

MINUTES
PLANNING COMMISSION MEETING
August 12, 2014 - 5:30 P.M.
CITY COUNCIL CHAMBERS

Planning Commissioners Present

Mr. Dan Rosensweig, Chair
 Mr. Kurt Keesecker
 Mr. John Santoski
 Mr. Michael Osteen

Staff Present

Ms. Missy Creasy, Planning Manager
 Mr. Dave Neuman
 Ms. Lisa Robertson, Chief Deputy City Attorney

The meeting was called to order by Chairman, Dan Rosensweig at 5:30 pm.

A. Commissioner's Report

Mr. Keesecker- No Report
 Mr. Santoski- No Report
 Mr. Osteen- No Report

B. University Report - Mr. Neuman said the Planning Coordinating Council has been postponed for lack of agenda items and the next meeting is in November. The move-in date for UVA students is August 22th for the first year students and the others the 23rd and 24th. The classes will start on the 26th.

Mr. Neuman introduced Mr. Andrew Greene who is the sustainability planner in his office and stated he will be involved with the Planning Commission in the future.

C. CHAIR'S REPORT - Mr. Rosensweig reported that the Housing Advisory Committee met on July 16th to vote on a recommendation to City Council to update housing policy number one pertaining to appropriate uses for the Charlottesville affordable housing fund, and made a recommendation that was discussed by Council on July 17th at a work session about housing. Other items of interest: the potential to do a workforce and student housing study and an update of two current housing studies. The Planning Commission will have a CIP work session on the 26th to help define priorities from the Comprehensive Plan and to hear more about the revamp of the CIP process. Mr. Rosensweig appointed Mr. Keesecker and Mr. Santoski to the Nominating Committee to recommend a slate of officers for the Planning Commission for the 2014 – 2015 year.

Mr. Rosensweig said this was the last meeting with Mr. Osteen and that he is delighted to set him free to work in his community garden plot. He said it's been an honor and a pleasure to have served with him and Mr. Osteen is the only commissioner to change his mind many times about applications or ordinances because of the way he always look at everything with such balance, reason, integrity and creativity. Mr. Osteen has helped Charlottesville to grow in ways that are sensitive toward environmental, physical and human treasures. Mr. Rosensweig concluded by saying the Planning Commission will miss him and how grateful they are for his 8 years of service.

He read a Proclamation from City Council and presented Mr. Osteen a gift.

Mr. Osteen said he enjoyed his time on the Planning Commission, learning something new each month. He appreciated the staff assisting him and particularly the different Chairman over the years that provided exceptional leadership.

DEPARTMENT OF NDS - Ms. Creasy reported that Ebony Walden left Aug. 6th and a new planner will be coming on board in September - Mathew Alfele. At the next work session discussion will be on the CIP and background information on the Strategic Plan.

D. Consent Agenda

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

- 1. Minutes - July 8, 2014 – Pre meeting
- 2. Minutes - July 8, 2014 – Regular meeting
- 3. Site Plans - Water Street Promenade
- 4. Site Plans - Burnett Commons III

Mr. Rosensweig recused himself from item 4.) Site Plans – Burnett Commons III since he serves as the Executive Director of Habitat for Humanity

On motion by Mr. Osteen, seconded by Mr. Santoski, which carried by a vote of 3-0, the Commission voted to approve the consent agenda.

Rosensweig	Abstain
Osteen	Yes
Keesecker	Yes
Santoski	Yes

III. JOINT PUBLIC HEARINGS (Beginning at 6:00 P.M.)

E. JOINT PUBLIC HEARINGS

1. ZM-14-08-06 (Fry’s Spring Area Rezoning Request) - An ordinance to amend and re-ordain the Zoning District Map adopted and incorporated as part of the City’s Zoning Ordinance pursuant to Section 34-1 of the Code of the City of Charlottesville, 1990, as amended, to rezone parcels in the Fry’s Spring Neighborhood from R-2 Two Family Residential to Single Family Residential. Report presented by Missy Creasy, Planning Manager

