

MINUTES  
CITY OF CHARLOTTESVILLE  
PLANNING COMMISSION  
THURSDAY, MAY 29, 2003 -- 5:30 P.M.  
CITY COUNCIL CHAMBERS

The Planning Commission met on this date for a work session with the following members present:

Mr. Kevin O'Halloran, Chair  
Mr. Bruce Appleyard  
Mr. Craig Barton, Vice Chair  
Ms. Karen Firehock  
Ms. Kathy Johnson Harris  
Ms. Cheri Lewis  
Mr. Eldon Wood

Staff Present:

Mr. Jim Tolbert, AICP, Director  
Mr. Ron Higgins, AICP, Planning Man  
Ms. Lisa R. Kelley, Deputy City Attorney

Mr. O'Halloran called the meeting to order at 5:30 p.m. Mr. O'Halloran welcomed the public to the work session and reminded them that the meeting was not a Public Hearing. He stated the purpose of the meeting was to discuss the zoning ordinance. Mr. O'Halloran called on Mr. Tolbert to give an overview.

Ms. Lewis asked that the record reflect a quorum was present. Mr. Higgins stated that the meeting was a called meeting.

Mr. Tolbert stated he had talked with the City Manager about the volume of E-mails and input from the community. All of the comments and E-mails had not yet been read. The City Manager was allowing the Commission to take longer as it seemed necessary.

Mr. Tolbert planned to go through the Public Hearing comments and give the Charlottesville Planning Commission some suggestions to think about as changes to make in response to the comments. He asked that the Commissioners not making any decisions this night, but think about the ideas. He also asked that they let him know what they would need him and his staff to get to help them come to a decision point.

Ms. Lewis was pleased the time line was being extended because there had been so much public response. She was impressed by the public's thorough reading of the ordinance.

Mr. Tolbert concurred that, although overwhelming, the response was great.

Fontaine Avenue: Why would it be upzoned from R-3?

Mr. Tolbert stated that, given the community consensus and the fact that City Council was not ready to move forward on the Fontaine Avenue Project, it should be left as is, which is two-family residential, R-2U. The idea had been that upzoning would stimulate redevelopment of the area. Changing it back to R-3 would be consistent with the current Land Use Plan. Mr. O'Halloran stated there was a broad consensus to leave it as is.

Some Fontaine residents questioned the reason for requiring a Certificate of Appropriateness for single family and two-family development on the overlay corridors. Mr. Tolbert did not think that was an issue; there was no value in requiring a Certificate of Appropriateness in the entrance corridors for one- and two-family development. Mr. Tolbert asked that the requirement be eliminated; a consensus of Charlottesville Planning Commission members concurred.

A variety of maps for demonstration purposes showed several options for the University High Density District. The maps were also meant to clarify mapping errors that had been noticed by the public.

The University area: Why weren't Monroe and Brandon included when other things were?

Mr. Tolbert stated that was an oversight because it was stated in the Land Use Plan for those areas to be part of the High Density District. There was an option for removal of the area between JPA and Stadium from the University High Density. Everything that was previously R-3 returns to the R-3 designation without the University High Density designation. A second alternative would be to return everything between JPA and the railroad tracks to the R-3 designation, rather than University High Density. Mr. Tolbert stated there was a public consensus to eliminate the northern section and possibly also the southern section from the High Density District.

Mr. O'Halloran stated he would support trying the High Density out on 14th and 15th Streets. He further stated it made a lot of sense to get rid of it along that corridor at this point. Ms. Lewis stated she could support Mr. O'Halloran's idea. She wants the concept to succeed and she wanted the City to be able to control how the University affects the City in regards to housing. There was a consensus among the Commissioners not to have University Medium and High Density along JPA.

Bicycle Parking: Mr. Tolbert stated that bicycle parking was being required on everything that was built. Bonuses would be given for lockers.

River Road Mixed Used Development: Mr. Tolbert stated there had been several comments regarding the allowance of Mixed Use Development, commercial and other mixed use, in the area along River Road.

Mr. O'Halloran asked if current zoning was industrial. Mr. Tolbert concurred. Ms. Firehock and Mr. Appleyard felt it would be a great redevelopment potential. Mr. Tolbert stated he would need to work with Ms. Kelly to tweak the concept so it would be appropriate. Mr. Tolbert stated many valid comments had been received about dealing with steep slopes and creek bank protection. Ms. Firehock presented Mr. Tolbert with a book on drafting mixed use developments along rivers.

More Public Review and Scrutiny: Mr. Tolbert stated the Neighborhood Development office would continue to review the zoning since problems may arise after it has been adopted. His plan was for staff to come before the Charlottesville Planning Commission one year after adoption to see how the ordinance was progressing. However, many E-mails expressed concern that citizen input was being given up to staff approval. Mr. Tolbert planned to have staff go through the zoning districts and compare the differences between current and future uses.

Encroaching Development on Rose Hill: Mr. Tolbert felt this had been a misunderstanding. There is no additional commercial development in this area. Here is no up zoning for Rose Hill.

Photography and Documentation: Mr. Tolbert stated there would be a requirement of photography and documentation done before demolition permits are issued; however, the authority of the building officials could not be usurped.

Why change the four unrelated rule to three since the rule already can't be enforced? Mr. Tolbert stated this was the most difficult thing to enforce. When complaints are received, they are pursued. There would be no additional staff required to enforce the rule.

Rugby Road: Mr. Tolbert stated there were two interns working on the Corner and Rugby Historic Districts for local designation.

