

MINUTES

CITY OF CHARLOTTESVILLE

PLANNING COMMISSION

TUESDAY, January 11, 2011 -- 5:30 P.M.

CITY COUNCIL CHAMBERS

Commissioners Present:

Mr. Jason Pearson (Chairman)

Mr. Dan Rosensweig

Mr. Michael Osteen

Mr. Kurt Keesecker

Mr. John Santoski

Ms. Genevieve Keller

Ms. Lisa Green

Staff Present:

Mr. Jim Tolbert, AICP, Director NDS

Ms. Missy Creasy, AICP, Planning Manager

Mr. Nick Rogers, AICP, Neighborhood Planner

Mr. Brian Haluska, AICP, Neighborhood Planner

Mr. Michael Smith, Planning Assistant

Also Present

Mr. Richard Harris, Deputy City Attorney

Not Present:

Mr. David Neuman, Ex-officio, UVA Office of the Architect

II. REGULAR MEETING

Mr. Pearson convened the meeting.

A. COMMISSIONERS' REPORT

- Ms. Green had no committee report, but did have something to report. She attended an informative and interesting meeting sponsored by Charlottesville Tomorrow. It was the first annual Community Conversation. The topic was Community character and Economic vitality. Edward McMahan (Urban Land Institute) did a wonderful job in presenting information about our characteristics, our heritage and how those things affect our economic vitality. Ms. Green encouraged everyone to view the pod cast on the Charlottesville Tomorrow website.
- Mr. Santoski had no report, but will be attending two meetings next week: the School CIP and the PACC Tech meeting. Mr. Santoski plans to have something to report at the next meeting.
- Mr. Osteen reported that the BAR had their regular meeting. He felt that the agenda did not have any items of importance to the commission. Mr. Osteen informed the commission of a group of citizens representing the City, County and the University under the local climate action group. They are identifying things that can be done as a community, or as individuals that would impact our footprint on the planet and ways to adapt to changes that we may expect. Mr. Osteen stated that they will have their first public presentation at a community workshop January 26, 2011(Wednesday night) at the Albemarle County office building from 6:00pm-8:00pm.
- Ms. Keller reported that she has been meeting with the Community Development Block Grant Task Force and reviewing a huge notebook of proposals.
- Mr. Rosensweig had no report
- Mr. Keesecker had no report.

B. UNIVERSITY REPORT

No Report. Mr. Neuman was not present at the meeting.

C. CHAIR'S REPORT

Mr. Pearson mentioned he attended the TJPDC meeting last week by phone. The meeting was very brief and focused on improvements to the organizations internal practices.

D. DEPARTMENT OF NDS/STAFF REPORTS/WORK PLAN

Ms. Creasy reported that Deronda Eubanks has joined the NDS as one of the front desk support people and will also be taking minutes for Board and Commissions. NDS is glad to have her on board. Deronda is in the process of learning what NDS does.

She also informed everyone to take a look at Planning Awards nominations. Also, request was sent out for work session items. There are two items on the agenda for the January 25, 2011 work session: feedback on the impediments to fair housing report and 2011 work plan

Mr. Pearson asked Ms. Creasy a question about the Critical Slope being listed on the work session agenda. She responded by saying that the critical slope item is only a place holder

Mr. Pearson recognized Mr. Tolbert to report on the Sidewalk Priority Process. Mr. Tolbert stated that staff has taken the time to be more thorough and analyze some of the questions and concerns that the Planning Commission had. He also stated that he would like to have the draft memo and the PowerPoint presentation out to everyone by next week or the beginning of the following week. Mr. Tolbert asked that everyone take a look and give thoughts about any holes, questions or other concerns that they may have.

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

There were no items presented by the public.

F. CONSENT AGENDA

1. Site Plan and Subdivision approval list

2. Minutes-December 14, 2010-Regular meeting

Changes were noted in the pre-meeting and given to Ms. Creasy.

Mr. Pearson had a change that he wanted noted publicly. The regular meeting minutes for December 14, 2010 will be changed to reflect this.

