re-evaluate the BAR’s Guidelines. This would be an opportunity to bring those thoughts forward to the Planning Commission.

**Commissioner Mitchell** – Do you have any idea what is broken and what we need to fix?

**Chairman Schwarz** – The Guidelines are going to be reviewed for some updates. It has not yet been fully defined.

**Commissioner Mitchell** – What is our role? What is the Planning Commission’s role in updating the BAR Guidelines?

**Chairman Schwarz** – I don’t exactly know what our role would be for this work session. I will confirm with Mr. Werner what he is thinking and make sure that this is a productive work session. I asked him about June 23<sup>rd</sup>. Right now, it is just a date to make sure that there is a placeholder.

**Commissioner Yoder** – Didn’t the CIP this year include money for a BAR Guidelines update? Is there a consultant study or something happening?

**Chairman Schwarz** – Step one and what we have been working on is making sure the scope is defined. Then hire a consultant to do that. We had some discussion on that. It is an item that needs to be pushed forward. That might be part of why this is on our work session list.

We will try and coordinate with the County and hopefully use one of these work sessions for a city/county cooperative meeting.

**Commissioner Harness** – The May 26<sup>th</sup> meeting says the Citywide Mobility Plan Scope. Is that to define the scope at that meeting? Are you taking suggestions from scope prior to that?

**Mr. Alfele** – I am not sure. I don’t have much information on this. We can get you that information prior to this meeting. When we sent the request out, it was more just ‘are there certain meetings you’re wanting to come forward to Planning Commission for a work session.’ They are not providing much detail other than trying to find some holding dates.

**Commissioner Harness** – If it is part of the mobility plan, I don't know that it needs to be a separate plan. I would like to see a discussion on transit and CAT and what the status of those are. There is some vision planning that has been done in the past and looking for updates on that front. I would like to have a discussion on the neighborhood commercial ideas. I believe that is a big part of the Comprehensive Plan that is not totally defined within the Development Code. I would like to have a discussion there. Based on some comments from previous work sessions that I have been paying attention to, there have been some suggestions about having larger discussions about stormwater and critical slope and how those might play a part or play together or separately.

**Mr. Alfele** – That last one could maybe be an update that NDS could provide as far as with the environmental study where that is in the process. That is because that is one of the larger NDS work plan items that is ongoing.

**Commissioner Harness** – If there are other places for those suggestions to go, that makes sense.

**Commissioner Carp** – It is not yet known. It sounds like what the scope of the mobility plan work session will be. Unless this is going to be covered there, there was a joint Planning Commission/Council work session in 2022 about ongoing transportation projects. It has been some time. I would like to have another one of those if possible. My experience in trying to track a given project or projects is really challenging, even putting a lot of time into it to figure out what is on track, what is not on track, and what is being built each year. If it is not too redundant with other things already planned, I would like to have a work session much like the one in 2022 about ongoing transportation projects if we have time.

**Mr. Alfele** – Going with transportation, you could have our transportation planner and representatives from PWE give an update on funded and currently bid out projects.

**Commissioner Carp** – I would like to have representation from multiple departments at such a work session. I have been finding that the different departments are not always well coordinated. One thing I want to try to accomplish is to make sure that the plans from NDS, Public Works, Utilities, and anybody else that I am forgetting about are lining up. The experience at BPAC is that we can ask NDS staff about a project. Often the answer is that is a question for Utilities or Public Works. If you ask them, they might say a different thing. I would like a joint high-level overview of what is happening across those departments if possible.

**Mr. Alfele** – That is fair. It would maybe be a good opportunity to have Ben Chambers speak. That position is fairly new. It is integrated into both NDS and Public Works for that to make sure there is coordination and understanding across departments. A work session is a good idea. I would maybe want to frame it more through Ben to make sure we are getting the correct people in the room

**Commissioner Carp** – I would love to have Ben be the point of contact. It would not be a useful work session if half of our questions were answered by 'I will check with another department.'

**Mr. Alfele** – Prior to a work session, having a presentation from Mr. Chambers so that maybe a work session could be tailored.

**Commissioner Solla-Yates** – Transit with CAT is a huge priority to get a lot of our housing and parking stuff done. We need functional transit. We just are not there. I am not clear on why that is or how we get there. That is crucial. This is something that we had in the legislative packet. I have spoken with Public Works staff about it. They are supportive of the idea. I have also talked with school staff about school streets. The idea is that some streets really matter to the function of our school system. Some streets are not as essential. It comes to mind with the ice. In some areas, when it is icy, the kids cannot get to school. We could map those, manage those, fund those, and get that done. This is one of those things. If Charlottesville does not do it, nobody is

going to do it. With The World Heritage Trail, the idea is a safe, educational trail between the University of Virginia and Monticello. We could bring in Piedmont Virginia Community College in there. We could bring in the middle school. There is the Downtown Mall and Jefferson School. There are a lot of potential ways to make it work so that it is safe, educational, multimodal, and of global interest. It could potentially draw national or state funding. A lot of people are excited about it. We should talk about it. With Corner safety and accessibility improvements, there is tremendous pedestrian use; limited bicycle use because of safety issues and not functional as a transportation corridor for transit or private vehicles because it is so congested during rush hour. We could talk about that. I met with the head archaeologist of Alexandria. The entire city of Alexandria is an archaeology zone as defined by state code, which creates some problems. We have some archaeological areas in the city. I am thinking of Swans Tavern, Stone Tavern, and cemeteries. I know that city staff have been interested in this topic.

**Chairman Schwarz** – Jeff Werner has been good about anytime that there is a demolition downtown or in any sensitive area, making sure there is an archaeology component to that.

**Commissioner Yoder** – If we are approaching one of these work sessions and our regular session, there is nothing on the agenda, do you think there might be opportunity to pull some of those work sessions up and use our main meeting date for the work session, so we have fewer meetings in the year?

**Mr. Alfele** – In theory, yes. Because just how the state has changed some of its authority, we anticipate the Planning Commission having less regular meetings to handle the things we used to handle in the past. It would need to be thought out because of the preparation and the timing. Like tonight, we can use regular dates for work sessions. You run the risk of an influx of applications. It can be. We just need to be flexible.

#### **UPDATE ON DEVELOPMENT CODE AMENDMENTS & PRIORITIZING TIER 3 AMENDMENTS**

**Mr. Alfele** – I want to give an update on the 2025 development code amendments (tier 1 and tier 2). You held your public hearing last month. That will be going to City Council next Tuesday. Staff have prepared the material to go into effect at the end of March. That allows time for other actions that are going on related to the anticipated code amendments that are connected to development review. We need time to make sure that it coordinates with our workflows and changes we are making to the Development Manual. Hopefully, this will be the conclusion of the 2025 cycle. We are starting the 2026 cycle. In your packet is a draft 2026 sheet. This will be an opportunity, not only to go over and prioritize the tier 3 items, so that the Director of NDS has a better idea of what is a priority to the Planning Commission, as she puts together the 2026-2027 Department Work Plan. This is an opportunity to give some feedback on what we went through, and what you would like to see. In the memo, it talks about maybe having a subcommittee of 1 or 2 commissioners that is championing the 2026 amendments. We would like to get feedback on that as we scope out the 2026 amendments. The idea is similar. We are going to have tier 1, tier 2, and tier 3. We are always collecting data and this information. We would be moving through another batch of tier 1 and tier 2s; hopefully not as many tier 1s and keeping the tier 2s more focused. This will give you an opportunity to help us shape that and go into your tier 3s and provide some prioritization.

**Chairman Schwarz** – We are going to go quickly item by item. I have a question about the 2025 code amendments. How is that being advertised to developers and the community that there is a new code to download?

**Mr. Alfele** – An email will be going out tomorrow keeping stakeholders involved that it is going to another public hearing. We will be using that time between the public hearing and when it is enacted to do some education. We will be ratcheting up the education portion of this. We have been doing that at our pre-application meetings, letting the developers know about the changes, here are the general changes that are going on based on the development code amendments and our process. It is an ongoing education process.

**Chairman Schwarz** – We have tier 1. A1 is going to be adopted next year.

**Mr. Alfele** – That is correct. It was not something that was pressing. It is something we hope that we can fix.

**Chairman Schwarz** – B1 is talking about sight distance triangles on the 2026 list. Any questions or comments?

**Commissioner Mitchell** – Are we going item by item, page by page? What page are we starting on?

**Chairman Schwarz** – We are starting on pg. 23. Make sure you are looking at the 2026 table, which is in the 2<sup>nd</sup> half of the packet. With B1, I am fine with staff doing what they are doing.

B2 was B10 on the list. It is graphics. It sounds like that is going to be fixed.

