

MINUTES
PLANNING COMMISSION REGULAR MEETING
Tuesday, May12, 2015

I. PLANNING COMMISSION PRE-MEETING (Beginning at 4:30 p.m.)

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

Members Present: Commissioners Lisa Green, Kurt Keesecker, Taneaia Dowell, and John Santoski; UVA representative Bill Palmer

Call to Order: the meeting was called to order by Vice-Chair Keesecker at 5:00 p.m.

Vice-Chair Keesecker noted that due to the amount of items, the pre-meeting should focus only on procedural questions.

Commissioner Dowell asked what would happen to the definition of bed and breakfast in the code if the proposed transient lodging amendment was approved.

Planner Matt Alfele said the definition would remain unchanged.

Principal Planner Brian Haluska said that the Entrance Corridor review of the 1725 JPA Special Use Permit should be moved up to be considered immediately after the Special Use Permit. Design Planner Mary Joy Scala described the review process for the Commission.

Vice-Chair Keesecker said that almost all of the items on the agenda required votes this evening, because the Commission was getting close to the 100 day limit.

Chief Deputy City Attorney Lisa Robertson described the transient lodging options. She explained that she felt that Option B's geographic proximity rules are legal.

Vice-Chair Keesecker asked what language requires an owner to be present in a transient lodging facility.

Commissioners Santoski and Green asked how long could an owner be absent from the property before it would be a violation.

Commissioner Green asked how the ordinance would be enforced.

City Attorney Robertson stated that it would be enforced on complaint.

Commissioner Dowell asked if the City could ban transient lodging facilities.

City Attorney Robertson stated that if the current ordinance is maintained, then such facilities would be banned in effect.

Commissioner Dowell asked if the transient lodging facilities ordinance would override Homeowner's Association regulations.

Staff replied that it would not.

City Attorney Robertson mentioned that staff would like to edit some of the language used in Option B prior to approval, because it was copied from another locality that used different terms.

Commissioner Green asked if transient lodging would be an accessory use in Option B?

City Attorney Robertson said that it would.

Adjournment: At 5:27 p.m. the Chair adjourned the meeting in order to reconvene in City Council Chambers at 5:30 to continue with the Commission's regular monthly agenda.

II. ADMINISTRATIVE AGENDA (Beginning at 5:30 p.m.)

Location: City Council Chambers, Charlottesville City Hall, 2nd Floor

Members Present: Vice-Chair Kurt Keesecker; Commissioners Taneaia Dowell, Lisa Green, and John Santoski; UVA representative Bill Palmer

Call to Order: the meeting was called to order by Vice-Chair Keesecker at 5:30 p.m.

A. Commissioner's Reports:

Commissioner Dowell reported she has completed her certification training through Virginia Tech and it was very informative.

Commissioner Keller arriving later

Commissioner Keesecker reported on the BAR meeting he attended where they discussed the 1000 W Main project where the certificate of appropriateness was granted. The second project was the Market Plaza project received its certificate of appropriateness with some request for additional detail to come back

Commissioner Santoski - No Report

Commissioner Green reported C-Tech did meet last Wednesday and she was unable to attend. The next meeting is the first Wednesday in July.

B. University Report—Bill Palmer reported that Mr. Keesecker was not able to attend May 6th meeting, combining the strategic and academic planning as one. Ivy corridor for the board of visitors. General university items, May 7th, resilient forum consisted a number short presentation from faculty of university

D. NDS Department Report: given by Brian Haluska, Senior Planner reported the two work session May 26th work session, telecommunication ordinance, and the bicycle and pedestrian master plan to bring back for a public hearing before it goes to City Council for an amendment to the Comprehensive Plan. There is a June work session with the County Planning Commission and topics of discussions are the River Corridor, as well other topics of mutual interests

including an overlap on Bike and Ped planning. He said to Block our 6 pm -8pm for this meeting instead of 5pm -7pm. The opening for the Director of NDS is now closed and they do have applicants in which they are working though.

