

MINUTES  
PLANNING COMMISSION REGULAR MEETING  
Tuesday, June 14, 2016

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

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

Members Present: Chairman John Santoski; Commissioners Lisa Green, Genevieve Keller, Jody Lahendro, and Corey Clayborne;

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

Commissioners asked if they needed to disclose that they were members of the UVA Alumni Association in association with the Alumni Hall application. It was noted that they could do so. Commissioners noted minor changes to the minutes which needed to be updated.

Ms. Keller asked if the Lewis Mountain neighborhood had spoken about the Alumni Hall application and Mr. Alfele noted they had not.

Ms. Creasy confirmed that there would not be a Council quorum.

Ms. Green asked if in reference to the appeal on the agenda, if Mr. Payne and Ms. Robertson had been able to come to a consensus. It was noted that did not happen.

Ms. Keller noted that in reference to the appeal, it was noted on-line that a meeting was held in the hall at the May Planning Commission meeting on this issue and Commissioners were a part of it. She wanted to point out that she was not part of that discussion. It was clarified that the attorneys were the ones having that discussion.

There was a brief review of the draft findings of fact for 624 Booker.

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

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

Members Present: Chair Santoski; Commissioners Taneaia Dowell, Kurt Keesecker, Lisa Green, Genevieve Keller, Jody Lahendro, and Corey Clayborne;

City Council Members: Council Member Bob Fenwick, Kristin Szakos

**City Council did not have a quorum at the meeting, which means it will need to hold its own public hearing for each item before taking action.**

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

A. Commissioner's Reports:

Commissioner Lahendro reported he attended three committee meetings: On May 18<sup>th</sup> the Housing Advisory Committee and the CDBG Task Force held a joint meeting where they reviewed proposed policy and procedure

updates. Also on May 18<sup>th</sup> he attended the Parks & Recreation Advisory Board meeting where they talked about the Tonsler Park Master Plan implementation. The Splash Pad design has been selected with the community's input, contract documents are in progress now and they hope to have it open by next summer. Ragged mountain trails planning: there have been four public meetings to gather input on the trails and Parks and Recreation has developed four options based on feedback. Public hearings will be held at the Advisory Board's July 20<sup>th</sup> meeting at 5:30 at Carver Recreation Center. There is a 30 day public comment period that follows with recommendations at the August 21<sup>st</sup> Parks and Recreation meeting which then will go to Council. He attended the Tree Commission meeting on June 7<sup>th</sup>. The Commission selected 10<sup>th</sup> and Page as the target area for tree planting. The metric committee is working with Parks & Recreation staff to develop a prototype system for tagging new trees to include the date planted, species and the growth of the tree. The hope is to start this in January in 2017. There was discussion of the impact on street trees caused by the rezoning of 100 Ridge Street, from the proposed West Main East to the Water Street corridor district and the commission made a recommendation to the Planning Commission and City Council we will discuss later in the agenda.

Commissioner Keller stated she did not attend the PLACE Meeting, but there was an informative presentation on the Green Infrastructure program that will be coming to the Planning Commission for a presentation. She attended TJPDC where they re-elected their officers for another year, Chip Boyles made a presentation on the Route 29 improvements and on Go Virginia which is a State wide economic development initiative intended to promote regional collaboration. She said many other Commissioners have probably been receiving email and other communication from residents of the Cherry Avenue area that have been working on starting their own small area plan. She thinks that it is a community initiative to be applauded and commended and we should find some way to work with them and incorporate that resident led initiative into our process. There are some very committed and knowledgeable people who care a lot about their community and maybe we could plan a town meeting with them.

Commissioner Dowell reported on May 18<sup>th</sup> she also attended the joint HAC/CDBG joint meeting where they reviewed policy, received an updated on the citizen participation plan, and look forward to proposed revisions moving forward for City Councils approval.

Commissioner Keesecker no report

Commissioner Green no report

Commissioner Clayborne no report

Chair's Report – Mr. Santoski reported that the Planning Commission had a chance to walk though Woolen Mills and talk with some folks about the small area plan to get a sense to what is happening in that area. He said we are going to start to see some movemen, and Mr. Lahendro was a big proponent for us walking through the different areas where small area plans are being considered so we can get a visualization of how the space looks. He also enjoyed seeing the emails from the Cherry Avenue neighborhood and if other neighborhoods did a little homework, and wanted to pass it along to the Planning Commission, we would be appreciative of that. He said today is Flag Day. He said there was an event at the free speech memorial, and asked for a moment of silence for the tragedy in Orlando, Florida.

NDS Department Report: given by Missy Creasy: June 28<sup>th</sup> will be our next work session and our next small area tour.

### **Matters by the Public**

Nancy Carpenter stated she is an appointed member of a commission, just as you all are here in the city. On Sunday 50 of my Black and Brown brothers and sisters, were murdered in an act of terror by homophobic America. Yesterday she was part of the vigil where it was said silence cannot save you and that is true and she

is here to be un-silent. This coming Monday City Council will be considering a resolution to demand our legislature have some stiffer gun control laws. If that does prevail, I am asking this commission to please support that action as an appointed body to that commission. I am a member of the Human Rights Commission and I will be asking the same of my colleagues. I will be here asking publicly that all Boards and Commissions that are appointed by the city do the same, and that we do honor them by asking where is the Bill?

**Melvin Grady** 238 Hartman Mill's Road, life-long residence of Charlottesville, VA, appreciates all of the work you all are doing because as a Planning Commission, an advisory to the City Council, you all are doing a very good job for Charlottesville. I don't check all of the votes or anything like that but please continue to do the good work you are doing for Charlottesville, VA.

#### F. CONSENT AGENDA

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

1. Minutes - April 12, 2016 – Pre meeting and Regular meeting
2. Minutes - April 26, 2016 – Work Session
3. Minutes – May 10, 2016 – Pre meeting and Regular meeting

**Motioned by Commission Green with corrections seconded by Commissioner. Lahendro, motion passes 7-0.**

Commissioner Green said she was a part of the event supporting the Orlando victims and she knows that what we are appointed to do is to uphold the zoning ordinance but wonders if it would be appropriate for us to say in solidarity to show our support for City Council for the resolution that they are bringing forth on Monday.