I don't believe B15 from 2025 was resolved. That is not listed in this list anymore. That had to do with how height bonuses are achieved for the RC district. We had a B15 item. That wasn't part of it. That was supposed to be part of it. I think we ended up resolving something else in the process. In the RC district, there is a height bonus that is allowed. It is based on the rules that go with all the other districts and not based on RB and RA. If you have more than one unit, you are allowed a height bonus. I don't know if that was forgotten or if we did resolve it someplace.

**Mr. Alfele** – We did have a B15 that went through.

**Chairman Schwarz** – I think we did resolve something to do with the height bonuses there. I don't think we resolved the fact that with the RC district it does not define how you get that bonus.

**Mr. Alfele** – We added under proposed language for Section 344.2.2.c.3. We added a new 3.D, which says 'projects in the residential district.' It did not call out each district, just R. It covered the RC or residential neighborhood core are in district.

**Chairman Schwarz** – B3 was B20 on the list-linking requirements.

B21 was another one that I don't think we fully resolved it. You have a sentence there that calls for a fence type X. I think that was a typo. I don't know if we picked that up or not. We had a whole bunch of changes that we made to the fences and how we define fences. Under accessory uses for outdoor storage, there is a requirement for a fence type X. I think that was supposed to be included as far as the fence updates. It was not included in that.

**Mr. Alfele** – I see it in the 2025 list crossed out. I am trying to figure out why.

**Chairman Schwarz** – I think that is an easy fix.

**Mr. Alfele** – If we did not catch it, we will catch it for tier 1.

**Chairman Schwarz** – B4 was B22-finish grade. Do you think that you are going to be able to include that in 2026. It sounds like that one needs some thinking. It had to do with how finished grade is defined.

**Mr. Alfele** – There is a graphic that does not line up with the actual language. We are not sure. We have not investigated enough to know if it is an easy fix.

**Commissioner Yoder** – This means B4 is on the 2026 tier 2 list of things to work on.

**Mr. Alfele** – We will use B4 as an example. On the 2025 list, it appeared as B22. I wanted to keep the numbers. When we are doing the history, we will be able to connect it.

**Commissioner Yoder** – We received some comments via email after that one session where builders and developers gave feedback on finished grade. I don't know if this is just a graphics fix. I remember hearing from a couple architects about some difficulties around where do you define the finished grade. Is this a graphics fix? Is this a bigger question about how we define the grade.

**Mr. Alfele** – That is why it was basically labeled as it is. We need to do more study. It was brought up as an issue. We have not flushed out the exact issue. We know there is a graphics issue where the graphic talks about finish floor elevation. The actual code language says finish grade. There is a disconnect. We know that is a disconnect. We have not studied to see if there are other issues going on with this.

**Commissioner Harness** – I believe that there were comments at that meeting or a different meeting. The code does not really match the topography of the city. We have rolling neighborhoods like Belmont or other areas of the town that have some rolling topography and how the code does not match with that. Is that a part of this discussion or is that a separate one?

**Chairman Schwarz** – I think that is more of a broader discussion. If you have a steep site, it forces you to break a project down into multiple pieces. I feel that is leading more into a philosophical question. Is that what we want? It is fair game for this. I assume that it is going to be tier 3.

**Commissioner Yoder** – Is that philosophical question on the list somewhere?

**Chairman Schwarz** – It is on the list of development questions. I don't think it is in the tier 3 list that we currently have. If we want to add that, that would be something. We can talk about whether we want that in tier 3 or not.

My thought on the finish grade is that I don't know how much of a problem that is for you. As you are reviewing these projects you would know if it was holding things up or not.

B5 was B23. I guess this is language for the special exception process. It sounds like you are on top of that.

**Commissioner Solla-Yates** – Broadly, critical slopes is older than current state code. It was terribly innovative. A bit of it is duplicative with state code now, which does exist. It is great. With the rest of it, we have standard language that we apply to every project. In terms of process, since we always say the same thing, we are not adding any value. We copy and paste every time. Could we move this standard process to a non-discretionary administrative process where the same thing we say every time is applied without a public hearing. Let the staff do their job.

**Chairman Schwarz** – I would agree if there were more things that we could make administrative. I think that would be better. If staff have time, I would like to see what they think would be appropriate items to move to full administrative review versus special exception.

**Commissioner Carp** – Isn't there an item in tier 3 about making some special exceptions less exceptional? Is that related? Are they distinct?

**Chairman Schwarz** – I think that is somewhat related. That makes sense to look at.

B6 was B37. Allowing more things to go to building permit review. Do we have thoughts on that? Do we let staff do what they think is best?

**Commissioner Harness** – In the comments, staff says that they are looking at 2 options: keeping the current policy, which is allowing 1 and 2 units to go straight there versus allowing anything in the R district to go there. Do we want to opine a preference for their 2 options?

**Chairman Schwarz** – It has to do with how staff reviews things.

**Mr. Alfele** – Here is some background on this. Staff wanted to be as ambitious as possible. When you look at zoning compliance, zoning compliance can happen. Under the code changes that we hope go in effect at the end of March, it would be codifying the 1- and 2-family, which is our current policy going straight to building permit. There is a zoning compliance that happens at the building code. On the zoning compliance side, we could do that at different levels. It does not need to be its own process. There are communities around the country. Do they allow more things to go straight to building permit and they do their zoning compliance as part of the building permit review? We would like to get there. We don't think that we are there as an organization yet to make that work. It is something we are going to keep trying to work on to break down barriers. Some of the problems we are running into is that anything more than 2 units is commercial from a building code standpoint. That creates some challenges on the staffing side and doing it at the building permit side. That would be the goal. How could we get more things through the process faster that are creating more housing units in the city? We don't think we are at the place yet where we could say all our districts. That is why we scaled back. It is still a conversation we want to keep having.

**Chairman Schwarz** – Whatever thing happens, the same stuff will be reviewed. It is not like we are having a lighter review for the R districts. It is just a different, faster process.

**Mr. Alfele** – That is correct. Instead of going through a development review process, then a building permit process, we roll in the zoning compliance with the building review.

**Commissioner Harness** – The distinction between a minor and a major development review is also at the 2- to 3-unit barrier?

**Mr. Alfele** – With the code amendments that are going forward next week, one of them is to go to a strict development plan, which is just a zoning compliance. People will get value out of larger developments where you are trying to get a plan vested for a large development. You can go to a bank and say, the city can't change the zoning on me while I am exploring making sure this is constructible' and doing major and minor site plans. Minor site plans would be additions or anything that does not require a VSMP plan. It would go through the process quicker and be cheaper. The review times have not changed yet. That is going to be one of our next steps in our process as we evaluate this. It would be cheaper than doing a final site plan.

**Commissioner Harness** – It sounds like staff is working on several fronts on trying to get this faster.

**Chairman Schwarz** – B7 was B39. It is how Individually Protected Properties are represented. This sounds like housekeeping.

B8 was B41. It is required bicycle parking. Whether we require too many bike spots for hotels or not. I don't feel like I know enough.

**Commissioner Harness** – This is also a tier 3 discussion. It is not specifically to hotels. It is generally bicycle parking above 4 units.

**Commissioner Carp** – I think they are distinct. This is about hotels, and the other is about exceptions for smaller residential developments. Is staff considering those items together or separately?

**Mr. Alfele** – There is how you calculate what you need is just residential-commercial. Hotels are considered commercial. There is no nuance. The other question on tier 3 is we exempt requiring bike parking for any residential development less than 4 units. Is that something we want to continue doing? It is 2 distinct questions.

**Commissioner Harness** – It makes sense to me how many people are riding bicycles to hotels.

**Chairman Schwarz** – We are saying to staff to move ahead with figuring this out.

B9 is the new one on food trucks. Do we have thoughts or concerns? Does our code say that only one food truck is permitted per lot?

**Mr. Alfele** – Yes. It is a temporary use. This is more about food courts. How the ordinance is written right now, it is about ‘I am going to park on a street or sell out of a truck.’ Not what we have basically at High Street and the bypass where there is continuous parking there. Do we as a city need to explore that? Do we need to explore a different model than currently what is in our code? In our code, it is a temporary use. You are supposed to be leaving in the evening. It is one food truck per lot. It is a use that we are not capturing. Are we fine with our current code? Is it something we should explore where this type of use is different than what is currently in our code?

**Chairman Schwarz** – If my neighborhood had a block party on private property, we could only have one food truck on that property? Is that what this is saying?

**Mr. Alfele** – That is what our current code says. It says that you get one permit per truck per lot.

**Commissioner Harness** – Could you not permit the entire food truck lot and have various number of food trucks in that one lot that is permitted? It must be one permit per truck.

**Mr. Alfele** – That is how it is written now because it is a temporary use. It is how the temporary use section is set up. It is not necessarily calling out per truck. When you go to the temporary uses, it talks about temporary uses are per lot per the one use. It gets complicated. Our temporary use for food trucks is one permit per one truck per one lot.