E. Public Comment (Items Not Scheduled for a Public Hearing on the Regular Agenda)

Tom Bowe – 1211 Augusta Street, said that he was concerned about the imminent development on the lots 1143 – 1147 on Rose Hill Drive which is on the corner of Amherst and Rose Hill. The specific concern of the neighborhood is the by right of the corner to have a driveway on Amherst which is a primary entrance into their neighborhood. There is not a proposal before the city for development. He said demolition has begun on one of the dwellings that is on part of that lot. Their concern is that the by-right has been transferred to the other three; they are concerned about the potential volume that would empty on to Amherst. They worry that the developer will find a way to get around code and build a 15 – 20 story building laying it horizontally on its side instead of vertically. He also thinks the zoning intended for several residential houses to be built, not a large dwelling like an apartment building or something like that. He is concerned about it obviously, and there are half a dozen bus stops along that corridor within the neighborhood. The neighborhood is concerned that it would become a tributary to Rose Hill Drive if there is a driveway on Amherst serving a very large dwelling that has been proposed. They want to make the Commission aware of this and to monitor it.

Alex Hancock – Eton Road, said he would like to make public something that has been going on his street for decades. Eton Road is a dead end street that is considered by the City now (Not when he purchased the property) as subject to critical slopes and stream buffers, which creates issues for development within the code. The issues that are there for the residents are not only parking, but there is a failing retaining wall. There is no E&S or storm water pick up at the end of the street road. Basically the roads ends in a city owned 15 foot easement that spills out on to his neighbor's and his property. He said he came before the city in 2010 with a PUD design that would handle those problems himself, because he asked the city for drainage help when he first brought the property in 2003 or 2004. He said the city has basically stone-walled him since he purchased the property. He said every time he comes before the Planning Commission or City Council, the folks who are up here or the folks in the planning department, seem to bring up all these issues that have nothing to do with the legal turn around code that needs to be met with this street. The retaining wall has failed and there is no turn around for EMS vehicles. He has consistently sent the city messages that his trash doesn't get picked up, his street doesn't get plowed. He said the issue has gotten better over the years but still hasn't changed. There are no fire hydrants within the city code limits, and part of his frustration is from something the city recently just did in approving \$70,000 to re-align a sidewalk for one neighbor. The side walk hasn't failed or created any problems. He said maybe this is a way to create an ADA ramp but it doesn't make sense why the city is going to spend \$70,000 on infrastructure money on something that is already there and facilitates need and yet when residents ask for help, the city turns a blind eye, because he believes they think one owner is going to build all of the infrastructure that the city has lack to build or follow the deeds when they took over this property or started to look at what they can do or what was going with a specific property.

Jean Hiatt, 1534 Rugby Ave, said that the City has a lovely brick office building at the corner of Rose Hill and Amherst that can be seen as a gateway building into one of the entrances into the Kelly town Neighborhood. It is beautifully built, probably architect-designed, and is now 60 years old and can be considered as a historic structure but it is not an individually designated property. It has been used as a realtors' office for many years. Unfortunately for the neighborhood and Charlottesville, the current owner, Woodard Properties has successfully requested a demolition permit for this building. According to the City Comprehensive Plan of 2013, Charlottesville will seek to preserve its historic resources through education and collaboration to maintain the character of our neighborhoods core historic fabric. This contributes to the character and quality of neighborhoods and to the aesthetic value of the entire community. A better scenario for this building at 1143 on Rose Hill Drive would have been if the developers looked into adaptive reuse and built a large addition on this structure. This way they could have reaped economic benefits and still preserved an important neighborhood building. The comprehensive plan also cites a goal of supporting creative reuse of existing buildings. As the City looks now to update our Codes and faces increased development pressure, please be vigilant about considering zoning changes where other important historic buildings can be adequately protected. Kelly town Neighborhood of course is disheartened by this demolition plan. They would ask that the Commission monitor new development on this property closely. They will be concerned about adequate buffer protection, set back and protection from light pollution and noise emanating from the new structure. She added that the Historic Preservation and Urban Design chapter of our comprehensive plan (8.3) states that there be an effort to ensure that new development complements the City's character and respects those qualities that distinguish the City built environment.

Bill Emory 1604 E. Market St, said the city has a trinity of what could be called planning document, three main ones: the comprehensive plan, chapter 34 of the zoning code, and the standards and design manual. He said the standard and design manual is truly the holy ghost of the trinity and is a little bit hard to describe. He said it is 129 pages, and with the entire appendixes it was 892 pages. He asked if there is a process for amending, revoking and re-ordaining this manual. He asked how do items get put in there, how do they get removed, and how are they are judged for alignment with the Council vision. He said it seems like a very mysterious book and he wish the Commission would work in conjunction with Ms. Robertson to put together a short one, on what it is and how it is and how it gets changed so that the quality of our built fabric above and below the ground the City will improve because right now it seems that time and time again we hear that it is a how to manual, and when developers come through with thoughtful ideas it said "you can't do that it's not in the standard and design manual". He said who has that power.