City Council has directed staff to review a potential rezoning of R-2 properties located in the Fry’s Spring area from R-2 to R-1S or another single family residential zoning classification ((R-1, R-1U, or R-1U(S)). The issue was noted in the 2006 Neighborhood Plan section of the Comprehensive Plan, brought forth once again at a 2011 Town Hall meeting and in March of 2013 the Neighborhood Association provided staff with a resolution supporting the change. A formal request was recently received by the Fry’s Spring Neighborhood Association (FSNA) to ask Council to begin the process, after staff informed the FSNA President that the FSNA did not have standing to make the request. The Council resolution states: “the Neighborhood Association believes that such a rezoning would stabilize the neighborhood, increase owner occupancy while still allowing accessory apartments, encourage better maintenance of properties and add to the attractiveness of the neighborhood to families.”

Staff conducted an informal survey of neighborhood opinions of 29 members of the FSNA in 2012 and found there was support for the zoning change. Staff also analyzed data from the 2011 TJPDC Land Use Survey pertaining to R-2 properties within the boundaries of the Fry’s Spring Neighborhood and found that over half of the pertinent properties were not owner-occupied. Of the 230 R-2 properties within the neighborhood boundaries, 50 were used as duplexes. The findings of that analysis are in the attached memo from then Neighborhood Planner, Willy Thompson.

The general usage of each of the proposed single-family residential zoning districts (R-1, R-1(S), R-1U, and R-1U(S)) is low-density residential. The proposed change in zoning district classification from R-2 to R-1, R-1(S), R-1U or R-1U(S) would render the following uses unlawful on the Subject Parcels: single-family attached dwellings (SFA), duplex uses (two-family dwellings), and residential treatment facilities (RTFs) for 8 or more residents. Uses lawfully established prior to the date of any rezoning could be continued as lawful, nonconforming uses. Except as described above, uses allowed within R-1, R-1(S), R-1U and R-1U(S) districts are the s This requested rezoning would change 356 parcels from R-2 to R-1, R-1(S), R-1U, or R-1U(S).

At this time there are 2161 parcels zoned R-2 throughout the City, therefore this rezoning would reduce that number by approximately 16.5%.

- Under the Zoning Map currently in effect there are only three areas of R-2 zoning in the Fry’s Spring area:
- (1) In the area around Crestmont Avenue and Hammond Street;
 - (2) In the Stripling Avenue area; and,
 - (3) In the area that includes Stratford Court, David Terrace, Thomas Drive, Center Avenue, Valley Road Extended, Grove Street Extended, North Baker Street and portions of Shamrock Road and Broad Avenue.

Analysis and Considerations

Downzoning can be used as a tool to target or manage growth or to limit development of a particular type, size, use, intensity or character. Some typical reasons for downzoning are to limit sprawl and overgrowth of cities, and to help concentrate areas of development into clusters to preserve open space, to limit dense development or intense development near sensitive single family neighborhoods, or to allow new development to evolve in accordance with market-driven patterns. Proponents of downzoning anticipate reduced density of development, reduced residential growth, higher home values, and enhanced quality of life. Opponents of downzoning’s typically anticipate lower land values, reduced development potential and reduced speculative profit potential. Downzoning is sometimes seen as a tool for trying to keep certain types of people or development out of neighborhoods and is sometimes viewed as having an exclusionary impact.

The Effect of Down Zoning on a Landowner/Property Values

According to the City’s Assessors office, R-2 zoned property would generally bring a higher value if the properties are vacant. Thus, this rezoning could negatively affect the assessment of the sixteen vacant parcels in this area. The rezoning would also reduce the development potential of the sixteen vacant properties in the area, as they would be restricted to developing single family detached units instead of single family attached units and duplexes. This downzoning would have a minimal effect on existing dwellings because they would be “grandfathered” to the current use. Uses lawfully established prior to the date of any rezoning could be continued as lawful, nonconforming uses and would need to comply with the non-conforming section of the Zoning Ordinance for any changes or expansions.

The Assessor’s Office does not distinguish between owner occupied and rental dwellings in regards to assessments.