**Commissioner Mitchell** – This means that we cannot have a food truck court.

**Mr. Alfele** – No, that is not permitted.

**Chairman Schwarz** – Or just a private event or wedding where somebody wants to have food trucks.

**Commissioner Harness** – The comment here has the idea of breaking into an alternative form. This feels like an alternative form to a specific use. I would prefer to avoid that designation. Is that how I am reading this?

**Mr. Alfele** – This is very new. Staff have not done a lot. They were trying to capture it and trying to capture how it could be resolved. Feedback from the Planning Commission can be an issue. We like how our code is. Staff have come across this several times. An applicant has come forward and wanted to do a food court.

**Commissioner Mitchell** – A practical example would be a court at the base of High Street and Long Street. Would that be a violation based on our code today?

**Mr. Alfele** – That is correct.

**Commissioner Harness** – Food truck courts are to me are amazing temporary uses of vacant lands to try to revitalize or bring some community into areas that have a little bit of vacant land. I would hate to restrict it to one truck.

**Chairman Schwarz** – Is there anybody here who agrees with the current restriction? That is some direction.

**Commissioner Solla-Yates** – I am most familiar with the example at the University where there is an area where you can go. There are a lot of food trucks there. It is very popular. Could this be an option on public property? I am thinking of parks.

**Mr. Alfele** – It could be an option. What we are getting at is staff resources to dig into it to solve it. Is this a high enough priority? We can come to a solution. I don’t know how much time and energy it would take.

**Commissioner Solla-Yates** – Has Economic Development weighed in on this? This sounds like their kind of thing.

**Mr. Alfele** – They would like to see them. Economic Development is part of our pre-application meetings. They were there when this one came up. Someone had an idea, and we had to say that it is not permitted in the code.

**Commissioner Mitchell** – I think this is worthy of a ‘deep dive.’

**Chairman Schwarz** – With outdoor amenity space, it is currently just a flat percentage. It does not consider the quality of the space. This sounds important but not a priority to me.

**Commissioner Harness** – Are we getting a lot of outdoor amenity space that is just blank space?

**Mr. Alfele** – What we are getting a lot of is this grass area right here. I am counting it towards my amenity space.

**Chairman Schwarz** – I think the outdoor amenity space is a weird requirement. We have public parks. To require someone to have a little playground that probably won’t be used on their property is silly.

**Mr. Alfele** – What we are getting under the code right now is you are required to have a percentage. I will not say it is an afterthought. Developers are looking for what space they are not using and carving that out and calling this shape their outdoor amenity space. Would we get amenity space if we were able to tier them? If you were providing an amenity space at X level, you only need to do 2 percent. If it is at a less level, you are providing more because it is not necessarily active. That was the thought behind it.

**Chairman Schwarz** – It is a nice idea. We have other things.

**Mr. Alfele** – This is a living document. We did add one more. That is why it is not in the packet. I can read it to you. You will see it in future things. Under our current code, you can be on a private street or a public street. Under our old code, all our private streets were connected to townhome developments. We did not get a lot of private streets. Under this new code, you can have private streets. Nothing in the code though speaks to a private street being a dedicated parcel. It could technically be a dedicated easement over a private parcel, which creates a lot of issues. We have not run into it. This is one we are trying to get in front of. We have not seen it yet. We could see issues. In some areas, it speaks to property lines. In other areas, it speaks to edge of a road/street. That road is a private street within an easement on a piece of property, it creates a lot of frontage, build-to issues. Staff are suggesting some language in the definition of street being either a public right-of-way or a private dedicated parcel, not an easement.

**Chairman Schwarz** – That makes sense.

**Mr. Alfele** – It is one I feel like we probably could do at tier 1. It can be looked at in the future by the Planning Commission. It is a new one that was recently added.

**Chairman Schwarz** – I know that Habitat was always trying to do private streets. There were some issues with them being taken over by the city as public streets. That is a different issue.

**Mr. Alfele** – This is more of an issue if you have one lot. You run a private easement down the middle. Our code speaks to things about the property line, edge of streets. If somebody wanted to put a building, how are you trying to measure your build-to, which speaks to property line if that is bisected. It would be better if we did not allow access easements to be streets. It is not preventing you from doing an access easement. We just would not count that as a private street. It needs to be a standalone parcel. This came out in speaking to the attorney’s office. We have language. I feel comfortable putting it in tier 1. I put it on tier 2 to be a placeholder.

**Chairman Schwarz** – Tier 3. We have C1. This is height based on unit counts. C1 and C2 are connected.

**Commissioner Harness** – It appears that staff placed C2. It has been resolved.

**Chairman Schwarz** – We did have this discussion. A single building with multiple units or multiple buildings on a single parcel, whether they can qualify for the height bonus. Do we have thoughts or concerns?

**Commissioner Solla-Yates** – My recollection was our intention was for the height bonus to apply regardless of how they are sliced up in terms of lot that if you are building them in a way that benefits the public. There should be a height bonus.

**Chairman Schwarz** – That’s how I remember that as well.

**Commissioner Harness** – It is saying that if you have a current building with one unit and you put a second one, that second unit can get it. The question is whether the second unit gets the height bonus

**Chairman Schwarz** – Even if ignoring whether there is an existing building or not. You have something in RA or RB zone that you have 2 houses on a piece of property. Is it one more that we get the bonus? Whatever triggers the bonus, you have 3 houses on a piece of property, they are all separate. There is space between them. Do they all qualify for extra height? Is it only if they are combined into a single building? Does that building get extra height? I think what we were leaning towards was that it does not matter whether it is a single building or 3 separate buildings. You have 3 units on that parcel. They should have extra height.

**Commissioner Yoder** – My recollection is that Council, when they were deliberating over this, this was almost like, how do we not have the mansions? If you build one unit, you cannot build a massive, tall building. If it is multi-unit housing, you can get the height. I agree with what others are saying. The idea here is to not allow you to build one big mansion. You can build multifamily housing that is bigger. Who cares how many buildings you build on that lot.

**Chairman Schwarz** – I don’t know if that is a big priority. It seems like it would be nice to get fixed. It seems simple.

**Mr. Alfele** – I think that this was fixed accidentally through B5 too. When you look at B5, we added the definition of building primary. It says the building or buildings occupied or designated for primary principal use on a lot or site. It covers that. If you have multiple buildings on a site, it would be multiple buildings.

**Chairman Schwarz** – The other question that came with this was also with maximum length of buildings. If you have a string of townhouses that are part of a single site but span multiple parcels, are they one building? In that case, if they are in an RA district, they are limited to 40 feet, which is basically a duplex.

**Mr. Alfele** – By adding the ‘and site,’ we would consider the site for the multiple buildings for that primary use. You can either have one or the other. We have had some developers try to argue one and then back to the other. If you had a townhouse development, which is the site? You are going across multiple lots. You would get the height bonus because that is the site where that was where the problem was where you were looking at that. That was an apartment. We would give you the height because it was one building on one lot. If it is townhomes, you were not getting the height because it was one building per each lot. You could have had that 60-foot width. With the update, where it would now allow, that is a site instead of just a lot. That is multiple buildings on a site. They get the extra height for townhomes. The width is still measured by lot.

**Chairman Schwarz** – I don’t know that I like the idea that just because you spread projects out on a single site over multiple lots that they would get the bonus height. That seems backwards to what we are thinking.

**Commissioner Yoder** – The Council discussion on this was focused on preventing mansions. If you have townhouses across multiple lots, you are not building mansions.

**Chairman Schwarz** – They don't necessarily have to be townhouses for it to be a single site. I feel that went backwards to what our intention might have been.

**Commissioner Yoder** – Is someone really going to use this as a loophole to build a mansion? They would have to build multiple mansions.

**Mr. Alfele** – The example you look at is you have a single lot. You have a single-family home on it, and you want to build a single-family home in the back. Where we are struggling is that you are probably going to get that larger house because they could now build it higher. It is multiple buildings on a site and not just one building. The trade-off is the whole conversation with the townhomes versus an apartment. Physically it does not look any different. If you looked at a row of townhomes, that would not look any different if there were property lines running between them to break it up or to be townhomes or not. It is difficult. I remember from the work session we had that this was a hard thing to answer. One of the things I think I was hearing from the Commission was that the tradeoff is units are units. Even though you might get that larger house in back, it is still a unit.

**Chairman Schwarz** – They are sharing a single lot. Where I am getting worried is now it sounds like they don't have to share a lot to get the height bonus. I think that is what you told me.

**Mr. Alfele** – If you were doing a development, the site would be the 6 lots of townhomes.

**Chairman Schwarz** – We have a minimum lot width in the RA and RB districts. Theoretically what we are saying is we could have a string of 6 townhouses. Each one is 40 feet wide and gets the height bonus as well.