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

1. Minutes - February 24, 2015 – Work Session
2. Minutes – March 10, 2015 – Pre-Meeting
3. Minutes – March 10, 2015 – Regular Meeting

Motion by: Commissioner Green

Seconded: Commissioner Santoski

VOTE: 4-0

“Aye”: Commissioners Dowell, Green, Keesecker, Santoski

“Nay”: None

Abstentions: None

Disqualifications: None

III. JOINT PUBLIC HEARINGS (Beginning at 6:00 P.M.)

G. JOINT PUBLIC HEARINGS

1. ZT15-00003 – Affordable Dwelling Unit Definition Change

An ordinance to amend and reordain §34-12 of the Zoning Ordinance of the Code of the City of Charlottesville, 1990, as amended, to amend the definition of an affordable dwelling unit. This is a proposed zoning text amendment to modify the definition of what constitutes an affordable dwelling unit, relative to the length of the commitment and qualifying household income level. Staff recommends approval of the proposed text amendment.

Kathy McHugh, – "affordable dwelling units" mean dwelling units affordable to households with incomes at not more than eighty percent (80%) of the area median income, and which are committed to remain affordable for a specific period of not more than 30 years.

No Members of the Public Spoke in the Public Hearing

Commissioner Green said there is a huge problem with affordable dwelling units in Montgomery Maryland, where units are removed from the inventory of affordable units after the time frame for maintaining those units expires.

City Attorney Lisa Robertson said there is an easier way to adopt this and it's much easier to try to amend the language.

Commissioner Genevieve Keller arrived at 6:25pm

Commissioner Santoski move to recommend approval of ZT 15-00003 based on a finding that the amendment is required by the public necessity, convenience, general welfare or good zoning practice, seconded by Commissioner Keesecker.

VOTE: 5-0

“Aye”: Commissioners Dowell, Green, Keesecker, Keller, Santoski

“Nay”: None

Abstentions: None

Disqualifications: None

2. ZM-14-12-14 – William Taylor Plaza PUD Amendment

Southern Development acting as agent for Cherry Avenue Investments, LLC has submitted a PUD amendment for a development located on the northwest corner of Ridge Street and Cherry

Avenue. The original PUD was approved November 2, 2009. Changes to the approved proposal include a revised proffer statement, parking configuration, parking lot screening, and Arboretum requirements. A revised proffer statement and development plan reflecting these changes has also been submitted. The property is further identified on City Real Property Tax Map 29 Parcels 157, 150, 149, 147, 146, 145, and 151 having frontage on Ridge Street and Cherry Avenue. The site is zoned PUD and the total project area is 125,321.5 square feet or approximately 2.90 acres.

The applicant, in amending the 2009 PUD development plan and proffer statement had an opportunity to address concerns from staff and Planning Commission not covered in the original PUD. A use matrix, phasing plan, and building envelopes are all details staff would have liked included in PUD applications. By including these elements the neighborhood and community at large would have a better understanding of the development future for this important site.

Matt Alfele, City Planner stated Southern Development wants to move in a direction that would embrace a lot of the changes that have been suggested. The existing zoning requires 90 percent of the parking on the site to be in a structure, but the company wants that lowered to 60 percent.

Charlie Armstrong, Southern Development's vice president, said the design changes the Commission will see in the Proposed PUD are:

- 40% max surface parking
- Parking not visible from streets
- Arboretum is 25% of the site
- Inappropriate commercial and residential uses proffered out
- 25 and 50 rear setbacks to adjacent residential properties
- Construction phasing plan has been proffered
- \$420,000 annual city tax revenue

Mayor Huja asked about landscaping.

Charlie Armstrong said yes there is landscaping as shown in the picture.

Councilor Smith asked is the same developer doing both phasing and is there a single owner of the property who would own the Arboretum.

Mr. Armstrong said the same developer would probably not do both phasing because there are two different developers. He said the common areas have shared use.

Open the Public Hearing

Stan Sweeny – said he owns 29-155 partially 29-156, and that he abuts all of the property across the square. He said he has not seen anything regarding the screening for the arboretum. The arboretum is a public space and he doesn't want anybody to cross his property. This is a historical district designate in 2009. He does not feel the hotel concept is in keeping with the historical nature of the Fifeville/Tonsler community.