Mr. Rosensweig moved for approval. Mr. Osteen seconded the motion.

Ms. Keller wanted to make sure the motion contained the changes that were discussed in the pre-meeting.

Mr. Pearson responded with a yes. He wanted to clarify that he understood Mr. Rosensweig and Mr. Keesecker wanted two changes to the Critical Slope Revisions. Mr. Pearson understood that Mr. Rosensweig and Mr. Keesecker was more comfortable with including sections 1F and 1G, which were two sections of the intent language, referring to a broader intent. Mr. Pearson wanted the minutes to reflect this.

Mr. Keesecker agreed.

Mr. Rosensweig had a different understanding. He is in favor of the first changes that were mentioned, but not sure if he is ready to commit.

Ms. Keller stated that she was not present at the last meeting, but since there are a lot of changes and revisions to the minutes of the last meeting, she felt they should forgo the motion and have a chance to look at the revisions.

Mr. Rosensweig accepted that.

Mr. Osteen seconded it.

Motion was made to accept site plans and subdivision and minutes from the pre-meeting with the comments that were made by Mr. Pearson and Mr. Rosensweig.

All in favor. Consent agenda passed.

3. Minutes-December 14, 2010-Pre-meeting

III. JOINT PUBLIC HEARINGS

G. JOINT PUBLIC HEARINGS

1. ZM-10-11-29 (William Taylor Plaza) - Hearing Rescheduled for the February 2011 meeting.

2. SP-10-11-30-(1147 Rose Hill Drive) An application for a special use permit for the property at 1147 Rose Hill Drive. This request is for a health clinic exceeding 10,000 square feet in the B-1 Zoning District. The property is further identified on City Real Property Tax Map 37 Parcel 80.3 having frontage on Amherst Street and Rose Hill Drive. The Site is zoned B-1 Business and is approximately 0.699 acres or 30,450 square feet. The Land Use Plan calls for office. **Report prepared by Nick Rogers, Neighborhood Planner.**

Mr. Rogers presented the report.

Mr. Keesecker wanted to clarify something noted in the pre-meeting. The parking space number that is currently shown and the parking requirement for a clinical space use does not match. More parking would be required.

Mr. Rogers confirmed that the statement was correct. He also stated that a sheet was included in the packet given to the Planning Commission that calculates the required number of parking spaces required based on an office use. If the applicant were to move forward with clinical use and they were successful in obtaining a special use permit then the parking count would need to be altered. Inevitably more parking would be required.

Mr. Keesecker wanted to know if the applicant is compelled to build a 35,000sq ft to suit the approval or could they build a two story building instead of a three story.

Mr. Rogers stated that if the applicant has an alternative project they would like to do, they would have to amend the site plan whether larger or smaller. The applicant could go shorter but not taller.

Mr. Rosensweig wanted to know the relevance of the RFP from UVA as it does not clarify size and the intensity of use. Mr. Rosensweig wanted to know what extent they should consider the document.

Mr. Rogers stated that the he would consider the RFP pertaining information of some of the characteristics, but wouldn't consider it to be anything more.

Mr. Rosensweig asked whether there was a real plan in front of the Planning Commission.

Mr. Rogers felt that the applicant would be better at answering the question.

Ms. Creasy stated that the RFP is providing some parameters of what the University of Virginia is trying to do.

Mr. Santoski wanted to clarify that they had just approved an SUP for a technology based business on the same site and wanted to know if that stays in affect even if they approved an SUP for a health clinic. He also wanted to know if the owner still plans to have a technology based business occupy some of the space in the building along with this health clinic.

Mr. Pearson wanted to clarify what he was hearing. The request is for a health clinic in excess of 10,000sqft at a minimum of 10,001sqft. The approval is 34,000sqft of building so 24,000sqft could be available for another use. A health clinic use of the building would require more parking.

Mr. Rogers confirmed the statement.

Ms. Keller wanted clarification of what it would mean if the SUP was granted in terms of whether it would be this specific project or a comparable project; if they failed to negotiate with the University could another health clinic be established if the SUP was granted.