Adult Use Section: Mr. Tolbert stated that was out of the draft and was not under consideration. Staff may bring back a proposal at a later date after studying the issue.

Allowing Mixed Use in Residential Zones: Mr. Tolbert stated that was something they may not want to consider. Mr. Wood stated there was something to consider as far as Mom & Pop-type stores in a residential area that allows people to not have to drive to the grocery store. Mr. Tolbert stated there were many complaints received from the neighborhoods that still had Mom & Pop stores regarding alcohol sales and trash. Mr. Barton stated that would be a good

Special Use idea. Mr. Tolbert stated that the wording of a Special Use Permit was very similar to a By-right use. Mr. Barton asked that the possibility be considered at a later date. The Commissioners concurred.

Mr. O'Halloran stated that individual Commissioners could discuss some of the areas they were interested in looking at which could be addressed in the coming weeks.

Ms. Lewis stated there had been a recurring theme of the reduction in parking requirement for high density development. She wondered how the behavior of students who would bring cars could be curbed. She wondered if the University could be forced to provide satellite parking for the students to support the projected growth of the University. Mr. O'Halloran stated the parking minimum had been decreased from one space per bedroom to one-half space per unit; this was not a maximum to be followed. Mr. Tolbert stated that decision had been made by the Charlottesville Planning Commission and City Council to force the University to address parking issues.

Mr. Wood stated his big concern was not requiring parking in some areas. He stated there was a need for a definitive answer to the issues of what were the advantages to not requiring parking. He stated the City had one of the best transit systems in the area.

Mr. Barton seconded his colleagues' comments about the critical issue of parking and the need to find a workable solution. His other concern was about best practices. He felt they should try to identify the best practices for building construction and landscape or site construction.

Ms. Johnson Harris stated her concern about the by-right parking garages along Cherry Avenue. Mr. Appleyard had researched past records of work on the transition zone ordinance and there was no clear indication why it should be by-right. A March 23, 1999 draft that stated stand alone parking garages were by Special Use Permit only.

The June 2, 1999 and June 21, 1999 drafts concur with the March draft. Mr. Appleyard felt, from a community standpoint, it should go back to a Special Use Permit. He felt it had been placed in the ordinance to work in concert with the development of Union Station. Mr. O'Halloran asked if they could put it back to Special Use. Ms. Kelly asked that it be fleshed out rather than assumed that it had been done mistakenly. Mr. Tolbert stated his belief that Mr. Appleyard was correct; the by-right designation was made in anticipation of the development of Union Station. Mr. Appleyard stated the June 21, 1999 draft had included language dealing with the ability to shelter the residential community from a parking structure.

Ms. Firehock had shared some of the same concerns. She asked if the group would want to look at defining terms, using "steep slope" as an example. She also reiterated that a member of the public had asked why vegetative cover could not be increased for a Planned Unit

Development. She also wondered about protecting historic properties in corridors since more intensive uses around them could destroy the historic character. Ms. Kelly stated there were state Code limitations on tree coverage that the City could not vary. Ms. Lewis felt there should be a definition of "historic" and wondered how often the historic designation list was updated. Mr. Higgins stated that any house added to the list now would have to be added through the public hearing process.

Mr. Appleyard stated his support and agreement of what had been said. He felt the mixed use industrial corridor near the river provided a great opportunity to create a great place for the City. He reiterated the ideas for parking solutions which were in the Planning magazine.

Mr. O'Halloran also concurred with the statements already made by Commissioners. Mr. O'Halloran wondered about the University precincts especially the five-story by-right in areas E, High Density, and D, Medium Density. Area D had a 25-foot setback; there was no setback in area E. He stated the original reason was to encourage commercial/business uses on the ground floor; however, that was gotten rid of. Mr. O'Halloran stated his preference for a setback in area E. He also stated that some seven-story buildings could be possible but would require a Special Use Permit. Mr. O'Halloran also mentioned the 200 foot buffer requirement between residential uses and the University, which would make a lot of properties undevelopable.

Ms. Johnson Harris left the work session, 6:48 p.m.

Ms. Lewis concurred that a seven-story building could be possible, based on the site. Mr. Barton felt that providing some setback was a great idea. However, he would prefer the setback be calculated as an average of adjacent properties.

Mr. Tolbert asked that he, staff, and the City Attorney put together a revision for the 10 June regular meeting.

Ms. Kelly asked if there was anything that did not need to be changed from the errata sheet she had prepared. Mr. O'Halloran noted that, on Page 2, the McIntire/Fifth Street residential corridor, that should reflect two separate districts. Mr. O'Halloran also asked about the asterisks referenced on Page 3 of the report since there were no asterisks. Ms. Kelly explained they referenced the dimensional requirements for Commercial Districts on Page 85 and that the B-3 required front yards should have an asterisk.

Mr. Appleyard asked that the Commission reconsider the street wall articulation, which had been in a draft proposal of the transition zone. Ms. Kelly explained that there were legal issues involved as there was a fine line between dictating materials to be used and dictating a design and dealing with height and bulk.

Mr. Tolbert explained the pictures which the Commissioners had received and which depicted the plans for the transit center.

With no further matters to be discussed, Mr. O'Halloran stated that the next regular meeting would be June 10th; he then adjourned the work session at 7:17 p.m.

Respectfully submitted,

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James E. Tolbert, AICP, Secretary

APPROVED:

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Kevin O'Halloran, Chair