Jean Hiatt 1534 Rugby Avenue commended the Planning Commission for the thoughtful and thorough list of requirements that were made for the 2009 PUD project on the corner of Ridge and Cherry and request that the commission keep the same requirements. If this project cannot be built now, maybe another project will come along later. She is concerned about the project on Ridge Street which she assumes are going to be row houses of some sort but she hopes they will enhance the historical character of Ridge street and whatever is built on the cherry avenue portion does not under-mind the historic district.

Susan Lanterman, 406 Ridge Street, back in 2000, she has seen the evolution of William Taylor Plaza go from residential to mixed use to a hotel. People find it difficult to live in the city where they work because the City has grown to unaffordable. She said the City does not need another hotel within the W. Main, Cherry and McIntire area.

Antoinette Rodes 406 Oak Street – interchange of Ridge and Cherry is not appropriate to build on especially not a hotel. She said she would like to see this matter resolved properly. She would like to see an archaeology survey commenced pronto which means we would like to see everyone doing the right thing finally. She said the property is not suitable for development because of its topography and because it is a probable location of a cemetery dating back to the 19th century.

It's a steep-sided, wooded ravine bisected by a creek, and in 1883, heirs of Allan Woodson Hawkins reserved a graveyard on a deed on the land described in the deed overlaps a large part of what Southern Development wants to build on.

Alex Hancock said his thoughts are that the developer has gone through a process and has already achieved a certain resolution that the Planning Commission has accepted at some point. He said although the applicant may be asking for changes, he is confused how the planning commission encouraged them to do one thing and then the next month, or next year, you all present new information. Reminds him of regularly of challenges he has been through on his own project.

Closing of the Public Hearing

After in-depth discussion of this PUD by the Planning Commission and City Council it appeared members were still not supportive of this amendment.

Commissioner Green moved to recommend denial of this application to amend the concept plan for the William Taylor Plaza Planned Unit Development with amended proffers, on the basis that the proposal would not serve the interests of the general public welfare and good zoning practice, seconded by Commissioner Santoski.

VOTE: 5-0

“Aye”: Commissioners Dowell, Green, Keesecker, Keller, Santoski

“Nay”: None

Abstentions: None

Disqualifications: None

3. ZM-15-02-02 – Longwood Drive PUD Amendment

Richard Spurzem of Neighborhood Properties Inc. has submitted a PUD amendment to add (5) attached residential units to the existing Longwood PUD development. The additional units will be located on the southwest corner of Harris Road and Longwood Drive. The original PUD was approved July 20, 2009. Additions to the approved proposal include expansion of the existing PUD by 0.20 acre constructing (5) attached residential units, additional parking, and adding 2,000 square feet of open space. The property is further identified on City Real Property Tax Map 21A Parcel 104, having frontage on Harris Road and Longwood Drive. The site is zoned R-2 and the total project area is 8,712 square feet or approximately 0.02 acres.

Mike Myers, Project Engineer, stated the PUD Amendment proposal is for the construction of 5 new townhome units with associated parking at the intersection of Harris and Longwood. He said Mr. Spurzem had always wanted to include these lots in the PUD, but it had only been recently that he was able to purchase this property. The ultimate goal of the development is to “bookend” Longwood Drive with new townhomes and upgrades the existing duplexes in the middle. The developer is also providing 15% of the units as affordable, and has promised contribution of an additional \$10,000 to the Charlottesville affordable dwelling fund (in addition to \$50,000 already provided with the original PUD approval).

Mr. Richard Spurzem gave an additional overview of the project. He wanted to amend the July 2009 rezoning to accommodate five additional townhomes that would face Harris Road. He said these units would be priced at around \$230,000, which would be considered affordable to a family that makes 80 percent of the area’s median income. He feels that this is a product that the city needs and it’s a product that the city wants.

There was much discussion between Council and the Planning Commission regarding the garages under the townhouses.

Open the Public Hearing

Jeremy Sen, 101 E Longwood Drive, he is concerned with the distance between the townhomes. There is not a guarantee by way of a proffer that there is any reasonable distance between units and that by default and that the developer will go back to the city rigs that just require 10 feet between roads of townhomes. He is not opposed to new development, but would like to see it done responsibly. He also had concerns about the grade of the parcel in question, and how it slopes downward to our townhome. He is afraid of additional stormwater runoff will create pooling of water potential and lead to floor damage.

