

## Council Meeting 7/17/17-Woolen Mills Conservation District (Kathy Galvin motion)

I MOVE to pass an:

ORDINANCE AMENDING AND REORDAINING SECTION 34-337 OF CHAPTER 34 (ZONING) OF THE CODE OF THE CITY OF CHARLOTTESVILLE (1990), AS AMENDED, TO ADD A NEW ZONING OVERLAY DISTRICT TO BE KNOWN AS THE WOOLEN MILLS VILLAGE HISTORIC CONSERVATION DISTRICT

### RATIONALE:

- 1.) It meets our zoning ordinance requirements. Establishing a new conservation district is a zoning map and text amendment that may only be initiated by either the Planning Commission (PC) or by City Council. The PC initiated this zoning change upon the request of the Woolen Mills Neighborhood Association (WMNA). The zoning ordinance also states that the BAR establishes these districts based on “information that may be provided by neighborhood residents” and “the architectural character-defining features of the proposed conservation district.” The BAR voted 9:0 and the PC voted 6:0 to approve this designation after evaluating both resident information provided by the WMNA and the architectural features of the proposed district as evidenced by physical surveys and the Woolen Mills Village placement on the National Register of Historic Places and the Virginia Landmarks Register. Allowing a second opinion poll to overturn the votes of the BAR and PC however, makes little sense when resident input is supposed to inform their decision, not undermine their legal authority thereby setting a terrible precedent. If you don’t like the law change it, don’t sabotage it. **As John Adams said, “We are a government of laws, not of men.”**
- 2.) It follows precedent. The PC and BAR are not required by the zoning ordinance, to specifically conduct community surveys. Securing proof of resident input is therefore not a matter of ordinance or written policy but precedent dating back to 2009, when the Fifeville-Tonsler neighborhood was under consideration for a National Register designation. At that time City Council directed staff to provide evidence of neighborhood support before pursuing the designation, but did not specify how or how much. That’s why in 2010 when the Martha Jefferson neighborhood association and in 2014 when the Venable neighborhood association, and in 2016 when the WMNA all requested conservation district designations, staff asked that they provide evidence of support. All three neighborhood associations sent letters of support and each conducted a poll of affected residents prior to any votes taken by the BAR or PC.
- 3.) It is not arbitrary or unfair. Given our ordinance and precedent, we must treat our neighborhood associations fairly and consistently when they request the planning commission to initiate an overlay district designation process. To do otherwise would seem arbitrary, especially to the WM neighborhood that did submit evidence of neighborhood support prior to the BAR and PC vote back in May 2016. At that time 68% of residents polled voted “yes” for the overlay designation. NDS staff made the unprecedented decision to poll the Woolen Mills again after the BAR and PC voted, because the ordinance language had been modified to reduce requirements, fees and turn-around times for review, all to the benefit of property owners. It was that second poll however, that showed diminished support for the overlay designation, 6 to 7 months AFTER the BAR and PC had legally exercised their authority to approve this designation based on resident input and physical surveys as required by law. No other neighborhood association was expected or required to conduct a second poll, after the BAR and PC had voted in favor of the designation.
- 4.) In sum. Staff had secured verifiable evidence of the architectural and historic significance of this district along with resident support prior to the Planning Commission’s and BAR’s unanimous decision to approve this designation as required by ordinance and established precedent. In addition, the proposed conservation district (i) will further the goals/ objectives of the Comprehensive Plan, specifically Historic Preservation & Urban Design Goal 6.7; (ii) will protect against destruction of or encroachment upon historic areas, and (iii) will serve “the public necessity, convenience, general welfare or good zoning practice.” For these reasons I move to adopt the ordinance for the WOOLEN MILLS VILLAGE HISTORIC CONSERVATION DISTRICT.