Mr. Rogers answered that a special use permit is not necessarily tied to a particular tenant but to the property itself. It allows the property owner to take advantage of a particular use based on what ever conditions City Council attaches to it.

Ms. Szakos would like to have emails from the public forwarded to members of the City Council in similar situations.

Ms. Green wanted to know if the site plan technically has 59 spaces. It was confirmed that there were and the developer shows 53 due to credit for bike lockers and proximity to bus stop. She wanted to know how many additional spaces are needed for a health clinic.

Mr. Rogers believes an additional 10-15 spaces are needed.

Ms. Green was looking at the RFP because it notes a parking space requirement. If the applicant were to have a 24,000sqft health clinic the RFP requires 3 spaces per 1,000sqft. How close is that to the city's calculation. Would the city require 75 spaces or would the city require more.

Mr. Rogers stated that the municipal laws require less than what is listed in the RFP but not by a significant amount.

Mr. Pearson called for more questions. Seeing none, the applicant came forth to give his report.

Doug Lowe gave an overview of the project and RFP.

Mr. Osteen wanted clarification of the differences between the two questions that the RFP is asking concerning parking spaces and number of parking spaces to the lessee. He would like to know if there is a difference.

Mr. Lowe stated if they would go to their maximum limit, there would be a ratio disbursement.

Mr. Osteen wanted to know if the applicant gave a specific number of parking spaces and if it would take up the entire site. It was noted that UVA would maximize the site and there is no intention of increasing parking on site.

M. Osteen wanted clarification of proposed hours of operation

Mr. Lowe had no comment as he is only going on the RFP.

Mr. Pearson clarified that the applicant is not planning to build anymore spaces. The applicant will only offer them the amount of square footage within the constraints of the code requirements.

Mr. Lowe confirmed the statement Mr. Pearson made.

Ms. Keller wanted to know if there was a "Plan B" if negotiations with the University were not successful. Mr. Lowe stated there is really no "Plan B" but there have been some inquiries for a standard medical office.

Mr. Keesecker wanted information on the lighting of the building.

Mr. Lowe stated that the underground garage will contain LED lighting with a motion detector system.

Mr. Keesecker had a question about square footage assigned to patient care and how much was assigned to other uses. Would different uses be contained on each floor of the building? Mr. Lowe noted that all the information he has is indicated in the RFP.

Mr. Pearson asked if there were anymore questions for Mr. Lowe. Mr. Pearson asked Mr. Rogers to come back up.

Mr. Rosensweig wanted to know how big of a health clinic would be allowed with the amount of parking and could that be calculated. It was noted that the information could be determined.

There was discussion about the number of different uses and functions which could occur in the building. It was noted that the applicant could do this and the Battle Building was used as an example of a current example.

Mr. Creasy stated not to take the RFP exhibit C at face value as it has limited details. Ms. Creasy did a calculation on the amount of parking spaces per square feet.

Mr. Keesecker stated that there is no way of actually calculating the amount of parking needed until the amount of office space is determined.

Mr. Pearson opened the public hearing

Carole Hatcher, 1506 Amherst St, representing the Kelly town neighborhood, noted they feel that the health clinic would threaten the stability of the neighborhood.

Walt Heneck, 1521 Amherst St, understands the need to raise revenue but feel that the health clinic would increase density and the traffic already in the neighborhood.

Ruth Barolski, 1206 Augusta St, supports Mr. Rogers's decision to deny the special use permit. She does not like potential for 24/7 hours that the health clinic could be operating. The health clinic is not a good fit for the neighborhood.

Colette Blount, 1523 Amherst St, feels the plan needs to be amended. Ms. Blount feels that Rosehill Dr. is already congested and dangerous and the parking situation would make it worse.

Mr. Pearson asked for any more comments from the public. There weren't any.

Mr. Pearson closed the public hearing.

Mr. Pearson asked if the commissioners had any more questions for the applicant or Mr. Rogers after hearing the public comments.

Mr. Rosensweig wanted to know from the applicant would a 25,000sqft maximum and a single use be useful to the applicant.