Lisa Pisani 101 D Longwood Drive, Her concerns are the distance too close to her home and potential drainage issues. Also she has concerns about the opportunity for crime and would like to keep it nice and quiet and peaceful the way it is.

Susan Hennigan - 101 Longwood Drive, Lot 116, her concerns is the scope of the proposed development and why there isn’t a consideration to build three or four which seems more practical. She said she cannot park her car where she lives. The parking is a problem and there are no extra spaces for these extra people. She is disappointed that she is losing her 25 foot

setback, and she has a security concern. She said she is not opposed to building on the property but hopes that something else will be considered.

David Hennigan, – the five units are too much to build on this property. It is going to hurt our quality of life. We believed we had a 25 foot rear yard behind our townhouse. The way this was originally laid out there was a very large space in the middle so the two new buildings are going to have a wonderful setback, but they have squeezed it right up to the back of our unit. He said there is no reason why the 3 units unit cannot be shifted over 15 feet more as originally plan which would give us our 25 foot rear yard that we thought we would always have. They are asking for a lot when they are asking for a PUD to make up their own zoning practically. Another concern is because this is a PUD they can administratively file to change the plan; and he would like them to agree to in terms of the setback to be in a proffer because otherwise we will have to worry about this until the day they start pouring concrete. He said they were already concerned with rain runoff, you are aware of this so these properties do not come up short.

Frank Baliff, Southern Development said he built phase I of Longwood and sold the units to some great people, many of whom the Commission heard from tonight. It definitely served a price point that is very difficult to serve in the city. He said it serves a need and it is increasing difficult to find a project we can build and price points that this project can hit. It can serve a market that really has a need right now.

Closed the Public Hearing

Commissioner Keller her major concern is about the Harris Road experience. Our comprehensive plan is full of references to livability and place-making and one of our primary goals if to activate the street level and particularly on a street so close to an elementary school. She is concerned that there might not the living space on the first floor level because she doesn't think garages support that goal. She would not support a PUD that extended to and turned the corners onto Harris because Harris Street has its own character and feels it is inappropriate.

Commissioner Santoski regardless to what, he has concerns about the garage under the duplexes. There is so much of the original PUD is not built out. His has continued problem asking for an amendment without fulfilling the original PUD requests.

Commissioner Dowell spoke for the people and she agrees with them.

Commissioner Green she has the same question has the original proffers been full-filled.

Commissioner Santoski move to recommend denial of this application to amend the concept plan for the Longwood Drive Planned Unit Development with amended proffers, on the basis that the proposal would not serve the interests of the general public welfare and good zoning practice, seconded by Commissioner Green.

VOTE: 5-0

“Aye”: Commissioners Dowell, Green, Keesecker, Keller, Santoski

“Nay”: None

Abstentions: None
Disqualifications: None

4. SP15-00001 - 1725 JPA Apartments

Richard Spurzem of Neighborhood Properties Inc. has submitted a Special Use Permit application to increase density from 1 – 21 Dwelling Units per Acre to 44 – 64 Dwelling Units per Acre, reduce the side yard setbacks to 5’, and increases the building height from 45’ to 50’. The property is further identified on City Real Property Tax Map 160016000 with road frontage on Jefferson Park Avenue and Montebello Circle. The site is zoned R-3 with Entrance Corridor Overlay and is approximately 0.385 acres or 16,770 square feet. The Land Use Plan calls for High Density Residential.

Open Public Hearing

Rebecca Quinn – questioned about a car over top an apartment, sound and vibration. She didn’t think it looked good at all. Encouraged bike usage.

Close the Public Hearing.

The Commission appreciated the changes to the project, and the applicant’s response to the concerns identified at the previous meeting.

Commissioner Green move to recommend approval of this application for a Special Use Permit in the Re-zone at 1725 Jefferson Park Avenue to permit residential development up to (64) Dwelling Units per Acre and adjustment of side setbacks to a minimum of (5) feet with the following listed conditions recommended by staff in the staff report, seconded by Commissioner Santoski.

VOTE: 5-0

“Aye”: Commissioners Dowell, Green, Keesecker, Keller, Santoski

“Nay”: None

Abstentions: None

Disqualifications: None

5. Entrance Corridor Review Board

SP15-00001: 1725 Jefferson Park Avenue

Mary Joy Scala, Design Planner presented the entrance corridor review for the SUP. The Board is charged with identifying any impacts the SUP will have on the entrance corridor and forwarding those impacts to the City Council for consideration along with the SUP.