**Mr. Alfele** – The maximum width is 60 feet.

**Chairman Schwarz** – We are saying that you are limited to the maximum building width. That also seems silly. In RA, that means you can only have duplexes. You cannot have townhouses. We have just made this whole attached dwelling unit thing to allow townhouses.

**Mr. Alfele** – Your building width is per lot.

**Chairman Schwarz** – Your lot is 40 feet wide. You have a string of 40-foot-wide lots. With each townhouse, someone decides that they want to build these massive townhouses that are 40 feet wide. They can go on indefinitely and they get the height bonus. Is that what we are doing?

**Mr. Alfele** – That is what we would be doing. I guess that is where we would need to figure it out. It is making those two work is going to be very difficult without getting this tradeoff for the height.

**Commissioner Yoder** – It seems like if someone was to do this and build a bunch of 40-foot townhouses that are extra tall, that seems okay to me. I think it is strange to try to do a zoning code to make it impossible to build mansions but possible to build big apartment buildings. Erring on the side of allowing you to build stuff seems like the priority here. I see a difference between a string of 40-foot-wide townhouses than mansions that are huge single-family homes.

**Chairman Schwarz** – Your site is a single development that is built all at once. Could a site consist of 6 parcels? Each one has a single dwelling unit on it that gets the height bonus.

**Commissioner Yoder** – How much land in the city is there where you could build 6 mansions?

**Mr. Alfele** – If someone said that they are going to do a subdivision, we would not consider that a site with single-family homes on that. We would say that it is per lot. We would not say that you got that bonus height because you just came in and built 6 single-family homes on individual lots. It is different for a townhouse because it is being built at once.

**Chairman Schwarz** – Are we okay with this? We may have just killed one of these items.

**Commissioner Yoder** – I will say that item C13 has to do with the definition of a site being only the land and not what is on it. We were just using site to incorporate the building.

**Mr. Alfele** – What staff had added to that language for 2025, primary building being a lot or site, trying to add that in.

**Chairman Schwarz** – I think this has to do with what triggers a certain type of review.

**Commissioner Yoder** – It does. I just want to make sure we are using site when we are talking about this townhome example with tall townhomes. According to this, that site is only the dirt under the townhomes.

**Mr. Alfele** – On 78, it is about the different type of activity, site modification. Any modification of an existing site that affects less than 50 percent of the existing site area. Staff's recommendation is to change the definition of site to a single lot or group of connected lots or improvements. There was concern about a specific activity type. The language cannot be as strong as it could be.

**Commissioner Yoder** – I am asking that when you review this, make sure that those 2 things are working together.

**Chairman Schwarz** – Hopefully C1 and C2 have been removed from the list. We will see if the site thing changes that. It looks like C3 has been taken care of. C4 can be a tier 1 change. Let's make it a tier 1 change. It seems simple enough so that a deck is not considered part of a primary building.

With C5, lots having vehicular access from a street other than a primary street or not having vehicular access at all must meet the minimum width required for lots with other vehicular access specified by the zoning district. I am confused by this one. Is this an issue? Is this where someone thinks there is a clearer way to write it?

**Commissioner Harness** – It says from any street other than a primary street or having no vehicular access at all. That leaves a broad set of access points that that covers.

**Mr. Alfele** – I think it maybe is just adding that side or rear.

**Chairman Schwarz** – If it does need clarification, it seems like it is simple.

**Mr. Alfele** – We might need more information. We could maybe move it to tier 1.

**Chairman Schwarz** – It looks like C6 was resolved. C7 is midblock pedestrian pathways.

**Commissioner Mitchell** – It seems like the devil is in the detail. This seems like it could be tier 2. We arrived at this based on an erroneous assumption. The assumption being that there is only one primary street frontage. Around town, there are many with more than one primary street frontage.

**Chairman Schwarz** – Is the fact that it needs study?

**Commissioner Mitchell** – What are you going to study? There is not a whole lot to study. We can just move this to tier 2 and move on.

**Chairman Schwarz** – I agree unless there is something in the code that it is tangled up in some other language.

**Mr. Alfele** – We can move it to tier 2. If it starts to unravel, we can always move it to tier 3.

**Chairman Schwarz** – It seems simple enough. C8 is already resolved. C9 seems easy without any discussion required. Can we move that one up? That just looks like ‘housekeeping’ again.

With C10, projects with 1 to 4 dwelling units are not required to provide short-term or long-term bicycle parking. Do we have an opinion?

**Commissioner Harness** – Things with 1 to 4 dwelling units are going to primarily be in the residential districts. Building anything is already difficult without layering on more requirements. If we were to expand this to the discussion that we alluded to earlier with the hotel, larger buildings, are those bicycle requirements working well?

**Chairman Schwarz** – One of the other questions is whether this is applied per lot or per project. I am leaning towards per lot, which means less bicycle parking. It does mean more flexibility. I imagine that if someone is building a project that has 1 to 4 units on it, there is going to be default bicycle parking as part of that.

**Commissioner Harness** – I am thinking that if some of this reform Commissioner Solla-Yates is doing about single point access, it ends up being a reality. The vestibule is in other parts of the country used as bicycle storage. I don’t know if it is forcing people to have a designated area. I am all for a designated area. I am not saying I don’t want that. Forcing that is a different discussion. I would be for not requiring these to have bicycle parking.

**Commissioner Carp** – I have a question about how bicycle parking works in the code. I think most residences can fit a bicycle somewhere. Sometimes the bigger problem is getting the bicycle inside. We have been talking about the topography of the city. It is hilly. Sometimes the sidewalk is a few steps up or down from the home and you must get, especially when we are talking about cargo bike for carrying children or other things. I am not carrying my 85-pound cargo bike upstairs. I am guessing that is orthogonal to bike parking requirements. You can have a required bike room in a structure that is also up some stairs. It is not useful. Unless bicycle parking means bike parking that you can easily get in and out of, I think it is fine to expand the exemption and make it lots. I live next to a townhouse row. You cannot get a bike into any of them because they are all 4 stairs up from the sidewalk. I don’t think we can solve that problem here.

**Chairman Schwarz** – If we require that they have bicycle parking, I don’t know what the requirements are for bicycle parking.

**Commissioner Carp** – Do we require that it is good? If we say there must be a place to keep a bike that happens to be up a flight of stairs, I don’t care about that. That is not very useful.

**Mr. Alfele** – We have bicycle regulations. They are prescriptive. They speak to when you provide short-term and long-term, where it is provided, how it is provided. It is very prescriptive. Right now, up to 4 units are exempt. There just was conversation coming from different places. Do we want to keep that exemption? Should bike parking be provided? It would either be bike parking per what we already have in the regulations. If a quadplex must do bike parking, there are standards. The standards are prescriptive.

**Chairman Schwarz** – I feel that if someone is doing a smaller development like 1 to 4 units, chances are they probably are not providing sufficient vehicular parking. The developer would probably want to provide some kind of bike parking anyways. That might be putting too much confidence in the developer.

**Commissioner Yoder** – I live in a duplex. When I first moved to Charlottesville, there was no bike parking. It was frustrating to me. I also don’t want to map on my experience in the zoning code. The purpose tonight is to discuss what tier it should be in and whether it should be prioritized. This strikes me as a tier 2 item, like something to do more research and more thinking about this year; maybe not a whole study that takes 1.5 years.

**Chairman Schwarz** – I was hoping there would be a quick and easy consensus from the Planning Commission. If there is not, it does not sound like it is a priority.

**Commissioner Solla-Yates** – I would suggest that this is not a priority at this time.

**Chairman Schwarz** – C11 Allowing both physical and dimensional and numerical changes by special exception. I think attached to this is allowing parking locations to be modified under a special exception process. Is that correct?

**Mr. Alfele** – I believe so. I know that this is tied to the bikes. How the special exception is written, you can change the dimensions and all those requirements. You cannot change the actual numbers you need. If the code says that you need 20 spaces, there is no relief from that requirement to do 20 spaces. You could shrink the stalls. That is where this comes from. With parking, I would need to investigate it more. It is not ringing a bell.

**Chairman Schwarz** – I think somewhere there was whether the location of parking could be modified by a special exception. It might have been from 2025. If everyone on the Commission agrees that numerical standards should be included in special exceptions, we could push this one forward.

**Commissioner Harness** – Is this something we are running up against in current reviews?

**Mr. Alfele** – It was the bike parking at a hotel because of how hotels are considered just commercial. How you calculate it is just residential/commercial that is not nuanced. It came up with around 80 spaces needed for a hotel.

**Commissioner Harness** – Instead of carving out a hotel, can we instead do the special exception?

**Mr. Alfele** – That is what this is to say. What we ended up having to tell the applicant is we don't have an avenue of relief unless you wanted to go to City Council and say 'I want to change it. I am still going to provide 80 spaces. The spaces are going to be 2 feet by 2 feet.'