Mr. Lowe doesn't feel they could easily increase the parking and they don't want too.

Ms. Creasy clarified Mr. Rosensweig's question for the applicant.

Mr. Lowe stated that he could build a smaller building to accommodate parking if the applicant would take the entire building. Mr. Lowe suggested maybe not building the 3rd floor or just part of the 3rd floor. This would require an amendment to the site plan.

Mr. Pearson wanted to clarify that if the commission were to approve the site plan for a health clinic it would be with conditions. Mr. Pearson wanted to know from the applicant if he could live with only having one use for the building. The applicant was open to this.

Mr. Rosensweig wanted to clarify if they were to move forward with the voting, that the 59 parking spaces and the hours of operation would have an affect on the decision.

Mr. Keesecker wanted to point out the impact the shift changes of the businesses would have on the neighborhood.

Ms. Green wanted some clarification of some restrictions and if the applicant is willing to downsize. She also wanted to know if the city passed this with restrictions and the RFP didn't go through, what would be the next step for the applicant. The applicant noted that he is exploring by right uses. Clarification of the timeframe for the current SUP was reviewed.

Mr. Lowe stated that the RFP states that UVA would answer within 90days. It was submitted in December. Mr. Lowe feels that this could be better than the "By Right use"

Ms. Creasy wanted to know if Mr. Lowe had a case to back that up.

Mr. Pearson clarified the information that he was gathering from the applicant and Mr. Rogers asked if there were further questions.

Ms. Keller had a question about scale of adjacency on pg. 7 section 6.

Mr. Pearson stated that we have a recommendation in front of us from staff to deny based on the factors that have been outlined by the staff, assuming no changes, and no additional information. Mr. Pearson is curious to hear from the commissioners on whether they feel comfortable and are inclined to support staff recommendation and deny the SUP at this point. Before hearing from the other

commissioner's Mr. Pearson clarified what Mr. Rogers had presented in detail concerning traffic noise, parking and hours of operation.

Ms. Keller asked about the scale of adjacency, if we were referring to a different side of Rosehill would we be having this discussion at all.

Mr. Pearson asked Mr. Rogers to come forward to answer the question.

Mr. Rogers stated that the district is for a limited size business operating during daytime hours and the close proximity to residential is highlighted. With the applicant having a lack of options in creating a buffer, that limits the number of appropriate uses for the site.

Mr. Pearson feels that Ms. Keller could be correct that there could be have another usage that has a large square footage which could be less appropriate to this district with a smaller square footage.

Mr. Rogers would say no if it's an office building. He explained that an office has a predictable pattern of traffic and hours of operation. With a health clinic you don't have a predictable pattern of traffic or hours of operation. The pattern for a health clinic is unpredictable.

Mr. Santoski wanted to know whether there is a difference between 3 health clinics of 8,000sqft as oppose to 1 health clinic of 25,000sqft.

Mr. Rogers stated that the impact would be the same, but the site design would be a little different.

Mr. Pearson asked the commissioners if they could theoretically see supporting the SUP based on the list of impacts that have been identified by staff such as; noise generated from traffic, parking requirements and potentially hours of operation.

Mr. Pearson received the following informal responses:

Keesecker No

Rosensweig No

Keller No

Osteen No

Santoski No

Green No

Mr. Pearson would vote no leaning towards Ms. Keller explanation of why.

Mr. Rosensweig wanted to know if something is allowable by the SUP, should there always be some conditions which would mitigate the impact.

Mr. Pearson stated that SUP allowance only means that there may be a site within that specific zone which might be appropriate with conditions. Mr. Pearson feels that this is not one of those sites.

Mr. Pearson recognized the applicant to give them a chance to request any actions before the vote.

The applicant asked for a deferral until he could get a clear picture of parking and hours of operation from UVA.

Mr. Pearson was happy to grant the deferral and suggested that the applicant would like to speak with resident of the neighborhood.

Mr. Pearson asked for any more comments or other item, seeing none, the meeting was adjourned at 7:35pm.