Chairman Santoski said it seems a bit premature since we don't have the actual resolution in front of us. He said it sounds like something the commission would want to do but not having a chance to see what Council is actually going to put forth is concerning.

Commissioner Green said if we could get the resolution and we all could take a look at it and take it under advisement; hopefully we would support this effort. She is very grateful to the City Council for stepping up at this time to take this particular action.

Commissioner Keller motioned that the Planning Commission could send to Council a broad resolution that says as the body that initiates zoning text amendments and other actions that are related to promoted the health, safety and general welfare of our community that this is very much in that spirit and we support the efforts that they would make to that end, seconded by Mr. Keesecker, motion passes 7-0.

#### **JOINT PUBLIC HEARINGS**

ZM16-00001 - 209 12th Street NE - Nappa Properties, LLC has submitted a rezoning petition for 209 12th Street NE, also identified on City Real Property Tax Map 54 as Parcel 178 ("Subject Property"), as the owner of the Subject Property. The petition proposes a change in zoning from R1-S Low-Density Residential (current zoning) to M-I Industrial (proposed zoning) with proffered development conditions. The proffered conditions include restrictions on the permitted use(s), allowing only single-family residential with special use permit and a limited number of commercial uses and communication facilities; restrictions limiting the height of new buildings to the height of the existing T&N Printing building; restrictions on the location for loading; prohibition on use of the alley behind the parcel; and a ten (10) foot landscaped buffer between the Subject Property and adjacent residential districts and property (the proffered buffer is in excess of any buffer that would be required by the M-I district regulations). The Subject Property has frontage on 12th Street NE, and contains approximately 0.19 acres or 8,300 square feet. The general usage of the proposed M-I zoning

classification is Light Industrial, with residential uses allowed only by special use permit. The general usage specified in the Comprehensive Plan for the Subject Property is Low-Density Residential. No density range is specified by the Comprehensive Plan. The maximum height is 85 feet front on Market and 12<sup>th</sup> Street.

Commissioners deferred action after a public hearing in May to request additional information.

It was noted that T&N Printing currently has no plans to proceed with expansion on the lot in question and several people argued that they should have plans before the city continues with a rezoning request.

**Commissioner Clayborne** said there is not a need or a justification for the zoning at this time.

**Commissioner Lahendro** said we should not let more residential areas erode by allowing more industrial.

### **The public hearing was opened**

**Melissa Spurzem**, 1109 Little High Street, is a new resident in the neighborhood but has been in the area for a long time and used to work at the city in economic development. She thinks T&N Printing is a great business and has been a good neighbor. That neighborhood has changed over the years and she has concerns and would kindly request that you deny this rezoning because they should have a plan for this house first.

**Bill Emory**, 1604 East Market Street, 1. Does the proposed amendment conform to the general guidelines and policies contained the Comprehensive Plan; No. 2. Does the amendment further the chapter and the general welfare of the community; No. 3. Is there a need and justification for the change; No. The current residential zoning on the parcel at 209 12<sup>th</sup> Street is reasonable as staff has pointed out. The current zoning is consistent with the Comprehensive Plan and this residential use is consistent with the vision and with the land use plan. In 2009, the planning commission informally considered a global review of the zoning map and the land use plan in advance of tackling the state mandated once every five year comprehensive plan update. The staff produced this map which he emailed you guys last month to show you manufacturing and residential zoning adjacencies in the city founded in Fifeville, Woolen Mills, Rose Hill, Locust Grove Starr Hill, the 10<sup>th</sup> and Page neighborhoods and the subject parcel here tonight. Former NDS director, Jim Tolbert said July 13<sup>th</sup> 2006, that the very hard line between industrial and residential is not something typical in land use or in the zoning ordinance. As a city we have the zoning code audit pending and a part of our ongoing pursuit of good zoning practice. Why are these manufacturing residential adjacencies found in neighborhoods of particular racial and socioeconomic profile? At the very least we need to answer that question before expanding residential further into this or other modest residential neighborhoods. I hope you will recommend denial for the proposed rezoning of this property on the basic that rezoning is not required by the public necessity of convenience and general welfare or good zoning practice.

**Julia Wiseman**, 1208 E. Jefferson Street, has a creek in her backyard that stops right at 12<sup>th</sup> Street, and it is underground and that house sits on top. In other places in the city we are day-lighting creeks and she would hate to lose that opportunity with a new building. We have a very sweet modest neighborhood and thank you for bringing us closer together in this task. We love our neighborhood which is filled with colorful people, who care about each other, and with one less in great shape house, we lose that encroaching on us like a cancer, from that direction and another direction. We can't afford to lose any more houses to a business that really doesn't help us locally. There are no immediate plans or needs and it would not benefit us at this time to change the zoning on that house, they already have plans for the other one and that is fine, the zoning across the street that jumped the creek for light industrial actually thank you for bring that to her attention. We have a much protected green space right there that is unique in the city and adding more industry that doesn't attend to the environmental interest of our community; she thinks would be a detriment. She asked people to stand who are in favor of keeping the zoning residential to stand up.

**Shawnee West** 1204 E. Jefferson Street, thanked the Planning Commission and the City Council for hearing us and for doing a good job. She said a delivery truck for T&N has woken us up early and has caused congestion on E. Jefferson Street. The neighborhood has been able to hold the balance between being an affordable residential neighborhood and a city neighborhood and is venerable to this expansion. We are becoming more and more alarmed as the traffic increases, and we are confronted with the push to increase density. She is completely opposed to the proposed zoning change to 209 12<sup>th</sup> NE. She feels that it is important to have a plan and they have stated that they do not have a plan.

**Ann Mercer** said we do not know what we are zoning for and there is nothing in the Comprehensive Plan that covers having no plans which makes it unfair for you (the planning commission) to be put in such a position, but there are sections in the Comprehensive Plan on the importance of single family homes especially ones that are 50 years old and preciousness of neighborhoods and the preservations of the historical areas. Please do the right thing and leave 209 12<sup>th</sup> Street zoned residential.