**Chairman Schwarz** – I want to figure out where I got my note. Somewhere there had been a question about whether parking location could be allowed under a special exception process. Maybe that is not an issue.

**Commissioner Harness** – That is stemming from people not being able to put parking in the front yard.

**Chairman Schwarz** – Probably. It was a workaround for active depth possibly.

C12, I thought it was updated.

C13, This seems important for your ability to review projects. Is there any reason this one needs to wait? It sounds like you have already figured it out.

**Mr. Alfele** – Staff has a suggestion that we think would clarify it.

**Chairman Schwarz** – C14, you have determined that it is not an issue.

C15, I am not sure why this one needs to be a tier 3 as well for subplot access. Does anybody have any concerns with access easements coming through other zoning lots?

**Commissioner Harness** – It would probably move to tier 2.

**Chairman Schwarz** – Active depth, we have issues with parking. There are also other issues with how we want to define active depth and active spaces. I need to be reminded that active depth is measured from only the required active width of a building. You have a 20 percent allowance for inactive spaces. It is not as severe as I have made it out to be. I was troubled. I think we have some buildings or lots in town that you must get a

special exception to build anything. Going back to our special exception question. I assume that you can ask for an exception to the depth. Can you ask for an exception to the percentage? Can you change the percentage of inactive spaces from 20 percent to 50 percent if you had to?

**Commissioner Solla-Yates** – I would like to propose dwelling units should be exempt.

**Chairman Schwarz** – I would agree.

**Commissioner Yoder** – There is also the question of applying this to every story of a building. I don't know why we want to do that.

**Chairman Schwarz** – What I am going to suggest is if we can maybe get some general philosophical consensus on this one. Maybe this is one of the ones that we have a subcommittee do. I would really like to have this one taken care of sooner rather than later. It bothers me that you must get a special exception. Is that fair?

**Commissioner Yoder** – Are you suggesting that it moves into tier 2?

**Chairman Schwarz** – It becomes a priority. It also becomes one that if we form this subcommittee, maybe the subcommittee could work out the language.

**Commissioner Harness** – I agree that it should be prioritized. This sounds impactful.

**Chairman Schwarz** – As far as philosophy of how this goes or the general concept of it, exclude dwelling units.

**Commissioner Yoder** – I am open to it. I don't know enough to say yes.

**Chairman Schwarz** – Thinking back to when I had this discussion when we were working on this years ago, I had brought that up. James Freas said that you could have a house that they put all their bathrooms and everything on the street side. That would be one of the drawbacks. My thought was that I did not care. It is counter to what we originally tried to do with the code. Are there any further thoughts on dwelling units?

**Commissioner Harness** – Is this also a discussion of the length of the active depth?

**Chairman Schwarz** – That is included. How deep it is. With DX, we have 30 feet.

**Commissioner Yoder** – If you only apply to active depth requirements to the ground floor, the question about exempting dwelling units would be mute.

**Chairman Schwarz** – There is still active depth for in the R districts.

**Commissioner Yoder** – I thought it did not apply to under a certain unit count. If you build a single-family home, am I misremembering that?

**Mr. Alfele** – In this section, I believe there is an exception.

**Commissioner Harness** – I don't know if it is the ground floor or first 2 floors or first 3 floors. For it being every floor of the building, it seems a little too much. Reading the intent, it is like bringing the activities that are happening to the street. How high up does that impact the experience of the public realm?

**Mr. Alfele** – With the current regulations, a lot with 1 dwelling unit does not have to meet the active depth.

**Commissioner Harness** – Along the lines of dwelling unit exempt residential, I must think through the implications of that.

**Commissioner Yoder** – The thing that we are trying to prevent is putting a big utility room facing the street or a hallway. You have no windows for some reason.

**Commissioner Harness** – That is protected from the transparency requirement.

**Commissioner Solla-Yates** – I am also thinking of the West Main Street examples where you have a window into a utility room.

**Chairman Schwarz** – Some of that you would hope would be taken care of. The developer would not want to waste exterior wall space in most cases. Sometimes they are forced to. Ideas that we are looking at: excluding dwelling units, looking at how deep the active depth is, looking at whether it applies to all the different stories. We should look at the definition. I don't think a hallway should be defined as an inactive space. Kellie had brought up the idea of a single loaded corridor, fronting on a building. We have a couple examples of that. There is one on McIntire, one of those older apartment buildings. We had Cavalier Court, the hotel that was at Ivy and Emmet was like that. Am I right in thinking that? Is that a concern? Parking in active depth was one of the main reasons that we have active depth. It is only on the ground floor. Is it still a problem?

**Commissioner Solla-Yates** – We talked about some parking variations. A dingbat seemed to be a concern where it is just parking the first story. We talked about the Japanese model where there is parking. It has been recessed down. It has less impact on pedestrians.

**Chairman Schwarz** – Are we okay with the idea of second level parking?

**Commissioner Yoder** – I don't love it. I could be okay with it. What is the place on Main Street that basically has this? It is fine.

**Mr. Alfele** – Is this something you feel comfortable with as the Planning Commission? Being the only public engagement would be the public hearing for any changes.

**Chairman Schwarz** – What I am hoping is whatever subcommittee we form, we could work on this sooner rather than later and get something to you, then dissect and decide if it needs to get more public input. If there is any way we could get it done in a year, that would be fantastic.

**Commissioner Yoder** – It seems like such a technical issue. I am not totally sure this is something that requires an extensive public engagement. Are we changing the philosophy behind the code? I don't know that it is. It is almost like saying, "do we really intend to make it this strict?" Can we achieve the same outcomes by making it more lenient?

**Chairman Schwarz** – I want to agree. It is Ms. Brown's gut check.

**Mr. Alfele** – The public might end up telling you at a meeting.

**Commissioner Carp** – I have a hard time imagining that if there were a public event for feedback on this topic, people would show up. We will maybe have the event. Who is coming to this event if we have one?

**Chairman Schwarz** – The depends on how well it is advertised. There might be the development community that shows up. We would like to push this one ahead if we can. We will try and form that subcommittee and dissect it further. We have some general ideas, which are excluding dwelling units, looking at how deep the active depth is in each of the zones, looking at whether it is just the first story or every story on primary facades and looking at the definition of active space.

What is C17 about?

**Mr. Alfele** – There was a lot of discussion on entry and entry feature. Staff made some determinations when we reviewed plans. Does this need to be re-explored? It seemed like it caused some issues and consternation.

**Commissioner Yoder** – Is this like a special exception request we got for Kindlewood? That was one of the special exceptions. They did not have enough entrances. Is that related to this?

**Mr. Alfele** – It is more general high level. It was not necessarily getting into the specific details. It is just entrances, and entry features are a requirement of the code and a newer kind of design centric requirement of this code. Do we want that? Is it giving us what we want? Should we re-examine it?

**Commissioner Harness** – The current maximum distance between doors is about 40 feet depending on the district. I did a little checking using the GIS site. Based on the current built environment, average doors are over 50 feet apart looking at what is built out there today. The intent of this is to provide flexibility for future space. You already have a door there. If somebody comes in and wants to have the space of 2 doors as one restaurant, that is possible. If they want a smaller restaurant, they can just have one of the doors. I struggle with this one because doors are not that hard to retrofit into a building. It can be difficult.

**Chairman Schwarz** – I think the doors must be usable.

**Commissioner Harness** – I struggle with forcing them to put a door in today for possible flexibility use.

**Commissioner Yoder** – Isn't it primarily about eyes on the street, activating the pedestrian realm. We want people going in and out of doors on the street so that there is activity there. I don't think that the entrance requirement works. I always think of 10<sup>th</sup> & Dairy, the building on 10<sup>th</sup> Street has all those doors that I have never seen one person go in and out of. Is it doing anything for us? I know that it was not built under this code. Because we have that special exception permit, it is a proxy for pedestrian activation. Is it doing anything?

**Commissioner Harness** – I feel that this code is going to make us end up with a bunch of doors that won't be used.

**Commissioner Yoder** – On 10<sup>th</sup> & Dairy, the doors go into somebody's apartment I assume. I have never seen anyone come in and out.

**Mr. Alfele** – As you have your discussion, I do like this about our code versus our old code. These sections do have an intent section. When you are having these conversations and you want to see where we are coming from and if it is meeting what we are trying to do. The entrances section has an intent section. It is just a tool to think about as you are having your discussion.

**Chairman Schwarz** – It sounds like this one is one we are leaving in tier 3. We need to think more about it. I really have not liked the entrance feature since before we approved the code.

**Commissioner Solla-Yates** – I would just note that looser requirements make some sense to me.

**Chairman Schwarz** – We talked about the garage and active depth. I am going to add that with C16.

C19, we have athletic field lighting. You already briefly talked about that. It can stay as a special exception. The city can go through its own process

C20, I am confused by this one. The section that is quoted is about ribbon driveways.

