

CITY OF CHARLOTTESVILLE

PLANNING COMMISSION WORK SESSION

TUESDAY, JANUARY 22, 2008 -- 5:00 P.M.

NDS CONFERENCE ROOM

Planning Commissioners present

Mr. Michael Farruggio

Ms Cheri Lewis

Ms. Genevieve Keller

Mr. Bill Lucy (Chairman)

Mr. Jason Pearson

Staff Present:

Mr. Richard Harris, Deputy City Attorney

Ms. Missy Creasy, AICP, Planning Manager

Ms. Ebony Walden, Neighborhood Planner

Ms. Francesca Fornari, Assistant City Attorney

Mr. Nick Rogers, Neighborhood Planner

Ms. Kristel Riddervold, Environmental Manager

Mr. Neil Currie, Planning Intern

Mr. Tony Edwards, City Engineer

The meeting began at 5:05pm.

The meeting began with a history of stream buffers and watershed planning. Mr. Bill Lucy asked for the goal of this regulation. It was noted that retention of existing buffers should be primary and reestablishment of buffers secondary. Reestablishment has occurred on public land but could be more difficult to establish on private properties.

Mike F. noted that stream reestablishment has occurred at Azalea Park. He voiced concern about making sure that rights were not infringed upon. He was not sure he wanted to include single family properties.

Bill asked for information on his question referencing what part of runoff is of concern – material, velocity, volume. It was noted that all are of concern. Kristel noted that public education is important to minimizing these impacts.

There was a discussion about day lighting streams. It was noted that this is desirable but buffers have the ability to be more helpful. Clarification was made on the definition of intact buffer and concern was

expressed that there is potential for that to be removed in the future. There was also a request for clarification of scientific justification which was explained.

Gennie asked who would hold easements if that was pursued. Kristel noted that the Thomas Jefferson Soil Conservation District was in the process of setting up to hold these. There would also be the possibility for the group to promote this option through community workshops. She noted that many stream buffer areas have utility easements running parallel which would impact what could be done in this area.

Mike F. felt the proposal for a 50 buffer had merit but did not want impact single family lots negatively. He noted that the buffer areas could be used for trails.

Bill and Cheri noted that the administrative concerns exist with a 50 foot buffer as well as the 100 foot proposal. Bill asked about a smaller buffer and Kristel noted what had been reviewed and what was deemed effective to address the concern. A definition of perennial stream was provided for clarity about the areas included on the maps.

Cheri noted concern with the effect regulations would have for single family properties and felt it would be an impediment to expanding homes in order to remain in the city. Mike F. provided an example of a neighbor how added an accessory apartment which would not be possible under these regulations and would have caused that person to move due to housing costs.

Cheri was concerned that the mitigation plan required for a waiver would be a burden. Jason asked if there was a way to standardize what was submitted make it easier for single family properties.

Missy noted that there would likely be a number of waivers requested and Francesca noted that the cost benefit of this would need to be considered.

Discussion concluded on this issue with Bill summarizing the commission's interest in more information about the 50 foot zoning overlay including waiver provisions, administration, pros and cons as well as any additional information on the voluntary programs. Staff noted it will be a few months before this information is brought back for review.

The discussion moved to the second item on the agenda, the flood plain ordinance. Tony was able to provide some cost estimate ranges on the engineering study that would need to take place for properties to determine they were not going to impact flooding with development activities. The cost would be between \$10-15 thousand if FEMA data was available and an additional \$5000 if that data had to be generated. The discussion jumped back to the flood plain/flood way basics where Tony presented a diagram showing where each area would be located. He also noted that regardless of the activity that took place, the increase in flood elevation would only be one foot or less. This is the rationale for requiring all development to be built one foot above the flood plain in these areas.

There was discussion about the impacts of different activities in the floodplain but the outcome remains the same no matter if fill or a structure is located in a similar cubic area.

There was concern expressed that not everyone would know this regulation would affect their properties.

A brief discussion about the groups sited as able to create restoration programs in Section 34-258 was reviewed and determined that it could be expanded to any applicant since it would require staff review regardless.

In summary it was determined that the housekeeping items outlined in the ordinance would be brought forward for public hearing but limitation of development activity would not be pursued at this time.

The final discussion of the evening focused on the proffer policy update. The question was asked about rezoning requests where proffers could be applicable and it was determined that there were 5 requests in 2007 and two of those were withdrawn. Richard noted that the policy would bring order to a process that is not formalized. It was also noted that there is legislation being put forth that would replace proffers with impact fees so we will have to await the results of that initiative. Utility considerations were discussed and concluded that the impact of the additional units would be small to the overall system in a rezoning situation.

There was a discussion concerning how the community is zoned in comparison to the county providing reasons for the fewer rezoning situations. Missy noted the affordable housing legislation moving forward to the state which may assist with the community's objectives as well.

It was determined that the policy would come forward with any comments received this week and that a formal cash proffer policy would not come forward at this time. Contributions can however be accepted.

The meeting ended at 7:05pm.