**Vonti Nyguyn** 1116 Little High Street, is asking the city to deny the T&N application to rezone residential to industrial. Growth is not a universally desirable process in a mature healthy organism it is called Cancer, our neighborhood is a healthy almost ideal community including working people and disabled, poor people. Many of the houses are small one bathroom houses. For decades we have enjoyed depending on one another for help and friendship in this neighborhood. Visitors are amazed at the warmth of residents there. We ask that you stand by your own goals for the city to preserve neighborhoods and to provide affordable housing. We already have buildings the size and shape as a prison (Charlottesville Day School Gymnasium building). We are very disturb by this building and do not want any more business to destroy. Stand by your own goals and provide affordable housing. She asked that 209 remain residential and that in the future no more residences are demolished and that commercial building stay as they remain now.

**Mandy Patterson** 1120 E. High Street, she said if she were to go to a bank and ask for a loan they would want to see a business plan for giving me the money. If this business doesn't have a plan, then we should not give them the zoning they are asking for.

### **The public hearing was closed**

**Commissioner Clayborne** made a motion to recommend denial of this proposed re-zoning of property recognized as Tax Map # 54 Parcel 178 on the basis that there is not a need or a justification for the re-zoning at this time, Seconded by **Commissioner Dowell**, motion passes 7-0.

**ZM15-00004 624 & 626 Booker Street Rezoning** - Mark Kestner, acting as agent for property owner Neighborhood Investments-RH, LLC has submitted a petition to rezone land at 624 and 626 Booker Street ("Subject Property"), from low-density (R-1S) Residential to B-3 Commercial with proffers. The Subject Property is identified on City Real Property Tax Map 36 as Parcels 87 and 88, and has frontage on Booker Street. Report prepared by Brian Haluska, Principal Planner.

**Brian Haluska** said he has been to several public meetings and a lot of concerns expressed with many other applications that we have heard about the affect and changes that are going on in some minority neighborhoods. One of the items he hopes we can talk about is the system we have is the results that we have a really hard decision if we are going to tackled it and maintain the demographics of these neighborhoods. Right now our ordinances are heavily slanted toward preserving the single family residential character in these neighborhoods. We see the impact of that policy right now. Focusing on one piece at a time is really poor zoning practice and that is why the recommendation is for denial.

**Commissioner Keesecker** asked would this enterprise not qualify for an infill special use permit or was rezoning the only option. Do you know if the applicant is within the zone or is it just not applicable?

**Mr. Haluska** said he didn't know how much the existing structure ties their hand in terms of trying to get that and meet the Low Impact Development check list if they so choose. He said the applicant could certainly come back with that request if they so choose given the third unit for a different type of housing.

**Councilor Szakos** said she understands that the person who built this are not the same people coming forth with the application. Can we assume that when this was built, the zoning would not permit a triplex there so it was being built as a single family home?

**Mr. Haluska** said the previous owners had begun work on a structure that is technically allowed under the city's zoning code, but the proposed use as three apartment units is not. The original building plans for the project were for a 7,000-square-foot, single-family detached residence.

**Commissioner Keller** asked would this unit which is larger than what previously occupied the site be eligible for city tax abatement or is that only for an expansion of an existing property.

**Mr. Haluska** said he believe it's only for the expansion of an existing property. He will check with the specialist in building and tax assessor's office before he gives you a final answer.

**Mark Kestner** said he appreciates you acknowledging that we're not the original architect or the original developer. Mr. Spurzem thought it would be good to finish the project. We've had a lot of commentary from the neighbors, and we understand your concerns, but there was never any intent to damage the neighborhood or do anything else other than finish the project and to move on.

**Commissioner Clayborne** asked was Mr. Spurzem aware when he purchased of the property the opportunities and constaints that came with the present zoning when he purchased it?

**Mr. Kestner** said he thinks he fully understood the zoning implications when he looked at the property, the property does have three floors. It does have fire separation between each and it does have a fire sprinkler system between each floor and it does appear that it has living space on each level and Mr. Spurzem thought this would be fairly straight forward. We are not saying what the first guy did is the right thing. It appears to be the wrong thing. He is trying to make the wrong thing better by completing the project.

**Councilor Fenwick** said he has heard comments around town, and just too clear things up, was it a conditional purchase on the part of Mr. Spurzem, or has it gone to closing and now it's his property.

**Mr. Kestner** said he thinks Mr. Spurzem owns the property, I don't think it was conditional purchase. He has closed on the property.

### **The public hearing opened**

**Evelyn Yancey Jones**, who lives behind the property at 629 Rose Hill Drive, submitted a petition with more than 800 signatures against the rezoning. We've been there for 100 years, and much of the property in the area was gifted so minorities could own their own homes. The structure is there and we can't do much about that, but we would like the zoning to remain. Ms. Jones asked commissioners to work with the neighborhood to try to maintain both its character and the relative affordability.

**Clarissa Witcher Bell,** Janice W. Martin, Ellen W. Shackelford, and Barbara W. Lloyd, We own the properties of 903 Charlton Avenue and 904 Booker Street, we are very much opposed to the rezoning of the property on Booker Street as you see by all of us standing. The Rose Hill Neighborhood is our childhood neighborhood. It has always been a safe haven for children. This neighborhood holds many memories, Burley High School and Washington Park. The Rose Hill neighborhood is one of few which has original homes where some of the original family still owns the property. Some of the new families have renovated old homes and became a real part of our neighborhood. One in which folks still stop and talk on the way to the Rose Hill Market and you see children running and playing. The Rose Hill neighborhood is a perfect example of a village of love and kindness. People helping people wherever they see a need. We believe the rezoning of the 624 and 626 property may very well cause this our present neighborhood atmosphere to die, with rezoning we fear our neighborhood will suffer much unwanted change, more traffic, more disturbances both day and night, noise, crime, pollution especially to our residents as with cost and use to the alley to except the excess to the units on Booker street. Danger to our children running and playing, out of character building such as the unfinished structure, lastly but not least rezoning two lots may set the precedent for others to want to rezone. A city such as Charlottesville should want to embrace neighborhoods. Have housing that is in character with each other in a place where all can live in harmony and an atmosphere that demonstrates that the city cares about all of its residents. The Rose Hill neighborhood is our childhood neighborhood, and it is safe for children today.

