

MINUTES
PLANNING COMMISSION REGULAR MEETING
Tuesday, November 10, 2015

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, Kurt Keesecker, Genevieve Keller, Jody Lahendro, Taneaia Dowell, and; UVA representative Bill Palmer

Members Absent: Commissioner Dan Rosensweig

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

Genevieve Keller noted that the minutes from last month were very detailed and she noted that perhaps they should not be as complex in the future. There was consensus that the information was good. Mr. Keesecker noted that the first motion for the West Main Street zoning vote needed to reflect that he voted against the motion.

Commissioners asked questions for clarity on the ZTA for Alcohol Beverage Production. It was clarified that the thresholds for production were gleaned from the ABC regulations. It was noted that discussion concerning the 3000 foot limit proposal may take place during the meeting.

Kurt Keesecker asked a question for clarity concerning the entrance requirements for VDOT in reference to the Hydraulic Entrance Corridor application and that information was clarified.

Adjournment: At 5:30 p.m. the Chair adjourned the meeting in order to reconvene in City Council Chambers at 5:30 to continue with the Commission's regular monthly agenda.

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

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

Members Present: Chairman John Santoski, Commissioners Lisa Green, Kurt Keesecker, Genevieve Keller, Jody Lahendro, Taneaia Dowell, and; UVA representative Bill Palmer

Member Absent: Commissioner Dan Rosensweig

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

A. COMMISSIONERS' REPORTS:

Commissioner Lahendro reported the Parks and Recreation Advisory Board met on October 21, 2015, and he was unable to attend. He did attend the Tree Commission meeting on October 28th. Some of the major items from that meeting: (1) an update on the tree canopy survey underway. The survey's preliminary assessment indicates that there has been a loss of 1.4% of the City's canopy trees compared to the last survey done 6 years ago in 2009. The study should be completed by the end of this year and hopefully there will be an analysis of where these trees have been lost. (2) As

requested by Neighborhood Development Services, several commission members from the Tree Commission inspected the area as an arboretum on the William Taylor site on the corner of Cherry and Ridge Street. The summary of the report is “the existing species diversity and invasive plants located at the proposed construction and overall health of the trees do not justify the site being named an arboretum. It would be more apt to call it simply open space.” Over 1/3 of the existing tree species are invasive tropical species that are inappropriate for an arboretum and that they should be removed. The remaining trees are mostly walnut with bamboo throughout. Of the 91 trees shown on the proffer for phases one and two, only 45 are shown in the current phase. (3) The tree planning committee has surveyed entry corridors and is working with Parks and Rec to recommend the addition of 16 canopy trees and 10 to 20 small flowering trees depending on the budget. He said lastly, (4) there are complaints from store owners regarding the appearance of the UVA Corner. Because of underground utilities, we have lost two trees and others are struggling. Public Works is currently exploring options for relocating utilities instead of putting in planters.

Commissioner Keller reported the Thomas Jefferson Planning District Commission completed its annual audit and that was very successful. It was an unmodified report which the CPA’s told her is the best report you can get and since she is the treasurer she was quite relieved at that.

Commissioner Dowell reported on the Community Block Development Grant Task Force having an initial meeting this year on Monday November 23rd from 3-4 pm. She said for public knowledge there are 3 Community Block Development Grant Task Force slots available for 10th and Page, Belmont and At-Large members of the public. They are looking for additional members.

Commissioner Keesecker reported he attended the BAR meeting on October 20th and applications that were reviewed that might be of interest to our audience and fellow commissioners are: 1) application for a certificate of appropriateness from the Violet Crown theater downtown; there were a couple of details, some significant that were different from the previously approved BAR package and were actually built and so this was a retroactive look at some of those changes after they were constructed and most of them didn’t necessarily cause any heartache with the BAR members, but some will be revisited and the applicant going to come back with some corrections or suggestions in the future on those items; 2) an application from the City for some renovations to Lee Park, particularly the walls that surround Lee Park as phase one and then the sidewalks that run through Lee Park, and was very nicely done; 3) we had an application from Bill Atwood for property that sits behind some historic homes that are near the Centurylink building and Eloise and the courtyard. It was a preliminary discussion that ending up in an deferral for more information to come back later. 4) There was a discussion of William Taylor Plaza and it’s massing and general site layout and the architects hired a landscape architect to focus a lot of attention on this application to cycle through the streetscape on Cherry Avenue. It was generally well received by the BAR and moved to the next step. 5) the last project was on East Water Street which had originally come to us seeking a Special Use Permit for height, and now it is a by-right project but still needs BAR approval for the design of the building. It is not only lower, but seems to have satisfied the BAR with their street frontage so it is going in a positive direction.