Potential Reasons for Rezoning

Rezoning the R-2 parcels in the Fry’s Spring Area would:

- Respond to the request of the Fry’s Spring Neighborhood Association.
- Stop the construction of new single-family attached units and/or the demolitions of single family detached units to build single family attached or duplex units.
- Limit the number of unrelated persons that can live together if an R-1SU or R-1U classification is selected. Except, units that occupied more than 3 persons prior to the zoning change would be allowed to continue.
- The 72 properties that are used as duplexes or single-family attached units would be allowed to continue under a non-conforming status and would need to comply with the non-conforming provisions of the Zoning Ordinance for any changes or expansions.

Potential Zoning Classifications

R-1: R-1 provides a single family detached zoning classification of a larger lot size, 8,125 sf. There are at least 106 existing lots in the area that have less than 8,125 square feet and would become non-conforming for lot size.

R-1U: This zoning is the same as R-1 except that it restricts accessory apartments and the number of unrelated persons living together to 3. The “U” represents university, as it was zoned to help limit student rental of homes or accessory structures. All properties that have more than 3 unrelated persons or accessory apartments would become non-conforming.

R-1S: R-1S provides a single family detached zoning classification of a smaller lot size, 6,000 sf. There are approximately 21 existing lots in the area that have less than 6,000 square feet and would become non-conforming for lot size. This classification would create the least amount of non-conformity in relation to lot size, accessory apartments and unrelated persons.

R-1SU: This zoning is the same as R-1S except that it restricts accessory apartments and the number of unrelated persons living together would be restricted to. The “U” represents university, as it was zoned to help limit student rental of homes or accessory structures. All properties that have more than 3 unrelated persons or accessory structures would become non-conforming.

Other considerations:

- The FSNA would prefer to keep the ability of residents to have accessory apartments.
- Only 20% of the properties in the subject area are used as duplexes or single family attached units, which could be an indication that a lower zoning classification is more appropriate.
- The creation of an abundance of non-conforming properties is a time and administrative burden on the zoning staff in regards to managing records and enforcement. Creating the least amount of non-conformities would diminish the impact on residents, property owners and staff.

Reasons for Maintaining R-2 zoning

Potential reasons for maintaining R-2 zoning in the Fry’s Spring Area are as follows:

- R-2 zoning allows for greater diversity in use, type and size of housing.
- Restricting housing diversity is not consistent with the Housing goals of the Comprehensive Plan.
- Allowing new single family attached and duplex units can provide more opportunities for individuals or families to own property and/or increase the available housing stock for lower-income renters. Single family attached homes are usually smaller and more affordable than single family detached homes and also provide opportunities for affordable rentals/homeownership.
- The rezoning will not directly increase owner occupancy and/or reduce rental occupancy in existing units.
- The rezoning will not directly decrease nuisance or property maintenance issues.
- The rezoning would increase the number of non-conforming properties for use and lot size in the neighborhood.
- The rezoning would reduce the development potential of the sixteen vacant properties in the area.

Other considerations:

- The verifiable data on neighborhood development patterns, land use and quality outlined above does not show significant growth in negative impacts to the neighborhood over the past 14 years.
- The subject properties are not high density and high density development is not allowed. Any future zoning change to allow high density development would need to be approved by City Council and is highly unlikely. R-2 is a low density residential zoning classification.
- Downzoning to R-1S will not inherently limit student rentals, increase owner occupancy or encourage better maintenance of properties.

Jeff Greer, President, and Fry’s Spring Neighborhood Association: In March 2013, the Fry’s Spring Neighborhood Association requested a rezoning of the R2-zoned properties in the areas of Stribling, Crestmont, and Shamrock from R2 to R1S. In support of this request, we ask City Council, the Planning Commission, and NDS to consider these three factors:

- (1) The recent local trend towards higher density housing, such as what has been built over the years in the Jefferson Park neighborhood and what is being built on West Main Street, is incompatible with the makeup of the Fry’s Spring neighborhood, which consists almost exclusively of a variety of lower-density residences;
- (2) Higher-density development in our neighborhood potentially threatens to reduce not only the opportunities for individuals or families to own property, it could also reduce the available housing stock for lower-income renters; and

- (3) There is no documented reason for the inexplicable exclusion of the areas under consideration from the otherwise comprehensive neighborhood zoning in 1991. Because there has never been an explanation for this, it is most likely a mistake that should be corrected.