**Rev. Pastor George Gohanna,** President of the Rose Hill Neighborhood Association 930 Rose Hill Drive said he is concerned about our community, we are a family that is a village, and most of us were raised in the Rose Hill Community. They should never put a business in a residential neighborhood. We are concerned about our community, it is inappropriate, understand that Rose Hill has integrity; we have nurses, doctors, teachers, stability from the youngest to the oldest. We can still sit on porches and drink coffee and tea. We are opposed to businesses coming into Booker Street, Rose Hill, and Commerce Street. Most of you all did not support Vinegar Hill. Rev. Gohanna said approving the rezoning would set a precedent with echoes from the past. We have felt and seen what happened to Vinegar Hill, and most of you are all sitting on this commission did not. We have seen what that has done to this community.

**Steve Ivory** 915 Charlton Avenue, said he appreciated City Council being here and next term when your time runs out he knows who he needs to be listening to, if you thinks it's important to be here, he really appreciates that. He said the first developer knew just what he was doing he saw them knock it down from his house. He knocked down everything but the front, like UVA housing, then they bought in i- beams. Mr. Spurzem who bought it, he knew exactly what he was buying and he knew what he was doing. This man is a millionaire and he spoke about tearing down black buildings, he can tear down my house. I teach school and that is all I can afford, I can fix it up though. We have to fix our houses up, that's what we do. Is he the only one allowed to have a peaceful loving neighborhood. He is the only one allowed to have a neighborhood he knows. The city's master plan, comprehensive plan, we always here about it, what is it? Do we want business in our neighborhood? Right now we have a barbeque, and a distilled spirit place that's a shot house and it is right beside the barbeque place and this is what we are dealing with here. We see the big sign Charlottesville is a great place to live. Well it is not going to be great after a while. It will be packed with crime. One of his neighbors is going to have people staring and peering in her windows from the third floor balcony.

**Mary Carey** 100 Ridge Street; said she appreciates what Planning Commission has done not agreeing with everything. She said you've done good and a lot of people don't give you the praise you should get. You are making people feel you are dealing with the people and not the developers, because the developers are taking over our city. It's all about money. She said her kids grew up on Rose Hill Drive, the little house beside Ms. Jones was torn down right where this man put this big ugly building up there. Across from there her in laws live on Booker Street, her children's father grew up on Booker Street, the whole family grew up on Booker Street. She used to walk through there to go to Burley High School, and when Ms. Bell was talking about family and tradition and history, it is there, that's history. Rose Hill Drive, Rugby Avenue, Preston Avenue were all owned by black people at one time. From Charlottesville history, they stopped their roads at Rugby Road and it was all black. Look at it now, ain't nobody putting no apartment building up there. Ain't

nobody putting no apartment building up at Brandywine Drive, You just can't go and pick and choose and all of a sudden there's that feeling, about Vinegar Hill, that touches me, I loved Vinegar Hill. I was a teenager when they started knocking things down and the City Council started taking money, it is happening again and it makes her feel like black people being raped all over again. Coming in here stripping us. Taking our land, do what they want to do and saying the hell with that. Even if you say no, the developers do what they want to do. Look what they did up on Main Street, he did 10 feet more than he is suppose do and then he said oops! Black History and History is dwindling in this city and is something we need to stop it.

**Melissa Spurzem** 1109 Little High Street said she is not in support of re-zoning Booker Street. She volunteers a lot at Meals on Wheels which is on Rose Hill Drive and she spends a lot of time delivering meals on Booker Street and Charlton Avenue and she has grown attached to some of the people that live there especially Ms. Pearl Porter. She adores her and loves to talk to her. There is more going on if you approve something like this because the applicant has been buying a lot of properties in this neighborhood and he purchase the property across from Meals on Wheels and called it blighted and tore it down. She is very worried about this neighborhood. It is very charming and she likes the people there and it needs to be protected. Who is the applicant to decide that something is not worthy of saving.

**Lena Seville**, 808 Altavista Avenue, is here to support the Rose Hill neighborhood Association and all of the people who signed the petition asking that this rezoning request recommend denial. She said this was never intended to be a single family home, 3 floors, a full kitchen built into it and it was never intended to meet the current zoning. It was sold to someone who knew it had problems and it strikes her that this is someone asking forgiveness instead of asking permission and we don't want to encourage that behavior because it affects all of our neighborhoods.

**Colette Blunt** spoke to Council to put a halt on the attacks on the surviving African American communities. She spoke about neighborhoods that have greater access to disposal income. She said why don't we apply our helping hand tactics of redevelopment and revitalization to such neighborhoods like JPA and Rugby Road. Don't these neighborhoods deserve the benefits of mixed income residents too? She also spoke about the developers tearing down the African American properties that serve those with only deep pockets. She asked to deny the request to rezone.

**Bill Emory** 1604 E. Market Street, submitted signatures from Woolen Mills in support of it. He said he doesn't see any reason to rezone this. He was looking at the 2007 Comprehensive Plan and the Rose Hill section and there is a lot of economic speculation going on over there, where houses are being torn down and lots are sitting empty over there. He read from the 2007 Comprehensive plan making comments about the new issue for addressing rezoning is the small area plan. He is not sure that there is a budget for neighborhood development to pursue the small area plan.

**Dr. Kent Peterson** said for 25 years he has been a part of the Wellness Center abutting the Rose Hill community. We took over a project that was to build a liquor store and laundry mat, gas station, and the Rose Hill community opposed that and when we suggested that we build a health and healing center the community embraced us and we have been a part of the community for many years. There is a clinic in the building that allows people with little to no income to come and we have hired many people from the community. Charlottesville is getting into the habit of building tall unfinished building around town. Look out the window and see an unfinished building. It doesn't seem to be increasing the density but rather decreasing the density. It sounds like it is intended for a permanent residential use for the future development so it looks like he is the only one so far that is in favor of this proposal.