Commissioner Santoski moved that Commission not forward an impacts to the Council. The motion by Seconded by Commissioner Green.

VOTE: 5-0

“Aye”: Commissioners Dowell, Green, Keesecker, Keller, Santoski

“Nay”: None

Abstentions: None

Disqualifications: None

5. ZT14-00011 – Transient Lodging Facility

Transient Lodging (TL), such as the accommodations offered through website clearinghouses model of travel/ temporary lodging is creating more options for travelers and new revenue opportunities for individuals and small businesses, but could be disruptive to some traditional neighborhoods. Many localities are underprepared for such a rapid growth in the number of TL within their communities. Other locations have enacted regulations only to find they are insufficient or unaffordable. As of the date of this report, three (3) of the most popular TL websites; Stay Charlottesville, airbnb, and HomeAway listed a combined two hundred and five (205) available units in the Charlottesville area. The last report prepared for the Planning Commission (dated December 9, 2014) listed a combined three hundred eighteen (318) available units. This highlights how fluid TL are and how they can fluctuate dramatically over rapidly, and an ordinance, or modifications to existing ordinances, is needed to balance the needs of the community and foster economic innovation. The City of Charlottesville is not alone in facing this changing landscape as other cities grapple with keeping their regulations relevant.

Matt Alfele, City Planner stated transient lodging facilities such as accommodations offered through websites like Airbnb are popping up all over the country. This model of temporary lodging is creating more opportunities for travelers and new revenue opportunities for individuals, but can be disruptive to traditional neighborhoods. Mr. Alfele said there are as many 318 housing units in the city currently being used as transient lodging facilities. The zoning code currently allows for “homestay” homes to be run as bed and breakfasts, but that requires the property owner to live on the premises when guests are there.

Mr. Alfele had presented the commission with two different approaches. One would expand the homestay category, and the other would define a new “transient lodging facility” that would allow the practice to become legal throughout the city without homeowners needing to be on site.

In both cases, property owners would need to get a provisional-use permit from the city. They also would need a business license and pay taxes to the city.

The city has been studying the issue since July, but commissioners said they want to get the ordinance right.

Commissioners Keller, Santoski and Green all recommended Proposal A with some revisions.

Commissioner Green stated that she would like to have a work session to discuss this.

Commissioner Dowell didn’t feel that proposal A or proposal B is really going to get the City to where it needs to be. Commissioner Dowell is the proprietor of a bed and breakfast.

Commissioner Dowell asked Councilors if they would extend the time allowed for further study. Councilors agreed to hold the joint work session May 21st at 6pm in the basement conference room to further discuss how Charlottesville's zoning code might be amended to regulate the growing practice of homeowners renting out their space to tourists and other visitors.

Todd Divers, Commissioner of Revenue said we are clearly missing out on a lot of revenue and would appreciate a clarification to the Code.

Opening the Public Hearing

Pete Caramanis, representing the VA short term lodging Corporation – preserved people's rights to do what they do. We proposed revised form which is B. He said his organization is not opposed to the work session. Glad to hear why some stuff was removed.

Travis Wilburn of Stay Charlottesville, talked to the hotel lodging group. They have not seen the issues that have been mentioned. There have only been five complaints in the City.

Rebecca Quinn – Supports a work session. She raised two concerns: unless it's a condition of a business license, property insurance and safety, to find a way to provide evidence of insurance. Also, staff should do an initial inspection.

Joyce Kaswandik of Guest Houses, ditto on the insurance on the current homestay. we are not getting where we want to go. The ordinance really is not addressing what was going to happen in the future. Responsible party, insurance, registration, notify neighbors, noise ordinance. She can't imagine anyone is going to get a license if there isn't a way for the city to enforce it. 100% of people use this is a supplemental income, not as a job.

Charlotte Drummond – option B is a good thing. UVa college weekend.com she got a business license. She vacates her home. Her neighbors look out for her and she looks out for them. She can stay in her home.

Kip White, 1012 Locust Avenue said he was in favor of option B and a lot of these people renting out and leaving the house. It would be very difficult. Police will enforce noise ordinance. Recommend option B.

Scott Wylie nurse, small unit of ten live in the city. Option B is the only option 812 Rose Hill Drive

Wendy Roberman – Option B interests her. She housed a family coming from Boston, 5 people in three bedrooms. She got a license and increased their insurance. The use is just temporary extra money to travel now and then.