Commissioner Green asked if the certificate of appropriateness can’t be approved for finals and how will they get a certificate of occupancy to open.

Commissioner Keesecker said they got a temporary certificate of occupancy, and they have a limited amount of time where they can come and respond. He said the primary concern was the translucency of the dark glass. He said he did not attend the UVA Master Planning Meeting on October 4th.

Commissioner Green reported on the CIP process. She attended the CTAC (Citizens Transportation Advisory Committee) meeting and patrons are encouraged to attend this meeting on the 1st Wednesday, 7:00 pm at Water Street Center. She said a lot of the discussion on Wednesday was on how to get the public engaged and that we have 3 vacancies where we need members. This is an opportunity for the public to get involved on information and ideas about our transportation plan. We talked about having an orientation package so that the members of the public could, if they are interested review what that means and what it means for your involvement. A Transportation Planning Academy was held on 10/13 which included local officials, general employees of local government. A lot of people don't understand the transportation process. It was about 2 hours long and was standing room only. There is going to be another one held at Water Street Center, on January 12th from 11:30 -1:00. We have done a lot of public out-reach and able to reach 450 people in the month of October and that was good. We are going to try to go out and do some outreach for our neighborhood meetings not only in the city but also in the county. She said the Route 29 solutions project is 30 days ahead and under budget. At this time Hillsdale Drive is to be completed on October 2017 as well as Berkmar. This moment they are doing pile driving from 9:00 pm to 6 am; which means they are literally building a retaining wall underground. This pile driving is sticking the piles of dirt into the ground at night with this big jack hammer. It is causing a lot of vibration and noise. The transit authority is looking at widening the scope of work for UVA transit to also possibly work with CAT and UVA

Chairman's Report – Mr. Santoski reported that he was unable to attend the Belmont Bridge Steering Committee meeting. They were to discuss the latest version of the RFP for the Belmont Bridge. There is a link to the project website, which should be public at this point. He said if you want to know what is happening with the Belmont Bridge replacement, you can go to that website. The MPO Tech meeting that was scheduled in November has been cancelled until January 19th 2016.

University Report - Bill Palmer reported the Master Plan Council meeting was held on 11/4 and two topics were covered. One was an overview of health system planning going on right now that included the construction project for the Education Resource Center, which has a variety of functions next to the cancer center between that and the parking garage and finishes off the Lee Street streetscape. There is an update on the larger project where the helipad is located now for the Emergency Department expansion, that is being planned for, designed and will have a hospital bed tower on top. They are planning to do a space planning study jointly with the School of Medicine to look at research space in the health system. On Friday, November 13th, at 10 a.m. there is a meeting of the Buildings and Grounds committee of the Board of Visitors. They are discussing for UVA what the capital project planning and approval process will be a discussion of current and past university real estate holdings and then a presentation on the strategic physical planning efforts.

B. DEPARTMENT OF NDS: Missy Creasy, Planning Manager confirmed that we will have a work session November 24, 2015 and focus will be on the CIP.

C. CONSENT AGENDA

1. Minutes - October 13, 2015 – Pre meeting
2. Minutes - October 13, 2015 – Regular meeting
3. Site Plan - Lochlyn Hill - Block 2B III.

The motion was made by Commissioner Keesecker to accept the consent agenda with the necessary corrections, seconded by Commissioner Green, motion passes 6-0.

D. Entrance Corridor Review
a. 2307 Hydraulic Road

Applicant's Request

The applicant is requesting approval of a certificate of appropriateness to construct one 3-story self-storage building with an office facing Hydraulic Road. The existing brick, one-story building will be demolished.

The new vehicular circulation includes two entrances from Inglewood Drive to access 9 surface parking spaces, including one HC space, and additional parking/loading spaces. There is a partial existing 5-foot sidewalk along Hydraulic Road, but none on Inglewood Drive. New 5 foot sidewalks are proposed along Hydraulic Road and Inglewood Drive. The main pedestrian walkway links to the public sidewalk on Hydraulic.

Three existing street trees are proposed to be saved in the front yard, a 21" Locust, a 33" unidentified tree, and a 6" double dogwood. Additional street trees are proposed along Hydraulic Road and Inglewood Drive, including Lindens and Zelkovas. New 10 ft. wide S-3 vegetative screening buffers are proposed along the other two sides, and along Inglewood Drive. Ginkgo trees are proposed in planting islands in the loading area parking lot.