**Tom Bowe**, 1211 Augusta Street, neighborhood representative for Kellytown which is the adjacent neighborhood to the Rose Hill neighborhood, noted we share a lot of the same issues especially commercial development. He has done a lot of talking throughout the neighborhoods and he has of yet found anyone who is in support of this and in no uncertain terms he asked the Planning Commission to tell the developer there are appropriate places for him to build his business model but Booker Street is not it.

**Kristy Resoling**, 812 Rose Hill Drive stated the Planning Commission needs to deny this. She said she was welcome into the friendliest neighborhood she has ever known and she knows her neighbors names and has been in their living rooms many times.

**Dr. Marty Albert**, is a physician at the Wellness Center. He hopes Richard Spurzem cares about the community and can maybe turn lemons into lemonade. It is intended to be a 3 family house.

**Joy Johnson, 802A Hardy Drive**, is here to support the Rose Hill neighborhood; she said she grew up in the Rose Hill neighborhood. The Lugos, the Shackelfords, and all of the other gems that still live there; they are like matriarchs in that neighborhood. Preservation needs to be your No. 1 thing. To City Council she throws that to you and to Mayor Signor who is not here. To the Planning Commission, when Professor William Harris was on this Commission that was one of the things he fought for. Preserve the neighborhood, listen to what the neighborhood says and see if you can come together in a compromise. That is what economic development should be doing and in other states the Neighborhood Development Department is an advocate for the neighborhood. She said she doesn't see that here in Charlottesville. This Neighborhood Development office works totally different. I know you will tell me what the code says. But the people in the neighborhood should be getting some respect. Ms. Shackelford should not be looking at that building. You should have some kind of respect for the people who live in that neighborhood. She hopes you do the right thing by the neighborhood and City Council the same thing for you.

**Melvin Grady** said earlier you said there are no bad guys. He is from Charlton Avenue born and raised. He said his Mom passed away in 2009 and her house was knocked down. Mr. Mitchum and City Council allowed him to put two parking lots there. No one can touch it, it's his property, but you just keep on plucking these places down and there is no place there now, it is less residential. We are not experts on zoning, but we do our research and I will guarantee you many here know more about the zoning at least in their area and he appreciated the lesson in zoning but I do my research. He said what you are voting on today is inappropriate. Council do the right thing, do not over step your constituents.

**Ella Holmes** said she wants them to vote no on this zoning issue. She comes from a historic family who has lived in the neighborhood since the early fifties and most of the people in the neighborhood knew her grandmother, mother and father and aunts. She would like for you to keep the neighborhood the way it is and whatever policies are in place that we would follow them from the beginning. If we know what the genuine intentions are we wouldn't have to go through this.

**Ms. Brenda Morton Jouett**, Ridge Street, said as a black poor person we are being driven out of our own neighborhoods and it feels like there is nobody concerned about that poor person, that person who has worked hard to get what they have and it is being taken away from them. All around them, people of their own color that they were raised and know. She said it feels like a world where she knows nobody, and people walk pass you in the neighborhood because of the difference they don't speak, no kindness, they look through you, or past you. We used to help each other. We had a neighborhood that we played in and were concerned about and it is not there anymore. Rich people come and build what they want and tear down what we have and push us out of our spots and bring the people they want, and it is not fair. If they can't meet the code, she doesn't think they should be able to build there. She said it is unfair to us who have worked hard to establish what we have with blood, sweat, and tears for it to be taken away from us like that.

**Luis Gazabo**, said he would like to make a plug for Joy and the public housing association to keep West Haven, South First Street and to keep all of the public and subsidized housing developments with the families that are there. He hopes

the same level of consideration that is given to Rose Hill be given to the public and subsidized housing residents as they are facing a residential redevelopment plan that as it stands dehumanizes the residents.

**Anna Gazabo**, 10<sup>th</sup> and Page neighborhood, said the Blue Moon Diner redevelopment has been a concern of hers, and we are good friends with our neighbors like Ms. Joy Johnson, and we have concerns with all of the redevelopment that we see. She was in Alexandria and she saw all of the manifestations of all of the plans she has seen at the Planning Commission here in Charlottesville and City Council meetings talking about the future of Charlottesville. She said that Alexandria is a model for Charlottesville because she attended a meeting where City Council invited developers from there and she said Alexandria is a monstrosity.

**Raymond Mason**, 717 Cynthiana Avenue, said he has lived here since 1969 and when he first noticed the building on Booker Street, he asked who in the city authorized to build such a building in a community like it is and he couldn't imagine they allowed that. He has been to Johnson Village and Greenbrier and he doesn't see buildings like that, just to set a building like that in heart of the Black community, he thinks it is shameful. The guy ran out of money and someone else bought it but it should be a single family dwelling and not three families, one family and one family only, but you should not allow anyone else because obviously the developers want to build other buildings just like it. We won't have it and we won't stand for it. The people have spoken and if you don't listen then you are saying our opinions don't mean anything to you.

**Linda Goldstein**, lives in the Birdwood neighborhood and worships in the Rose Hill neighborhood noted concern about property taxes and the rent for a building of that size and at the meeting at Zion Baptist Church, the question was asked if these were rented as apartments what would the price range be. She remembers that it was over \$1500 a month and that is not affordable housing.

### **Closed the Public Hearing**

**Commissioner Dowell** said the entire neighborhood is here, and the community has spoken and how much more discussion do we need?

**Commissioner Keller** said when she first saw this, she asked the former director what is going on on Booker Street and he said "someone thinks they can build a three family house in an R1-S zone and you can only have a single family house with an auxiliary dwelling unit and they are not going to get away with a three family house there" and that is still probably the case.

**Commissioner Green** said she is concerned that the previous developer was able to take advantage of the city's zoning code to build something out of scale with the neighborhood. She said if we don't do tighter enforcement citywide, then it doesn't matter what zoning we have.

**Chairman Santoski** said what makes Charlottesville Charlottesville is not the high rises; it's the people who live here.