With regards to the first factor, we are asking you to consider that since the last time any zoning changes have been made in the Fry's spring neighborhood, the University of Virginia has embarked on an accelerated growth plan. To support the addition of 1,500 students in the next five years, some high-density housing developments are already completed, and others are under construction. We assume that, to account for these new students' needs, some number of new jobs will be also created for faculty/support staff, possibly along with some new private-sector services. One should also consider the likelihood that the University's outstanding research and development facilities will continue to produce ideas and technologies that will lead to the creation of more businesses and jobs, and thus more residents.

No one seems to know whether all these new housing projects will answer the question, "Where are all these new residents going to live?" Our public officials seem to have taken a wait-and-see approach, and even suggest that high-density housing is appropriate anywhere in the City. Developers have taken note. We recently attended a presentation on a proposed high-density phase of Johnson Village, where the developer stated he is waiting to see how well the City Walk project will succeed before adding high-density to the Johnson Village residential area.

What then? Given our city's current growth path and the receptiveness to insert high-density in every part of the City, there is no guarantee that these projects will fully alleviate the pressure to add high-density housing in areas that traditionally are inappropriate for this purpose.

The areas under your consideration are especially susceptible to high-density development. For years we watched as another neighborhood close to the University, Jefferson Park, succumbed to the pressure to add density. In the current environment we see no reason why Stribling, Crestmont, and Shamrock wouldn't be next, and we encourage you to recognize the balance within Charlottesville by correcting the zoning of these low-density residential areas.

The second factor in support of our request speaks both to ownership and occupancy. Charlottesville today has at least two pressing housing issues: (1) at 40.8%, according to the last national census, we lag behind the level of home ownership within the Commonwealth by 27 percentage points, and (2) lower-income residents find it increasingly difficult to secure affordable housing, which over time is forcing more residents to seek housing outside the City.

We assert that choice is restricted and opportunities are limited when both detached and rental property stock is further reduced by the razing of existing detached homes and rentals in the R2-zoned areas of Fry's spring, and replacing them only with high-density rentals.

By zoning the areas under consideration to R1S, the level of housing stock available in Fry's spring for middle- and lower-income families, both to own and to rent, will be preserved, and the small businessperson seeking an opportunity in real estate in this community can still prosper.

Lastly, we are not sure what the reason was for these properties to have been defined as R2 in 1991, and it is our understanding that subsequent rezoning of other R2 properties in Fry's spring was meant to acknowledge the character of our neighborhood and to correct a mistake.

We are asking you to help us maintain our roots as a low-density, residential neighborhood that appeals to residents of all income levels. With this corrective rezoning we also ask that you reaffirm the present and future property rights of rental property owners by making their properties legally nonconforming, and that you also continue to allow owners of rezoned properties with detached homes to have the right to build and rent accessory dwellings, just as you did in 1993 and 2003.

If these changes are approved, both Council and the Planning Commission will add weight to the theory that high-density development in one part of the City will alleviate pressure on other residential areas.

These properties are appropriate for inclusion in R1S status. These changes, in conjunction with the maintenance of property rights, are needed. They will benefit not only our neighborhood but the greater Charlottesville community, and they will not adversely impact the properties in the three areas.