**Commissioner Harness** – This one intrigued me. I dug into it. The ribbon minimum width is 2 feet for the tire to go across. If you also want to use that ribbon as pedestrian access, it must be 3 feet. Another part of the code says you cannot mix pedestrian access and vehicular travel. The part of the code about not mixing pedestrian

and vehicular travel is more focused on parking lots. You basically want to separate vehicular movement from pedestrian movement.

**Commissioner Solla-Yates** – Public versus private?

**Commissioner Harness** – I think it could even be on a private parking lot.

**Commissioner Carp** – Is a ribbon driveway pedestrian access? Wouldn't there be cars parked there?

**Commissioner Harness** – If the graphic in the code shows a home with a ribbon driveway and right here it is 3 feet but after you get past the front porch of the house, it is then 2 feet. The garage is behind the house. It is like using one of the ribbons as the connector from the sidewalk to the front porch.

**Commissioner Carp** – Past where the car goes?

**Commissioner Harness** – No, the car goes further than the pedestrian walkway. Do we want to allow the mixing of pedestrian and vehicular travel?

**Chairman Schwarz** – Or at least for small scale residential projects? I think you see this in subdivisions all the time where people use their driveway as part of their walkway up to the house.

**Commissioner Carp** – Staff could come up with a way to 'square this circle.'

**Chairman Schwarz** – It does seem like an easy fix.

**Commissioner Harness** – That was just the example in there. I am sure there are other examples where this could be applied. I generally don't have any issue with mixing pedestrian and vehicular access.

**Chairman Schwarz** – For small scale residential development, does anybody on this commission have a concern with mixing vehicular and pedestrian access? Using your driveway as your walkway up to your house?

**Commissioner Solla-Yates** – My only concern would be a situation where there is no possible way to have a safe access. There just is not enough parking. One would assume that it will be used for parking. That would be my only concern.

**Chairman Schwarz** – I think this one is going to sit here for a while on C3.

**Mr. Alfele** – I have the concerns. It has not come up as a big issue. It is a contradiction in the code.

**Chairman Schwarz** – C21 is critical slope regulations. It sounds like staff already has a solution.

**Mr. Alfele** – I don't know if there is a solution. There is a study.

**Commissioner Harness** – This is one that we are redundant with the state. Is that true?

**Mr. O'Connell** – Not exactly. I was the one who put this into the spreadsheet a while ago based on the research that James Freas did a couple years ago where he showed that the original purpose of our critical slope regulations was to protect against erosion and stormwater in the old days, when we did not have strong rules for that. Since we have a 6,000-square-foot limit and we have requirements for erosion and stormwater management planning, anything that does not go through those plans should come to you. Anything that doesn't, doesn't necessarily need to. We talked about this today. There was a little bit of push back. This kind of language may change in the future when we do more research.

**Chairman Schwarz** – Setbacks and build-to zones, one idea that has been floated is whether there are further exemptions to this. I think we currently have an exemption. If you can take advantage of the existing building in the R zones. Is that correct?

**Mr. Alfele** – That is correct. That will hopefully pass next week. We carved out an exemption. If you are eligible to use the existing structure bonus, your existing structure would be deemed meeting the build-to and setback requirements.

**Commissioner Yoder** – If you are eligible for the existing structure bonus, that means if you are not taking advantage of that bonus, you don't need to meet the build-to?

**Mr. Alfele** – That is correct. It would cover things. You are doing things that would require you to bring it up to current regulations.

**Chairman Schwarz** – That does resolve a lot of issues in the R zones. One of my concerns is that we have historic structures and even non-historic structures that are worth preserving outside of the R zones. Is that of concern to anybody else? Currently, you are allowed to build onto the back of an existing building without bringing it up to the build-to zone. If you add a separate building on a site, that building or all the construction needs to be within the build-to zone.

**Commissioner Yoder** – That is because the non-R zones do not have the existing structure bonus system. There is no we can say if you qualify for this bonus. Couldn't we apply the same logic to the non-R zones and say if the old building remains, you don't have to comply with the build-to.

**Chairman Schwarz** – I would suggest that is a possible option. Define the existing building the way that we are defining it for the R zones. Is this a shared concern?

**Commissioner Harness** – The intent with this built-to requirement is to bring buildings closer to the public realm. I can see how in a brownfield environment or built environment like we are here in the city for existing lots and structures that are quite difficult. I can understand the exemption for the residential areas even though I think that is one of the areas that buildings are far away from the street. I really struggle with this one. I fully understand the current code in a greenfield environment. In a city that is built like ours is here today, I really struggle with this. I think that in the X zones, non-residential zones, those are really the spots that I believe that moving buildings closer to the street makes sense with the intent of that purpose. How much building, growth, or development is that going to inhibit if we keep it that way is my question that I do not have an answer to.

**Chairman Schwarz** – Where I got interested in this was when we had a special exception last year for Element Construction that has a house on High Street. It is in a commercial zone. It is an old house. They wanted to put a workshop in the backyard. I forget if that was determined as an accessory use or not. Had that been a primary use, it would have had to go in front of this house. That would have started the process. Eventually we would like to see High Street have commercial construction fronting on it. As it exists now, it is a mix of small commercial projects and houses that are set further back. Do we want a code that encourages those buildings to be demolished or to have something built in front of them if there is enough room to achieve that streetscape? Is it more important to allow the maintenance of what exists for character's sake and sustainability's sake? It is better not to tear something down, build new if you don't have to.

**Commissioner Harness** – It is the point that Commissioner Yoder keeps bringing us back to prioritizing or moving into a different tier. I think that this is one to prioritize.

**Commissioner Solla-Yates** – Something I have been thinking about is uses. For residential uses, I am less concerned about this as the public realm. Residential uses are not the public realm in the same way. For commercial uses, it is. That might be a useful distinction.

**Chairman Schwarz** – You are saying if it is a commercial use, you would be in favor of maintaining the current code? Even in the case of Element’s building.

**Commissioner Solla-Yates** – With the special exception process.

**Commissioner Yoder** – I always thought of this build-to requirement and this goal of moving things closer to the street, if you are going to build a new building, put it there. I would tend to come down like commercial or residential. I don’t think it makes sense to say, ‘Oh, you want to build onto the back? Sorry you can’t. You must build onto the front like that.’ I don’t think what we are going to do is induce people into tearing down buildings. I think we are just going to induce the property being of less use to them. They are just not going to do the thing that they want to do, which is not what we want to do with our zoning code. In terms of priority, are you thinking tier 2?

**Chairman Schwarz** – This is one of the ones that I would like to work out in a subcommittee and try to get it done in the next year if we can. My concern is for preservation and architectural design control districts. We could tie this to whether a building is a contributing structure in a design district, whether it can have an exemption. I find it funny that you can add onto the back of a building, but you cannot build behind a building. With some of our older buildings, if you attach a building to the back of it, you will end up having to do sprinklers and other things that change the cost of the project. Those 2 things don’t change how things feel on the street. I am not sure that distinction that we currently have in the code makes no sense to me. If you are building behind, keep building behind. Once you build something in front, it must start meeting our code. That is where I am landing on this. I would like to have a general exception that says if you have an existing primary use that meets the definition of an existing building, you are allowed to build behind it. Once you build in front of it, you must start meeting our build-to requirements. If that does not distinguish between commercial and residential and it does encourage building up front as much as the code currently does.

**Commissioner Harness** – From a different perspective, how does this requirement to build to the street inhibit the point of the new zoning code of getting more housing built? Does it limit potential new units forcing people to build to the street?

**Chairman Schwarz** – If somebody is not in one of the R zones but they have their residential units in a C zone, they cannot build a backyard ADU. They can build an attached addition on the back of their house, but they cannot build a backyard dwelling unit.

**Commissioner Harness** – From that perspective, you are limiting units with the current zoning code.

**Chairman Schwarz** – That would be an example of where that would be limiting.

**Commissioner Carp** – Is that in the R zones?

**Chairman Schwarz** – That is outside the R zones.

**Commissioner Carp** – What about the simpler idea of saying ‘do the same exemption for existing structure for all zones?’ Does that miss important cases?

**Chairman Schwarz** – Exempting parcels that have an existing structure. I don’t think it would miss any. I think that captures everything.

**Commissioner Solla-Yates** – The only issue I would worry about would be the shed on a primarily empty lot.

**Commissioner Carp** – The exemption is for preserving the primary structure.

**Commissioner Solla-Yates** – If the shed is the primary structure.

**Chairman Schwarz** – Didn't we already have to make some distinction between sheds and primary uses?

**Mr. Alfele** – You must first establish a primary structure. You could then have accessory structures. There must be a primary structure on a lot.

**Chairman Schwarz** – If there is an existing lot that has just an existing shed on it, that does not count as a primary structure. Or does it?