**Commissioner Keller** moved to recommend denial of this proposed conditional rezoning of the parcel identified as Tax Map 36, Parcels 87 and 88, on the basis that the rezoning is not required by public necessity, convenience, general welfare or good zoning practice, Seconded by **Commissioner Green**, motion passes 7-0

**City Council did not have a quorum at the meeting, which means it will need to hold its own public hearing of the item before taking action. That is scheduled for July 5, according to Planning Manager Missy Creasy.**

SP16-00006 – 211 Emmet Street Alumni Hall Addition (Amendment) – Mr. Thomas Faulders, III, as agent for the Alumni Association of the University of Virginia, has submitted an application to amend an existing Special Use Permit for 211 Emmet Street (the Subject Property). The Subject Property is further identified on City Real Property Tax Map 8 as Parcel 45, and it has frontage on Emmet Street, Lewis Mountain Road, and Sprigg Lane. The Subject Property is zoned R-1U (Low Density) and the total area of the Subject Property is about 137,257 square feet or approximately 3.151 acres.. The proposed amended SUP would allow use of the Subject Property for a non-profit recreational facility for group use. The applicant seeks authorization to allow for a 1,364 square foot addition to Alumni Hall to be used for “Club, private,” which is permitted with an SUP in the R1-U zoning district. The Comprehensive Plan designates the land use of the property as Public or Semi-Public. Persons interested in this SUP application may contact NDS Planner Matt Alfele by email (alfelem@charlottesville.org) or by telephone (434-970-3636).

**Commissioners Lahendro and Keller** stated they had affiliation with the University of Virginia and/or Association but it does not affect their ability to evaluate this application impartially.

**The Public Hearing was opened.**

**There were no speakers so the public hearing was closed. City Council did not have a quorum at the meeting, which means it will need to hold its own public hearing of the item before taking action. That is scheduled for July 5, according to Planning Manager Missy Creasy.**

**Commissioner Green** recommended approval of application SP16-00006 -211 Emmet Street Alumni Hall Addition subject to the conditions recommended by staff Seconded **Commissioner Clayborne**, motion passes 6-0.

4. ZT16-00001 – West Main Street Density and Water Street Corridor - Proposed amendments to the text of the City’s Zoning Ordinance (Chapter 34 of the Charlottesville City Code).

**West Main Street Corridor Districts** – Proposed amendments to Sections 34-621 and 34-641 would increase the residential density of development allowed by right in the West Main East (WME) Corridor and West Main West Corridor (WMW). Currently WME and WMW allow residential density of up to 43 DUA by right, and permit up to 200 DUA with a special use permit. The proposed amendments would allow up to 200 DUA by right in both WME and WMW. The general usage specified by the Comprehensive Plan for WME and WMW is Mixed Use. The West Main Street Corridor is within the City’s Urban Development Area (UDA), and the City’s Comprehensive Plan contemplates a minimum density of four (4) DUA within the UDA.

**Staff provided the report and the Public Hearing was opened.**

**Jean Hyatt** 1534 Rugby Avenue, President of Preservation Piedmont, a local historic preservation group, said she urges you to restrict the density in the West Main Street East corridor to 43 by-right and not allow up to 200 DUA by Special Use Permit. The West Main East section of West Main Street still can retain a significant amount of its historic fabric. A lower density would encourage a climate of preservation in this length of street and would more likely mean that the smaller historic building could be conserved. She read in the staff report that the city goal is to protect against destruction of historic areas by preserving the lower density of 43 by-right. With no Special Use Permit for higher density in the West Main Street East corridor there’s more likelihood that our historic buildings will be preserved.

**Melanie Miller** 528 Locust Avenue, is speaking in favor of preserving lower density on the eastern side. She said it is appropriate for the western end of West Main Street to have higher density to allow for bigger buildings because we do have intact historic fabric that cannot be replaced. She thinks it makes it harder to keep

it that way and you have BAR overlay but when developers come in with a Special Use Permit request, they have that higher density in mind as by-right even though it is not so it helps us to clearly lay out the goals of the city in the zoning to begin with.

The public hearing was closed.

**Commissioner Keller** move to recommend to City Council that it should not amend Sections 34-621, 34-641, of the zoning ordinance, to revise the residential density requirements in the West Main East and West Main West Corridors, because I find that the amendment is not required by the public necessity, convenience, general welfare or good zoning practice seconded by **Commissioner Lahendro**, motion passes 6-0

**City Council did not have a quorum at the meeting, which means it will need to hold its own public hearing of the item before taking action.**

**Water Street District Corridor** – Proposed amendments to Sections 34-743 and 34-746 of the City Code would extend a 25 foot stepback requirement after 45 feet of height to all properties fronting on South Street. The 25-foot stepback currently applies only to properties fronting on the north side of South Street. The amendments would also establish a requirement for a 10-foot stepback after 45 feet in height, for each building constructed on any property having frontage on Ridge Street. The amendments would also establish a minimum setback of 10 feet from any parcel zoned “South Street Mixed Use Corridor”, and would require an S-2 buffer to be provided within that setback. The amendments would also prohibit ground floor residential uses within any building located on property having frontage along Ridge Street.

**Staff provided the report and the Public Hearing was opened.**

**Mark Rinaldi, Midway Manor** said that 100 Ridge Street would require a small number of technical amendments to be added to the WSD district to bring this property in line with other WSD properties and with West Main East. The provision would apply along and across Ridge Street. 1) This section regulates the stepbacks and setbacks within the Water Street Corridor. The proposed changes would require a 10 foot stepback along Ridge Street after 45 feet in height and a 10 foot setback adjacent to the South Street Corridor. 2) One Commissioner expressed a desire to see the front yard of the property at the corner of South Street and Ridge Street maintained as it is, and was concerned that the current regulations in the code would not guarantee this. Staff has measured the setback on the City’s GIS system and finds the minimum setback on Ridge Street currently to be 25 feet. Per the existing Water Street Corridor rules, 75 percent of a building’s façade must be on the property line. 3) The Commission also mentioned that the setback adjacent to the South Street district would play a role in the future design of any potential building on the site, since the distance to the property line dictates the amount of openings a wall may have under the building code. The City Building Official has indicated that a wall that is 30 feet from the property line requires no exterior fire resistance, and allows for maximum openings.