Building materials consist of three shades of brick facing the two roads, with brick also wrapping around the corners of the building. The two sides that do not face roads will have taupe color metal siding, with accents of medium color brick. The overhead doors, awnings, coping, gutters, and downspouts are green metal.

Two wall signs are proposed on the building.

Commissioner Green asked about the entrances on Englewood.

Commissioner Keller asked if there is additional exterior lighting that could be a concern since it's in a residential neighborhood.

Ms. Scala said they would be required to show it on the site plan.

Robert High, General Contractor, said there would be full cutoff valve lighting for safety and security of the customers. He said it would be a full LED light with no spill-out to the neighborhood. We will have 2 or 3 lights at the door only. He said we will provide a specification of the lights with the site plan. He said there will be no street lights just typical wall pack lighting.

Commissioner Lahendro said the entrances are on the side street not the residential, correct?

Commissioner Green asked Ms. Scala if there was a height restriction on where the wall pack goes because we have had several sites that the height for a wall pack light is over spilling and the concern she has is the different elevation from this site to the residential properties. She said once you put that on the wall even though it is the right height for the wall of that particular building, it over powers the neighborhood.

Ms. Scala said that Mr. High said there would not be any on the backside of the building is that correct?

Mr. High said it is very limited and they typically put the wall pack 12-14 feet so there should not be any spillage. He said we probably will consider only a few lights along the back and that it is really more for security of the neighborhoods and the neighbors behind us. He said we are just trying to not have a dark alley or anything that would allow or attract anything that someone would not want in their backyard. It would be minimal and would be in the site plan but we find that most municipalities consider that as an additional protection to the residents or the neighborhood.

Commissioner Green asked if they would still look at the height of those on the backside since that elevation change does happen between this commercial site and the residential below.

Mr. High said that is not a problem for them.

In staff's opinion, the project is well-designed, and meets the standards and guidelines for a certificate of appropriateness in the Entrance Corridor. Staff recommends approval of this application subject to final administrative site plan approval.

Commissioner Lahendro moved to approve the Entrance Corridor Certificate of Appropriateness application for the new self-storage building at 2307 Hydraulic Road, subject to final administrative site plan approval, Seconded by Commissioner Green,

The roll was called and the motion passed 6-0.

JOINT PUBLIC HEARINGS

G. JOINT PUBLIC HEARINGS 1. ZT15-00008 - Alcoholic Beverage Production Zoning Amendments: A proposed zoning text amendment, to amend the Zoning Ordinance of the City of Charlottesville, to allow micro-wineries and micro-distilleries in certain zoning districts, pursuant to a new definition of "micro-producers" and to re-define a limited-scale brewery that would be permitted outside the City's industrial zones. Currently, micro-wineries and micro-distilleries are not listed in the zoning ordinance as permitted uses. Microbreweries, having a production capacity of less than 15,000 barrels per year, are excluded from all residential zoning districts and from the B1, ES, CH, and NCC districts, but are permitted in all other zoning districts as a "general and commercial" use. Currently, breweries other than "microbreweries" are allowed only in locations zoned for industrial uses.

This is an ordinance to revise and expand the existing definition of a microbrewery within the City, and to make provisions for small-scale brewery operations that exceed the current definition of a microbrewery in the code.

Brian Haluska, Principal Planner: At their October 19, 2015 meeting, City Council approved an initiation of a zoning text amendment related to the definition of microbreweries in the City of Charlottesville. The memo on the matter referred to a City-based brewery that raised concerns about the City's limitation on the amount of beer a brewery can produce under the microbrewery definition. Currently, a brewery operation that exceeds 15,000 barrels of production a year is classified as a beverage bottling facility, and can only be located in industrial zones. Additionally, staff raised a concern about the consistency with a microbrewery definition that permits the production of beer within several mixed-use zones, but does not permit small scale winery or distillery operations.

