

Planning Commission Work session
May 28, 2013
Minutes

Commissioners Present:

Ms. Genevieve Keller (Chairperson)
Mr. Kurt Keesecker
Mr. Dan Rosensweig
Ms. Lisa Green
Ms. Natasha Sienitsky
Mr. Michael Osteen
Mr. John Santoski

Staff Present:

Missy Creasy
Willy Thompson
Michael Smith
Ebony Walden
Rich Harris

Ms. Keller convened the Charlottesville Planning Commission meeting at 5:00 pm and turned the meeting over to Ms. Creasy.

Ms. Creasy provided a hand out on Robert's Rules of Order and highlighted the duties of the members and the role of the chairperson.

Mr. Harris gave an overview of how using Robert's Rules would help with future meetings. He also showed the proper way to end a debate and take control of the meeting.

PUD Ordinance Clarification

Ms. Creasy stated that staff was asked to review the PUD standards to determine any additions which would be helpful for obtaining sufficient information to evaluate applications. She turned the meeting over to Mr. Thompson to go over the PUD ordinance revisions.

Mr. Thompson stated that staff tried to take what is in the code now and improve it to make things more consistent. He provided a summary of the staff report.

Mr. Santoski noted that an applicant should apply for a PUD before they do anything to the property.

Mr. Harris clarified that by right is just what it is by right. A developer has the rights that are already there and can move forward even if there is a pending application.

Mr. Thompson stated that staff can't stop an applicant from doing that which is by right.

Ms. Green feels that the plan that was shown for Stonehenge was not a by right plan.

Mr. Harris stated that the applicant was able to clear the land at Stonehenge before applying for a PUD under the existing code.

Ms. Creasy stated that the applicant from Stonehenge could obtain a land disturbance permit by right without having a plan of development. She also stated that the applicant did nothing illegal by clearing the land.

Ms. Keller noted if the standards of review were looked at and the applicant did not qualify, they could be voted down.

Ms. Green feels that the Planning Commission is pushed to approve things that they may not want approved.

Ms. Creasy stated that staff recommends to the applicant that they to do certain things but cannot require anything outside the legal requirements.

Ms. Walden stated that the real question is if an owner can clear their land without a development plan and the answer is yes as long as they meet regulations.

Ms. Creasy stated that staff has added as much language as legally possible to assist the applicant when applying for a PUD.

Mr. Thompson stated that in code section 34- 517, staff tried to make the language consistent with other sections of the zoning ordinance. If a plan is submitted, it should be in conformance with what was approved. Any changes have to go back through the entire process.

Mr. Rosensweig felt that there were conflicting requirements in section 34-515. He feels an intent and purpose needs to be added. If the application is fully completed when it comes to the Planning Commission, there will be less opportunity for dialogue.

Mr. Keesecker noted that a diagram at the bringing the application process brought to the Planning Commission would be helpful. He feels the Planning Commission should come up with language for discussion and having the neighborhood involved makes the conversation more robust.

Mr. Thompson stated that adding language to paragraph one would give the applicant a range of options to do things visually.

Ms. Green feels the Planning Commission needs to get ahead of concerns involving PUD applications.

Mr. Keesecker suggested that it would be nice if staff could have a neutral meeting with the neighborhood.

Ms. Keller is comfortable with the diagram suggestion and the other items staff has added to the text.

Mr. Santoski is not sure that enough preliminary activities are taking place and there are some things that we just don't know. He wanted to know the procedure for a pre-meeting.

Ms. Creasy explained that the planner and engineer conduct a pre-application meeting before the applicant submits the application. She also explained what is given to the applicant to prepare them with the things they need before submitting an application.

Mr. Keesecker would like to find a way to facilitate a meeting with the public, applicant and staff concerning applications.

Mr. Rosensweig wanted to know if that could happen.

Ms. Creasy stated that if something has to happen then we will make it happen.

Ms. Ebony stated that the issue would be who would be invited to the meeting.

Ms. Creasy also stated that there is an involved process of getting notices out and getting people to the meetings. She also informed them that if a massive amount of information is sent, people will begin to ignore paperwork.

Mr. Thompson stated that if an applicant has a lot of support from the public then that usually means they have been interacting with them. If there is opposition, then you know the applicant has not informed the public of their intentions.

Ms. Keller asked if they should reserve the meeting to specific projects that they are unable to vote on.

Mr. Osteen feels that only certain neighborhoods will need meetings

Ms. Green asked where in the code it says you have to notify property owners that are within 500ft.

Ms. Creasy stated that the code only says adjacent property, but we choose to notify property owners that are within 500ft.

Mr. Santoski suggested adding adjacent neighborhood associations.

Ms. Creasy stated that they currently do go out to the neighborhood associations.

Ms. Keller would not be in favor of having a meeting for every PUD. There should be some guidance on when would we have a facilitated meeting.

Mr. Osteen suggested having public comment at the preliminary discussion.

Mr. Harris stated that there is no state or city code stating that an applicant has to play nicely with others. They should have the option of whether they want a facilitated meeting.

PUD Ordinance

Mr. Rosensweig would like to see some language noting that the rezoning modifications are vested. When the Planning Commission looks at a concept plan they can ask what is vested in the PUD zoning.

Ms. Creasy stated how do we reconcile what is in the concept plan to what is in the final PUD.

Mr. Harris stated that you don't want the extra requirement attached to the concept plan.

Mr. Keesecker asked why a PUD couldn't have different requirements.

Mr. Thompson stated that requirements are modified in a PUD proposal.

Ms. Keller feels that having something stating that a PUD can vary from other applications would be helpful. Staff will provide a guidance document

Ms. Green suggested defining the housing types and knowing what "minor change" means.

Ms. Sienitsky asked if having some comparable research from other localities would be helpful to see what others are doing.

Members of the Planning Commission suggested having a work session to discuss the waiver list.

Mr. Rosensweig suggested making the language tighter so staff can reject an application when it is incomplete.

Mr. Keesecker feels we should not rock the boat on PUDs until they take a look at the small area plans on how to piece things together. He feels they should create unique solutions and complement existing conditions.

Public Comment

LJ Lopez, feels that the developer should be rewarded when they make good choices. He suggested approving the preliminary site plan and having some sort of mechanism to meet multiple criteria. He also suggested having some form of check list so the applicant would know if they have completed the necessary requirements for an application.

Frank Stoner, suggested putting the 18ft road requirement on the concept plan and allowing it to be justified at site plan level.

Meeting adjourned at 7:01.