**Jean Hyatt**, 1534 Rugby Avenue, President of Preservation Piedmont, a local historic preservation group, said having granted permission to the Midway Manor property owners to move out of the West Main Street corridor zoning and into the Water’s Street corridor zoning district, we would like to commend the planning commission and the city staff for moving along promptly with providing additional regulation to any new construction on Water Street. We are pleased to see that you are adding guidelines, setbacks, and stepbacks similar to those required in the West Main Street East zoning district and are already agreed upon by the owner of the Midway Manor property. We would also like to note that the address of this property is 100 Ridge Street. In our organization, Preservation Piedmont helped to initiate the designation of Ridge Street as a local architectural design district in 1995. Because a new larger building on this property would act as a gateway into the Ridge Street historic district and keeping in mind that this is an elevated site which a very large building would be

even more imposing, we ask that a new building have a setback of 25 feet on the side adjacent to Ridge Street as a 25 foot setback is required in the rest of the Ridge Street historic district.

**Valerie Long** 321 E Main Street, said thanks to all of you for your time on this matter, it's been 6-8 months that we have been working on it. In response to Ms. Hyatt comments, as Mr. Rinaldi said not only do we agree with these proposed technical revisions, we actually crafted them and wrote them and submitted them ourselves. We agree with you that appropriate conditions are needed and adding a S2 buffer is more intensive and requires more landscaping than the S1 buffer that is required adjacent to low density in the residential districts in the West Main East. When we have the opportunity to incorporate the suggestions and comments that were brought to our attention we happily did so and worked hard to identify areas where we could improve upon them. Although no one raised this issue with us, we obviously followed your conversations and discussions about ground floor residential along West Main Street and realized that it is almost a technical issue that while the Water Street regulations did prohibit ground floor residential on other streets it wouldn't prohibit it on Ridge Street, and we realized that that is another area that is appropriate for us to propose some additional protections to ensure that that street area is engaging. We appreciate your time and recommend these additional restrictions. We know that Council requested them and supports them as well.

The public hearing was closed.

**Commissioner Lahendro** noted the recommendation from the Tree Commission to require additional setback on Ridge Street to provide adequate space for street trees.

**Commissioner Keller** is in support of recommendations but because it has not been noticed, we need to consider whether there is zoning text that we could initiate.

**Commissioner Keller** moved to recommend to City Council that it should amend Sections 34-743 and 34- 746 of the zoning ordinance, to revise the setback and stepback regulations in the Water Street Corridor and to revise the additional regulations in the Water Street Corridor, because I find that the amendment is required by the public necessity, convenience, general welfare or good zoning practice Seconded by **Commissioner Green.**  
**Moved forward 6-0-1 (Lahendro abstain)**

**City Council did not have a quorum at the meeting, which means it will need to hold its own public hearing of the item before taking action.**

**Commissioner Keller** moved to initiate a zoning text review in accordance with the Tree Commission request to review a 25 foot setback on Ridge Street in the Water Street District for adequate space for pedestrians and large canopy street streets fitting a major City gateway. Seconded by **Commissioner Lahendro.**

**Commissioner Keesecker** provided a friendly amendment to consider changes to setbacks or stepbacks on the boundary between South Street and Water Street District.

That revision was accepted.

**The Commission voted 7-0 to initiate the zoning text initiation.**

CP16-00001: Comprehensive Plan Amendment – Streets that Work Plan - The Planning Commission and City Council will jointly conduct a public hearing on a proposed amendment to the 2013 Comprehensive Plan, to include the contents of the Streets that Work Design Plan. The purpose of the Streets That Work Design Plan is to serve as a general guide for the character and extent of transportation improvements, including, but not limited to, roadways, bicycle accommodations, pedestrian accommodations, and other public transportation

facilities. The Plan recognizes and differentiates among a hierarchy of such transportation facilities and improvements. The Plan is intended to serve as a plan for the physical development of the City's transportation network(s), providing guidelines for implementation by one or more of the following methods of implementation: capital improvements program; subdivision ordinance; zoning ordinance; and the city's engineering and safety requirements (set forth within the "Standards and Design Manual"). The Plan, as developed, seeks to improve the transportation network for all modes and create vibrant and sustainable public spaces along streets. The Guidelines, including attached maps, may be viewed at <http://www.charlottesville.org/departments-and-services/departments-h-z/neighborhood-development-services/streets-that-work>.

**Commissioner Clayborne** said thank you for the hard work you have done.

**Commissioner Green** enjoyed the April 16<sup>th</sup> Streets That Work day.

**Commissioner Keller** echoed the same, great fun!

**Commissioner Green** asked about shared streets decreasing speeds, can that be done or is it a legislative thing that we have to do through legislation.

**Ms. Robertson** said it can be done because other localities are doing it. The key is to get your safety standards just right when you are updating your Standards and Design Manual and to use all of the appropriate markings according with engineering standards.

**Commissioner Green** said she thought we had asked that in the past and it was a minimum of 25 mph.

**Ms. Robertson** said shared streets and speed limits are two different things. The city does have the ability to change the speed limit and it has to be supported by an engineering recommendation. For example, in a residential district the default speed limit is 25 mph but if you have an engineering study they recommend a higher or lower speed in a particular location you can change that speed limit.

**Commissioner Green** asked if this document supports our new engineer to allow for achieving of city goals.

**Ms. Robertson** said the report will be looking at it in certain areas but the engineering study has to be for a specific length of street.

**Commissioner Keller** said she was a little puzzled and doesn't recall that Cherry Ave was a top priority street but there were a couple of intersections that fell into that category.

**Ms. Poncy** said yes there were a couple of intersections along Cherry and Elliott Avenue portion. 5<sup>th</sup> Street as a whole was not one of the top ten.