Public Hearing

Rebecca Quinn, 104 4th Street: as a co-owner of a micro brewer we just exceeded the Nano scale but not in this area. This is definitely an industrial use. One barrel is 31 gallons, and it took us 10 years to get to 5,000 and is a good volume. You will definitely get into the 18 wheeler size truck even in the 5,000 scale. So, your questions about road traffic and excess are very well placed. She said she hopes that when it comes to those special use permits, those things are discussed and you just don't just rely on the neighborhoods to say there might be truck traffic or to figure how much truck traffic. There was a question about the door, out the front, if you are talking about a tasting room or a restaurant then she is assuming that would be a separate permit for each use. A permit to run a micro producer doesn't automatically give you the right to have a tasting room or at least I hope it doesn't. She said it should have another level of review or oversight because it is a different kind of traffic. It is not just deliveries of large volumes of materials; it's the visitor traffic as well. All of that aside, she think it is wonderful to have a microbrewers in town.

George H. Kastendike, Vice-Chairman and CEO of Three Notch'd, wrote a letter on Oct.6th to the City Economic Development officials, saying a change in the code would allow growing breweries in the city, such as Three Notch'd Brewing Company, the ability to stay in town and not contemplate moves outside the jurisdiction to seek growth. He said we have discussed in detail our vision of building an in-city refuge complete with outdoor green space for large family gatherings, German-style beer gartens, a tasting room with a brew-pub, healthy food, outdoor views and also a production facility capable of growing our small business. He also said the company could eventually provide up to 100 jobs in the center of Charlottesville.

Closed the Public Hearing

Commissioners Green and Keller shared concerns about live music.

Mr. Haluska stated under the ordinance live music is allowed.

Commissioner Keesecker asked do you feel that it would be more clear for applicants in the city at large if all of these uses were generally regulated by barrels across the board?

Mr. Haluska said he agrees with that, there are a lot of moving parts when you have multiple limits on them. Beer is measured by barrels and wine and distilled spirits are measured by gallons.

Commissioner Green by right, music is not allowed at all. If they brought a restaurant for live music in downtown extended they would have to get a SUP. How does it work with ABC license?

Scott Roth, 811 Rainer Road said that SP604 that was passed in 2012 in the Virginia State Legislature changed the law for micro brewers for allowances more on par to what wineries were doing. As long as it is produced on site we are allowed to serve in a tasting room setting a pint just as you would in a restaurant without the requirement for food.

Mr. Roth said to respond to the comment about 30,000 barrels, that number comes specifically from sort of a limiting factor in our manufacturing production capabilities as breweries. If you look at systems that are traditionally used in micro-brewery sizing it around 20K barrel systems and if you max that out that is kind of around where 30K is. If you look nationally at breweries that are much larger they go to 20-60-120 barrel systems and then their scale is way higher than 30. That is where that dividing factor sits for the Brewer Association and for their purposes.

Commissioner Green would that mean you would have to expand?

Mr. Roth said we would not change anything just add additional fermenters.

Mr. Haluska explained how the breweries under this new category would also be limited to 15,000 barrels a year while distilleries and wineries would be capped at 5,000 gallons a year and to accommodate the expansion of either Three Notch'd or other breweries, the suggested changes would also add a "small brewery" definition that would limit breweries to no more than 30,000 barrels a year. He said this would be allowed in certain mixed-use and business district with a special use permit. However, anything over 30,000 barrels a year would have to be in an industrial zone. All liquor, wine and beer producers must report their output to the Virginia ABC.

Commissioner Keesecker said he is fairly comfortable after what he has heard and the barometer of these numbers of barrels that you have mentioned as our guide seems to be relatively comfortable. I am thinking along the lines of strategically trying to use these businesses as a way to invigorate some parts of our city that might need a little kick or to make jobs easier to get too from some of our neighborhoods. He would not want to edit this zoning matrix tonight on the fly. He said he is raising the question to whether or not we could have a second look whether the definition of the micro producer gets tweaked down to be related to barrels and not make it real complicated. He said he understands the logic of how the micro producer category follows along the lineage of what was micro-brewery makes perfect sense. Could it be expanded, and except what we see here and have another conversation about expanding it in the future if Mr. Engle and his staff tell us some opportunities are being lost because it is not inclusive enough in other zones.

Commissioner Green moved to recommend to City Council that it should amend Sections 34-420, 34-480, 34-796 and 34-1200 of the zoning ordinance, to define micro-producers of alcoholic beverages and small breweries and designate which zones of the City those uses may be located, as presented in the draft ordinance provided by staff, because I find that this amendment is required by the public necessity, convenience, general welfare or good zoning practice, seconded by Commissioner Lahendro motion passes 6-0.

The Charlottesville Planning Commission has recommended approval of zoning changes that would allow craft breweries to expand in the city.

Adjournment: 7:07 pm, Commissioner Keesecker motion to adjourn until the 2nd Tuesday in December.