Alex Hancock – Said that the report mentioned only five complaints on residences around the city, but he said he sent the city a notice of 6-9 properties violated the homestay ordinance in his neighborhood. He understand what is going on, option A is the only way to test the market. The

city needs to take this in serious consideration. We do have current enforcement to take care the neighborhoods.

David Myers – a special condominium people showing up suddenly where you live, damaged, the neighbors are suffering the consequences. B does not reflect this at all. Require the owners to be there.

Evie James, 1600 Dice Street in the Fifeville community, rented out her home, graduation and reunion allowing people to come in and live in Charlottesville. She supports transient lodging use for home owners. In plan A mention resides (does it count for a sabbatical) supplemental income.

Susan Lanterman – getting approval what is the different between a transient lodging facility and a Bed and breakfast. Look at the rules requiring for Bed and Breakfast.

Closed the public hearing

Motioned by Commissioner Green and Seconded by Commissioner Santoski, to schedule a Work Session for the 21st of May at 6:00 pm. to continue this discussion and in the city hall basement conference room.

VOTE: 5-0

“Aye”: Commissioners Dowell, Green, Keesecker, Keller, Santoski

“Nay”: None

Abstentions: None

Disqualifications: None

6. ZT15-00001 – Flood Plain Ordinance Amendment

This is a proposal for an amendment to Chapter 34 of the City Code (Zoning), Article II (Overlay Districts), Division 1(Flood Hazard Protection Overlay District), Sections 34-240 through 34-258, by repealing the existing regulations in their entirety, and re-enacting floodplain regulations consistent with current requirements of the Federal Emergency Management Agency (FEMA) and FEMA’s model floodplain ordinance. The updated regulations, if adopted, would apply to all properties within flood hazard areas identified within FEMA’s Flood Insurance Rate Maps (FIRMs) for the geographic area within the City of Charlottesville. A copy of the proposed updated floodplain regulations is available for public inspection.

Open Public Hearing

Alex Hancock – confused by this adoption. This is all new to him. He is frustrated and would like more information.

Ben Butler, 1329 Rio Drive – due to his evaluation, his business insurance would be costly. He is asking the planning commission to take a second look at this.

Rebecca Quinn – FEMA put her through the ringer and she is shocked by some of things in the model. She thanked staff for responding to most of her issues. Reference to the maps to be

adopted. The moved it from DCR and put this in the definition. Text was added regarding activities that are exempted. The last one is definition of substantial improvement to defined terms, shocked and FEMA and DCR did not find any instructions to the definitions, like higher standards, it is a very her recommendation there is not great reason for you to required that building to be brought into definition to the basic minimum.

Close the Public Hearing.

Commissioner Green move to recommend to City Council the approval of ZT15-00001, subject to the following:

1. The City Attorney's Office shall prepare a proposed final ordinance, consistent with DCCR's model Ordinance provisions, and including those portions of Ms. Rebecca Quinn's May 11 2015 suggested edits as are consistent with the Model Ordinance and approved by the City Attorney's Office
2. The City Engineer shall transmit the proposed final ordinance to DCR for any additional wording changes necessary for the state to find the City in compliance with federal requirements; and then
3. The proposed final ordinance, with any DCR requested revisions, shall be transmitted to City Council for adoption

Seconded by Commissioner Dowell.

VOTE: 5-0

"Aye": Commissioners Dowell, Green, Keesecker, Keller, Santoski

"Nay": None

Abstentions: None

Disqualifications: None

7. ZT15-00002 – Development Application Procedures

An ordinance to amend and reordain §34-8, §34-41, §34-42, §34-158, §34-160, §34-515, §34-804 of the Zoning Ordinance of the Code of the City of Charlottesville, 1990, as amended, and §29-59 of the Subdivision Ordinance of the Code of the City of Charlottesville, 1990, as amended to amend the procedure for reviewing applications for rezoning, special use permits, and site plans.

Staff has a concern with the mandatory public meeting and the clarity of proposals being presented at those meetings. The proposed code changes, and the discussion surrounding these changes, acknowledge a need for more time between the submission of applications and the review by the Planning Commission to permit staff to work with applicants to refine their proposals, as well as bring better quality submission materials to the Commission. If the mandatory public meeting is held at some point during this process, then it is likely that the public will be seeing a different version of the proposal than the one that the Commission and Council may ultimately vote on. Staff is concerned that this would lead to more confusion surrounding development proposals. Staff recommends that the draft ordinance be modified to make the public meeting a voluntary provision that may be required by the Director of NDS during the review of a rezoning or special use permit application.