**Commissioner Keller** said doesn't Cherry warrant being a priority?

**Ms. Poncy** said Cherry was not one of the top ten streets, but she cannot speak to why.

**Commissioner Keller** said she was particularly interested because we have been getting letters from residents interested in Cherry Avenue.

**Commissioner Keesecker** said once these priority corridors and intersections are looked at one would assume that there would be some sort of clustering. You wouldn't go in isolation and do just one intersection along Cherry without thinking about the other ones. Some of the corridors crossed each other but contain a priority intersection so that needs to be studied. If one was to undertake a small area plan, are the Streets That Work

efforts to implement the driving force or an informative tool to a small area plan because it seems like the small area plan takes into account the physical elements and the zoning and all other connections. Do you imagine that the Streets That Work plan informs both the code audit and updates to the Standards and Design Manual.

**Ms. Creasy** said she thinks the later, is not going to dictate where we go from a Small Area Plan because you all would be able to take into account different criteria but it's something that would be able to inform that process.

**Commissioner Keesecker** said he would like to see the design and standard manual get updated as a result of what we see here.

**Ms. Creasy** said the engineering and the more technical side of staff already have a number of things that they are keeping in mind and they have been a big part of the team that has worked on these.

**Commissioner Keller** asked how this will be updated as part of the Comprehensive Plan.

**Commissioner Lahendro** asked how utilities are addressed in this. Partner with Krystal Riddervold in City Green to see what element could be put into place and street trees need to be taken into consideration. In a small area plan someone is going to take the lead on the priority project are going to be done. Finding funding to get those things done will be important. Let's not just pick this one because these people scream the most. Let the evaluation criteria be the main part of the discussion. It is a stepping stone and a building tool.

**Commissioner Keller** asked will these identify projects we expect to see in the CIP.

**Commissioner Keesecker** wanted to see public plaza street elements chapter include the idea of an outdoor space. A recreation park came up as one of the elements.

### **The Public Hearing was opened.**

**Lena Seville** said a lot of good work went into this and we ended up with a lot of good results. She is co-chair of the bicycle pedestrian advisory committee and we did have a representative at the Streets That Work group however we had some communication problems there, so as a group we only had our first conversation about the Streets That Work and Code Audit last month. We are a little behind on discussing what's in these things and we do have multi-modal members but primarily the Bike and Pedestrian Committee has much more of a bicycle focus right now so if anybody listening out there or up here (in Chambers) that tends to do a lot of walking, we definitely could use more pedestrian people to even out the balance because there is a difference between the people who walk somewhere and the people who drive or bike and get out of their vehicle. She would like to see the pedestrian amenities in our pedestrian friendly areas all over the place and that is one of the differences that the people see when they are pedestrian commuters versus going to a pedestrian friendly area and walk around. The sidewalk or the pedestrian area is split into the curb zone and the free sidewalk and there is a frontage zone. It is in the drawings and in the text but then it disappears when you get to the graphs and the charts. She did not see any recommendations for the width for the frontage zone. There was information about setbacks and zero setbacks for the street wall. The combination of no frontage zone and zero setbacks, she is concerned about personally but as someone who is a big supporter of public engagement and the process throughout the Streets That Work process, she asked at the community meetings and there were a number of community meetings about the Streets That Work and she spoke with other neighborhood associations and every time we tried to bring up anything about private property, we were told that this is only about public property, about public streets and the public right of way. We will get to the private property which is setbacks when we get to the Code Audit part of it. The only time she saw private property come up was the end of the meeting at Carver Rec which is the compilation and that meeting was advertised in the same

exact way as the neighborhood association ones. A lot of people who went to the smaller meetings didn't go to the bigger meeting because they didn't understand because they didn't understand that it was a separate meeting. There has not been a public process at this point to say zero setbacks in her opinion. Also it's the change because we had Jim Tolbert and I asked him at the time and he assured me that we would have another set of meetings to talk about the Code Audit similar to what we had with the Streets That Work. She understands that we have had a separation but asked if you would take out the part about the setbacks because it has not been part of the public discussion and is not what we were told Streets That Work would be about.

The public hearing was closed.

**Ms. Poncy** said the Streets That Work does talk a little bit about how the setbacks relate to your experience on the street but just in minor detail on page 70.

**Ms. Creasy** said these are guidelines and this would have to be codified for it to be a change.

**Ms. Newmyer** said the frontage zone is just referencing the space between the sidewalk and the building and it even mentions throughout the plan that it varies based off which is required by current zoning.

**Commissioner Green** move to approve the amendment to the City's Comprehensive Plan to append the Streets that Work Plan, dated May 2016, along with the applicable goals, objectives, guidelines and maps, Seconded by **Commissioner Lahendro**, Motion passes 7-0.

**Appeal – Erosion & Sediment Determination - 624 Booker Street**  
**Appellant's Representative: Frederick Payne, Esq.**

**Mr. Payne** argued that the Stop Work Order was unjustified to his client, Mr. Richard Spurzem because he was not aware of the need for an Erosion & Sediment Control Plan, Stormwater Management Plan and a subsequent Land Disturbing Permit because he purchased the property with the present conditions.

**Mr. David Frazier**, E&S/VSMP Administrator, for the City of Charlottesville, issued the Stop Work Order because this is the procedure used when it comes to our attention that land disturbance greater than 6,000 square feet has occurred as such is on 624 Booker Street.

**Staff's Recommendation**

Staff recommends that, by motion, the Planning Commission should make the following findings of fact:

**Commissioner Green** moved that the Planning Commission make the following findings of fact, and refer the findings to City Council:

- a. Land disturbing activity has taken place at 624 Booker Street yes
- b. The area of land disturbance is 6,000 square feet or more yes
- c. The land disturbing activity has been undertaken for or in connection with the construction of a residential building containing two dwelling units, and related site improvements, which construction has not yet been completed; and



- d. The land disturbing activity commenced and has been undertaken without approved erosion and sediment control plan or any permits required by Chapter 10 of the City Code.

Seconded by **Commissioner Lahendro** motion passes 5-0

Adjourned at **Commissioner Green** second Tuesday, seconded Commissioner Dowell, 10:50 p.m.