**Mr. Alfele** – It gets a little tricky. It would get into whether that is a non-conforming lot when the shed was built on the lot. It could happen. It would be very rare. It would be a handful. I can think of maybe 1 or 2 where there was a double lot. The house is on one lot, and the shed is on the other lot. Someone is now thinking about doing something with it. They would need to get a zoning determination letter to figure out the circumstance for that other lot.

**Commissioner Solla-Yates** – Could that kind of weird situation be handled administratively?

**Mr. Alfele** – I think that staff would have a hard time with it. I think we could do it. What I would caution you about is that this is one of the foundation principles of the code. If this is the direction we wanted to go in as a community, it could be done. It would take a lot to update the code to reflect it. This was one of the pillars of how I think the code was built. It could be done. There would have to be a lot of digging and making sure that we are not messing other things up based on this.

**Chairman Schwarz** – If we were to form a subcommittee and to work on this, are there any concerns with anything we have been saying? Will there be any concerns with the idea of any addition behind an existing building being exempted from build-tos? We are only talking about build-to zones. We will try and prioritize this and hash it out on the subcommittee.

I don't know if we need to go through all the Ds. Are there any that people have issues with or want to discuss? These are our own comments, which I think have already made it up to the Cs.

**Commissioner Solla-Yates** – There are Gs that I looked up. G9, that goes to the stormwater area of 6,000 to 10,000. G6, maximum coverage regulations, maximum heights. Give some mercy to allow more kinds of buildings without a special exception.

**Commissioner Mitchell** – We have skipped the Ds. We are fine with that because those are all our comments. We are moving onto the Gs.

**Commissioner Solla-Yates** – I pulled G14, build-to width, which we have talked about quite a bit here. G18, ground story definition. G6 is maximum coverage regulations. Maximum heights are an issue. This was Habitat. They physically could not get a Habitat house on a standard Charlottesville lot because the restrictions are too tight. We should allow Habitat houses.

**Chairman Schwarz** – I believe this is the one where we got rid of stories and went with a larger overall height for the R zones.

**Commissioner Solla-Yates** – It is just maximum coverage that is left.

**Commissioner Harness** – It has to do with having parking in the front.

**Commissioner Solla-Yates** – They can do alley and corner. It is not great. Their standard design is front parking for ADA.

**Commissioner Harness** – That does not really work with all the other intents of what we are doing with the code. What are you asking with G6?

**Commissioner Solla-Yates** – My current thinking is mercy on the maximum coverage.

**Commissioner Harness** – Just the maximum coverage, not necessarily the other points.

**Commissioner Solla-Yates** – G9, up the amount of disturbed area for stormwater from 6,000 to 10,000. That is just matching the state code. G14, build-to width is creating a lot of issues. Utility requirements just physically cannot be done. There also are slope issues, just giving more mercy or administrative relief without requiring special exception.

**Chairman Schwarz** – These are 2 different issues. What is the proposition for build-to width? It is that the minimum percentages are too much.

**Commissioner Solla-Yates** – It is for weird sites. We mostly get weird sites. Commissioner Stolzenberg said a lot about this. He had a lot of mathematical examples.

**Chairman Schwarz** – I think that what the intention would have been is that if you cannot build a building wide enough, you split the lot up or you re-subdivide. I guess that is not always possible. These are all things that can be done by special exception. You are still saying minimum percentages are too high. When you are highlighting these, what do we want to do with them?

**Commissioner Solla-Yates** – My suggestion would be that staff look at what kind of relief could be offered to reduce the number of special exception problems.

**Chairman Schwarz** – We are thinking of shifting these up to tier 3. I agree with all of these. I just want to make sure I know what we are doing.

**Commissioner Solla-Yates** – G18, ground story definition. This is another in the weeds one. It is an important one. How we are defining the ground story. This is beyond my mathematical understanding. Broadly, we should be able to make this possible without requiring a special exception.

**Commissioner Harness** – This is the one that I understand that the land around here is too steep to fit the code, or the code is not steep enough to fit land depending on which way you want to look at it.

**Commissioner Yoder** – Our code is not allowing them to have one gigantic ground floor where a lot of it is below grade. We are saying that you must break it up. You cannot have all that below grade. I think what this comment is saying is that it just makes it more expensive to break it up like that. Let us go back to the old definition where it is 50 percent above grade.

**Commissioner Harness** – The current code is 6 feet. Six feet in some areas of town happen very quickly. You end up with a building with small sections. I don't know if it is going to be 50 percent or if it is expanding the 6 feet or what makes sense on a rewrite of that section. That is what it is about.

**Chairman Schwarz** – Is this one that can be dealt with through special exception?

**Mr. Alfele** – It could be. You can ask for additional height, not stories, special exception. If you needed additional height because you did not want to modulate the build. The point was to modulate the building. If you did not want to do that for whatever reason, your plates would not match. You could ask for a special exception for more height there. I think you probably must ask for a lot of special exceptions. With that exposure now, you have a lot of things that apply to the first story transparency. There is a path. It is probably not a very convenient path.

**Chairman Schwarz** – That is where I was getting at because I feel like where I have seen this on the BAR is, for example, the hotel that is going to go on the Artful Lodger site over next to The Omni because Market Street slopes so much. They ran into some issues with where the ground floor is. They have one high ground floor and

then there is a lower level that ends up having to be treated like a ground floor. Their floor-to-floor heights were not appropriate for that because it was a garage level. Since it was a garage level, it was not going to have windows or anything. At the same time, I think it would be the type of thing. It said BAR review. We could make sure it looked okay. It is the type of thing I think that we do want to look at. Just as staff said, you could have a big façade that does not have windows on it. It does not have entrances or just has a big garage door. That is the tradeoff.

**Commissioner Harness** – There are requirements for a façade like that to have a mural. I think one of the options is a living wall. There are already ways to mitigate just having a giant blank wall.

**Chairman Schwarz** – It ended up being something that was helpful to look at from a discretionary point of view. It was not going to be the code whatever they did. That is just a counterpoint. I tend to agree. We have some issues with the mid-maxes causing some problems throughout town.

**Commissioner Harness** – I appreciate the special exemption process and what can and cannot be done through those. Because of the topology of Charlottesville, there would be a lot of special exemptions for this; not only that but also finding dimensional code language that more supports what we have here in town.

**Commissioner Carp** – Were there problems under the old code in this regard?

**Chairman Schwarz** – I don't think so.

**Commissioner Solla-Yates** – The issue I am thinking about is on West Main. You have one giant wall that is teetering above the rest of the street. There is a sidewalk and that looks odd. It is an aesthetic issue. I don't know if there is a health and safety component.

I have 2 more that I could find a G for. I would like to note them: grocery stores near schools. It is a big one that we talked about in the Comp Plan. We just have not done it in the zoning code. The big pushback was that there would be tobacco products sold in those grocery stores near schools. We don't want tobacco products sold near schools, which I am sensitive of. It is now legal in Virginia. For Council, if they are concerned about this issue to say, 'no tobacco products near schools.'

**Commissioner Mitchell** – With the old IGA, what are we going to do about that? How far is Johnson? The school is close.

**Commissioner Solla-Yates** – It is next to a park. Council could say, we are concerned about tobacco products being sold next to a park.' We will not allow them by ordinance.

**Commissioner Mitchell** – The community is expecting to have a grocery store there.

**Chairman Schwarz** – Do we already have regulations that are preventing a grocery store from popping up near schools?

**Mr. Alfele** – Not in the land use.

**Commissioner Solla-Yates** – Accessory dwelling unit diminutive exemption for aesthetic and sidewalk requirements. A homeowner who was upset about trying to build an ADU, looked at all the numbers for the costs of building an accessory dwelling unit behind an existing home. This is not possible to see. I think they were trying to build in Belmont. It would have forced substantial changes to the façade to get the lot into conformance. The ADU would not have been visible. He could not do it because a large façade did not make sense for the ADU revenue.

**Chairman Schwarz** – We have fixed that now. Aren't there exceptions in the R zones that you could build a second dwelling unit and not have to update the original house to meet all the zoning code requirements?

**Mr. Alfele** – It is about building that second unit in back. The first unit is non-conforming to build-to and setbacks. That will be fixed.

**Chairman Schwarz** – I thought that was part of next week’s work session. Is that correct?

**Commissioner Solla-Yates** – That would be for sidewalk and for tree planting.

**Mr. Alfele** – No, it is the area that you are disturbing. If you were tearing the house down and redoing the lot, you would come up to conformity. If you have an existing structure and you want to build behind it, staff only look at what is being proposed, not what is outside of what is being proposed. Unless it is very specific, we are running into, you could not build that second unit until the first unit met the build-to and setbacks. That is what we are trying to correct next week.

**Commissioner Yoder** – Can we add neighborhood commercial? It is not listed on tier 3. I thought that was the ‘poster child’ for tier 3 and needs further review, some community engagement, longer study. Is that in the workplan?