Finally, staff recommends that the modification to Section 34-8 be approved with the corresponding deletion of the language from 34-41(c). Staff finds this to be an amendment that serves to place a current regulation in a more appropriate location in the code.

Opening of the Public Hearing

Neil Williamson of the Free Enterprise Forum – said he is not convinced of that the City has the ability to require a public meeting for by-right applications. He said that development applications raise challenging issues and it is a joined responsibility between the developer and the staff. He said it is critical that staff be in the meeting, and that represents additional staff time. He said he would prefer staff coordinate the meeting. Mentioned the irony of this item being considered at 11:00 and the doors to City Hall are locked.

Justin Shimp of Shimp Engineering – said that sometimes people just show up and complain. This might be more confusion or not follow quite a strict procedure. He said that most neighboring localities require these meetings already.

Closing of the Public Hearing

Commissioner Green move to recommend to City Council that it should amend Sections 34-8,34-41, 34-42,34-158, 34-160, 34-515, 34-804 of the zoning ordinance, and section 29-59 of the subdivision ordinance, to amend the procedures for application submission, review, and referral to the Planning Commission, as presented in the draft ordinance provided by staff, because I find that this amendment is required by the public necessity, convenience, general welfare, or good zoning practice, seconded by Commissioner Santoski,

VOTE: 3-2

“Aye”: Commissioners Dowell, Green, Santoski

“Nay”: Keesecker, Keller

Abstentions: None

Disqualifications: None

8. ZT15-00006 – Sidewalk Waiver Provisions

An ordinance to amend and reordain the Zoning Ordinance of the Code of the City of Charlottesville, 1990, as amended, to provide the option of contributing to a sidewalk fund rather than dedicating land and constructing sidewalks for residential lots on existing streets.

No Members of the Public Spoke in the Public Hearing

Commissioner Santoski move to recommend to City Council that it should amend Section 34-1124 of the zoning ordinance, to provide persons constructing a dwelling on a previously vacant lot the option of contributing to a sidewalk fund rather than dedicating land and constructing sidewalks, as presented in the draft ordinance provided by staff, because I find that this amendment is required by the public necessity, convenience, general welfare or good zoning practice, Seconded by Commissioner Dowell

VOTE: 5-0

“Aye”: Commissioners Dowell, Green, Keesecker, Keller, Santoski

“Nay”: None

Abstentions: None

Disqualifications: None

IV. REGULAR MEETING – (continued)

Commissioner Green left at 11:58 pm.

I. Preliminary Discussions

5. ZM15-00002 - Lochlyn Hill PUD Amendment

The applicant has previously appeared before the Planning Commission seeking approval of the design for block 2B. The Commission indicated, however, that the design was not in conformance with the approved concept plan for the planned unit development. The applicant has elected to seek an amendment to that concept plan so that the engineered design for the block will comply.

LJ Lopez, Meadow Creek Development, said this is clarifying language referring to block 2B and further clarifying this so there is no confusion going forward.

Is the change to the project in keeping with the standard and objectives of the Planned Unit Development ordinance?

Commissioner Keesecker said the PUD ordinance question is are we getting the best out of our PUD ordinance. He said we are constantly focusing on the sizes of the houses and for us who are not living in that house particularly, we shouldn't care the size of someone's house is but to know what it is like in the public places where he can go on the streets. The PUD is not about designing these houses for whatever size they are but about shaping public space the meaningful to the people who live in the neighborhood or the rest of us who want to visit. He said the whole discussion about use and size is just a vehicle to get to good public spaces and that is what PUDs should be about.

6. SP15-00002 - 550 East Water Street SUP

Justin Shimp - Reason for Special Use Permit

The applicant is requesting a special use permit for additional building height. The maximum by-right height in the Water Street Corridor is 70 feet. The applicant has requested a building height of 101 feet, which is the maximum allowed under a special use permit.

Massing and Scale – The proposed project would entail the construction of a three-story building along the entire front of the property, and a nine story tower at the west edge of the property.

Surrounding buildings range in height from 1 to 5 stories.

Façade treatment – the project will be reviewed by the BAR, and will alter a portion of the pedestrian realm along the south side of Water Street. The current proposal for office space offers little permeability along the street as designed.

Adjournment: 1:00 a.m.