Planning Commission Meeting
June 18, 2015
Verbatim Excerpt

ZONING ORDINANCE AMENDMENT ON ARTICLES 7 AND 19 - ARCHITECTURAL REVIEW BOARD (ARB) PROJECT APPROVAL PROCESS AND VOTING MEMBERSHIP

Decision Only During Commission Matters
(Public Hearing held on May 21, 2015)

Commissioner Hedetniemi: Thank you, Mr. Chairman. Thank you Mr. Chairman. We have a Zoning Ordinance Amendment for the Architectural Review Board Project Approval Process and I would ask staff to give us a report on that, please. Mr. Chairman, staff has taken time to review and respond to every concern that was raised and so I think you will see this as a much more thorough and complete document than it was before.

Chairman Murphy: And are we going to have a report? Janyce, are they going to give a report?

Commissioner Hedetniemi: Briefly.

Chairman Murphy: Okay. We're on verbatim. Okay, gentlemen, please.

Anthony S. Robalik, Zoning Administration Division, Department of Planning and Zoning (DPZ): Good evening. I'll refer you to –

Chairman Murphy: Would you identify yourself for the record, please?

Mr. Robalik: I'm sorry. I apologize.

Chairman Murphy: That's okay.

Mr. Robalik: Tony Robalik, Department of Planning and Zoning.

Chairman Murphy: Thank you.

Mr. Robalik: So I will refer you to two documents; one a memo dated June 11th, 2015, which you should have in your packet, and revised amendments to Article 19 for tonight's amendment. So the memo goes through the revisions that we discussed last month at the Planning Commission hearing – public hearing that you would like to see through this proposed amendment. And I'll just go – go through it. It's pretty short. So, one of the things you wanted to see through was with paragraph 1 you wanted it to be very clear of the 11 members to the ARB, only 10 of them are appointed by the Board of Supervisors. The 11th is actually an ex officio member that is appointed by the History Commission. So we try to make that clear, both in paragraph 1 at the top and also at the bottom of par 1 right at the – right above par 2 where the – A through F ends. The second proposed revision that you look at look at the memo: we've removed some redundant language. You may remember that at the top of par 1 and also in par 4, which is a new par we're proposing, we say that members of the ARB must have – they must possess a demonstrated interest, competence, and knowledge of historic preservation. That was stated twice in the sections. We've removed one of those references to make – to remove the redundancy. Now it's only in par 4 at the bottom. We have revised par 1A to give a parallel

structure to the remaining subparagraphs so that it reads much more clearly. I think it reads more clear this way. We've also revised 1A to, again, make it clear that more than one of the licensed architects can be certified – can meet the Secretary of the Interior's Professional Qualification Standards. Before, it was unclear. Let's see; paragraph after that. Paragraph 1C, having to do with attorneys or lawyers, we removed the reference – incorrect reference to the non-existent "Virginia Bar," and replaced it with the correct reference to the Virginia State Bar. So I hope that meets your expectations. Par 1F; again, that's been made to be parallel with the remaining subparagraphs. Basically – oh that was the old PowerPoint I apologize. I'm reading through two documents. It's getting kind of confusing. We – in par 2 we added the term "ex officio" to ensure the unambiguity of a historic – History Commission member. He is in fact coming – or she – is coming from the History Commission, not being appointed by the Board of Supervisors. And finally, in par 4, we replaced the word "or" with the word "and," again clarifying that any members to the ARB must possess all of these traits, not just some subset of them. And those are the – the revisions. I hope that they meet your expectations. If you have you any questions, I'd be happy to entertain them.

Chairman Murphy: Ms. Hedetniemi, are there any questions? Yes, Ms. Hurley.

Commissioner Hurley: Just one little one; the ex officio member – is it already written somewhere in the code somewhere of how to impeach or otherwise – you know, you can impeach a Supreme Court member, even though they're appointed for life. I mean, just, since they are not appointed by the Board and they're not elected, is there a way that the public could remove that person if needed?

Mr. Robalik: They're appointed by the Board to History Commission, so I imagine that, like –

Commissioner Hurley: So, the History Commission could remove them? I mean, I'm just – how would – how could that person be removed? Is there – can we get some sort of language in there as –

Mr. Robalik: Well I believe the Board could remove them as a History Commission member, which would de facto remove them fr the ARB.

Commissioner Hurley: So the History Commission could remove the person.

Mr. Robalik: Right.

Commissioner Hurley: I'm getting a – a shake of the head back there.

Linda Blank, Planning Division, DPZ: Linda Blank. Yes, because the – all the History Commissioners are appointed by the Board of Supervisors, so if they're – either they're reappointed or they're not reappointed. And then – and then it's incumbent upon the History Commission to select a member that meets the qualifications in the Ordinance – to then appoint them to the ARB. But if they were not reappointed by the Board of Supervisors, they would not continue.

Commissioner Hurley: So there's a way?

Ms. Blank: Yes.

Commissioner Hurley: Okay. Thank you.

Chairman Murphy: All right. Ms. Hedetniemi.

Commissioner Hedetniemi: Thank you, Mr. Chairman. If there are no further questions from the Commission –

Chairman Murphy: Mr. Flanagan.

Commissioner Flanagan: You mentioned that you had these – this revised text in our packets.

Mr. Robalik: Well, I sent it out last week to Jill Cooper.

Commissioner Flanagan: I don't have.

Commissioner Hedetniemi: It was distributed.

Mr. Robalik: I have a copy here if you want to – if you need one.

Commissioner Flanagan: Does anybody have that packet copy?

Commissioner Hart: I got it in email.

Commissioner Hedetniemi: I got an email.

Commissioner Hart: I don't have a copy.

Chairman Murphy: I had – I had it in email too, but I – are there any further questions or comments? Ms. Hedetniemi.

Commissioner Hedetniemi: Thank you, Mr. Chairman. I move that the planning Commission recommend to the board of supervisors approval of the proposed ZONING ORDINANCE AMENDMENT regarding the ARCHITECTURAL REVIEW BOARD APPROVAL PROCESS AND VOTING MEMBERSHIP as advertised with an effective date of 12:01 on the day following adoption.

Commissioner Litzenberger: Second.

Chairman Murphy: Seconded by Mr. Litzenberger. Is there any discussion of the motion?

Commissioner Hart: Mr. Chairman?

Chairman Murphy: Mr. Hart.

Commissioner Hart: We don't want to do it as advertised. We want to do the new one.

Commissioner Hedetniemi: Yes, I'm sorry. You're right, as –

Commissioner Hart: So the motion shouldn't be to do what they had in the advertising, it should be with the revisions.

Chairman Murphy: As amended tonight by Ms. Hedetniemi.

Commissioner Hedetniemi: AS AMENDED BY ME.

Chairman Murphy: Mr. Litzenberger, okay? The seconder agrees. Is there any discussion of the motion – in addition to Mr. Hart's question? All those in favor of the motion to recommend to the Board of Supervisors that adopt the zoning ordinance amendment on articles 7 and 19 concerning architectural review board ARB project approval process and voting membership as articulated by Ms. Hedetniemi this evening, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. The Chair abstains, I was not present for the public hearing and neither was Mr. Sargeant, he was on sabbatical.

Commissioner Flanagan: Mr. Chairman?

Chairman Murphy: Mr. Flanagan.

Commissioner Flanagan: I'm abstaining.

Chairman Murphy: And Mr. Flanagan abstains; he was not on sabbatical.

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(The motion carried by a vote of 7-0-2. Commissioners Flanagan, Murphy, and Sargeant abstained from the vote. Commissioners Lawrence and Migliaccio were absent from the meeting.)

JN