**Mr. Alfele** – Yes, I believe that is why it is not here.

**Chairman Schwarz** – I am going to note 2 things from the D sections, D2, this feels like an easy fix. Maybe it is not important at all. It seems like somewhere we can add in the zoning code that doors should not swing over the required walking zone in the public right-of-way. We have had a couple of instances on West Main Street where this happens. You have this narrow sidewalk. Doors from restaurants open onto the sidewalk. It is technically prohibited in the building code. The code official is allowed to make exceptions to that. In our zoning code, we should say that whatever the required sidewalk width, it cannot swing into that. If you have a 7-foot required sidewalk width and you have a 10-foot-wide sidewalk, no big deal. Don’t swing into 7 feet.

**Commissioner Harness** – Doesn’t that force the building to be pushed back by the width of the door?

**Chairman Schwarz** – It forces you to have a recessed entryway if you build a new building, which is one of our entry features that we allow.

**Commissioner Harness** – There is that option or there is the option of having a wider sidewalk.

**Chairman Schwarz** – Or sliding doors, which is what the Marriott on West Main does.

**Commissioner Harness** – There are a lot of outs that are not forcing the moving of the building footprint. That is my concern about that.

**Chairman Schwarz** – Where this has happened is when existing buildings have added new entrances or filled in their recessed entryway. That would be prevented. If you guys agree, yay. If not, it is not a big deal.

**Commissioner Harness** – How long is a door open versus closed? I feel like preventing somebody from holding a door open over the sidewalk is one thing versus not allowing it to open over the sidewalk at all.

**Chairman Schwarz** – I am thinking of getting smacked in the face with a door.

The sidewalk on West Main Street has driven me nuts.

D5, I saw that this was one of the developer comments. When you have a building width exception, you are required to have a 30-foot-deep alcove. If you build a building over a parking garage, it is a dimension that is not workable. Parking garages are 60 feet wide. If you have an apartment building sitting on top of that with a double-loaded corridor, your units are 26 feet wide, 26 feet deep. You have your quarter that is in the middle, and you have another unit. Having a 30-foot recess puts the recess in the middle of the corridor. It does not

work. It would make more sense if it was 25 feet. One of the developers mentioned that as well. I was not sure if that was worth bringing up as something to move into one of these tiers. It seems like an easy fix with minimal disruption to the code.

**Commissioner Harness** – Is this tied to active depth?

**Chairman Schwarz** – If your building is too wide, the way around that is to build a recessed courtyard. That depth is determined by the width of the building. It maxes out at 30 feet.

**Commissioner Harness** – If you have a corridor going through it, this breakout of the building cuts into the corridor.

**Chairman Schwarz** – If we could shift that one up just to look at, it seems like an easy fix for a silly problem.

**Commissioner Solla-Yates** – It would be changing the number 30 to the number 25.

**Chairman Schwarz** – Something like that.

**Commissioner Solla-Yates** – With minimum lot sizes, the hope was that sublots would make it so that we would have a relief valve for minimum lot sizes. For existing, non-conforming lots that are smaller than the minimum lot size, we are running into problems. We want a way to use our existing lots. I would like to flag that as an issue.

**Chairman Schwarz** – Is that a problem with the size of the lot or the fact the percentage that you are allowed to fill the lot is too low?

**Commissioner Solla-Yates** – All the calculations are based on a larger lot than what we have.

**Chairman Schwarz** – Does that make sense to staff?

**Mr. Alfele** – I would need to investigate it more. We have the non-conforming lot section. It states that you are allowed to use your lot for any use.

**Chairman Schwarz** – Your percentage coverage is 60 percent in RA. I will use my lot as an example. I can't add anything to my lot. My house is a tiny house. There is no room. If I added a garage or something, I would go over my percentage allowed.

**Mr. Alfele** – Exploring more what? Exploring more to the non-conforming lot section. It is something that we can look at. When we talk about a house being too small, a small house is too small. When you talk about a non-conforming lot, it does not categorize non-conforming lots. It is just non-conforming lots. You have the right to build on it. It does not mean I have the right to build a 25,000-square-foot-house. I can build an 800-square-foot-house. That can be a little tricky when we say the rules should change for a non-conforming lot. What do we mean by that?

**Chairman Schwarz** – That sounds like a good tier 3 discussion. I would love to solve it. That needs some research.

**Commissioner Harness** – Is the initial research how many non-conforming lots are there in the city as a percentage of total lots?

**Commissioner Solla-Yates** – I think we did do an analysis during the zoning code update. I do not remember the exact number. Most are non-conforming.

**Commissioner Harness** – That sounds like our minimum lot sizes don't fit with the city instead of having a non-conforming section.

**Chairman Schwarz** – I don't think the problem is the minimum lot size. I think the problem is just existing lots are not developable because they are bound by the same rules as your brand-new lot that you are creating a subdivision. I don't know how we categorize that.

**Commissioner Carp** – Are we missing a concept of reasons for non-conformity? Do we want to say if a lot is non-conforming due to its size being small, we consider some exemptions?

**Chairman Schwarz** – I think that is what we want to study.

**Commissioner Carp** – Not all non-conforming lots but a particular category. Is that the most common reason for a lot being non-conforming?

**Commissioner Yoder** – Is it being suggested that we not apply some of the basic requirements to existing lots like lot coverage and things like that? Is that what I am hearing?

**Chairman Schwarz** – Seeing if there is some sort of relief or lessening of standards and studying whether that even makes sense.

**Commissioner Yoder** – If it applies to small old lots, why not apply it to new lots as well? That is a major change.

**Commissioner Harness** – That was my erroneous point about minimum lot sizes instead of carving it out for non-conforming. Just change it.

**Mr. Alfele** – The minimum lot size did go down quite a bit from the old code to the new code. A lot of it is 2,000 square feet. There are still 6,000 square feet in the R districts. It did go down quite a bit.

**Chairman Schwarz** – I don't think that this has to do with the lot size.

**Commissioner Harness** – Instead of carving it out for non-conformity, whatever the actual issue is, just adjusting the metric.

**Chairman Schwarz** – Is the maximum percentage of building coverage in the RAs, is that the right number? That makes sense for something to look at.

Do we need to look at this final page? Did it make sense what we were trying to prioritize from our previous discussion? It looks like building height and massing. We talked about number 1. We are good with number 1. We can take that off the list.

Build-to setback requirements, this is one of the ones that we want to prioritize. We are going to do a subcommittee to move it along. It is the same thing for active depth.

Special exception permits, I think we agree that this is one that we want to push forward and prioritize.

Street typology map, I think we decided this was housekeeping. We are hoping that staff can just do that.

Definitions and site modification rules, we agreed they are not huge priorities.

**Commissioner Yoder** – What about the stormwater?

**Mr. Alfele** – That is being studied as part of the environmental. You will get more information as that moves along.

**Commissioner Mitchell** – We didn't talk about the EV charging. Is that something worth further deliberation?

**Chairman Mitchell** – Do we need to discuss that? I thought you guys were working through a way to make that work.

**Mr. Alfele** – There currently is a study that is going on. You will hear more information from this study. It came out of some preliminary internals. We wanted to make sure it was on the list. When you get more information on the actual report, that you are prepared for it.

**Commissioner Solla-Yates** – Is the Fire Department working on that?

**Mr. Alfele** – I believe the Fire Department is involved with that along with Environmental.

**Commissioner Harness** – The EV thing is a discussion about level 1 and level 2 chargers being allowed in parking lots and parking structures.

**Mr. Alfele** – That is correct. On the public side, where could public chargers be. With the level 1 and level 2 chargers, yes. Is it something that should be in publicly available space areas in the city? Where would those be?

**Commissioner Harness** – What do mean by public charger? I can imagine having one at a park or on the side of West Main Street that somebody could plug into.

**Mr. Alfele** – In a park or a publicly controlled garage. Is it feasible to have it in the right-of-way? There is a lot of discussion going on with it.

**Commissioner Harness** – Is that study going to come before this group?

**Mr. Alfele** – I am not sure. It is run out of Environmental. We can get you more information. I have not heard about it in a while. They had these preliminary findings a while back when I put it in this paper.

**Commissioner Harness** – EV charging is such an intense infrastructure upgrade. We need to be considered about where we want that to be potentially in the public right-of-way or on public structures, publicly controlled things because it is permanent.

**Chairman Schwarz** – Did that study include, in residential neighborhoods, people being able to plug in their own cars if they live across the street from their parking space?

**Mr. Alfele** – It has come up more from a public service standpoint and right-of-way access and ADA than a private land use issue, not blocking your ADA accessible routes in a public right-of-way. That is the big issue. For your small residential, there was not necessarily a building code or fire concern. The concerns were more crossing into public right-of-way and ADA issues.

## VI. ADJOURNMENT

The Meeting was adjourned at 8:14 PM.