Mr. Rosensweig opened the public hearing

1. **Sean McCord** – stated he purchased a home with a basement apartment, moved to Johnson Village and rented the basement apartment mainly to graduate students. He does not want to change his ability to rent out his basement. He said he may want to sell his house some day and hopes the buyer would be able to use it as investment property as he did.
2. **Hardy Whitten** – He stated that this subject is a zoning issue. He said R1S would still allow people to rent out parts of their homes.
3. **Peter Hedlund** – 204 Todd Ave., Stated that this is a complicated subject and it has taken some time to get everyone educated to be comfortable with all of this. He said that Fry’s Spring has a wonderful mixture of late 19th century and early to mid-20th century buildings, and is deserving of this recognition and deserving of protection. Mr. Hedlund stated that the FSNA is not asking for Fry’s Spring to be a neighborhood of single-family homes. He said there is a wonderful mixture of duplexes, single family attached and detached homes occupied by renters and homeowners of all income levels and this zoning change won’t affect that diversity but he hopes that this zoning would help stabilize and protect the neighborhood from future development pressure.
4. **Mike Farruggio** – 316 MonteVista Avenue, He said this is about neighborhood preservation and stability. He stated that the school system is what families look at due to the children who may need a little more assistance. Because of this, there are less middle class families moving into his neighborhood. He stated when this happens there is an increase of at risk kids in the schools by concentration, and increase of rentals, an increase of the lesser maintained homes, an increase in the number of cars on the street, an increase in the number of families saying no to the city. We are asking for this to create balance in our neighborhood that is why we are asking for R1S.
5. **Joseph Thomas** – 111A Hammond St., Petitioners are not the property owners. We are setting a precedent and these issues need to be handled in other ways not changing the zoning.
6. **Chip King** – Highland Ave., he said he supports the downzoning of the property in question.
7. **Elizabeth Laws** – 2323 Crestmont Avenue, She said the middle/lower class people will suffer the most. She stated, please do not vote for this new zoning as it will prohibit lower income families from achieving the American dream of home ownership.
8. **Barry Willard** – Forest Lakes, He is against rezoning and he does not understand the illegality to how this area can be targeted. He said he would be losing his business with a rezoning (He is a landlord) and asked where this will stop.
9. **Chis Grant** – 114 David Terrace - He is against the rezoning. He just bought a home and is not convinced this downzoning will address maintaining the neighborhood.
10. **Aaron Newman** –311 Valley Road Extended, He said he purchase his home in 2007with the intentions to have a duplex later. He does support the neighborhood association.
11. **Richard Bell** – Batesville Road, Afton, Va., He said he has been a realtor and landlord in Charlottesville for 40 years. He said downzoning is not warranted.
12. **Jess Wenger** – She stated she is in favor of the downzoning and she likes the neighborhood diversity. She does not think the downzoning will impact the neighborhood diversity.
13. **Mike Valente** – 3007 Morgantown Road, He stated that he is a builder and is contracted to build 2 sites and if this downzoning is approved he will lose money if the owners pull out of the contract. He is against the downzoning.
14. **Pete Craddock** – 2041 Milton Road, He stated his in-laws are property owners on Shamrock road. He said they have had property for 75 years and he is not in favor of the downzoning.
15. **David Talbot** – 2321 Crestmont, He said the main reason for coming to the Frys Spring neighborhood was to be able to rent out his basement. He is not in favor of the downzoning.
16. **Kurt Wassner** – Ivy, Va., He said the downzoning would minimize development.
17. **Leonard Winslow** – 753 Floridan Drive, He said his family has owned property in the N. Baker area since 1953, and his family is against the downzoning.
18. **Allison Valente** – 1225 Old Ballard Road – She said accepting this downzoning would be a step back for Charlottesville. She owns several properties on Stribling Ave. Her concern is loss of rights for the owners, and is against the downzoning.
19. **Arthur Valente** – He opposed the re-zoning.

20. **Clive Bradbeer** - 130 Stribling Ave – He stated that he opposed the downzoning and does not believe the FSNA speaks for the entire neighborhood. He said the people are concerned about their property values and, does not think the current zoning is a mistake.
21. **Gordon Hun** - 845 Emerson Drive, he stated we are against the proposed downzoning. It is unfair and potentially illegal to downzone and it is inappropriate to take away the rights of long term citizens. Continue R2 zoning as is.
22. **John Fall** – David Terrace, He is against the downzoning.
23. **Daniel Tierney** - He is against this downzoning.
24. **Robin Royal** – 2319 Crestmont Avenue – She is opposed to downzoning which would prohibit renting her basement.
25. **Mike Tierney** Thomas Drive, He said he owns duplexes on Thomas drive. Value of the property will diminished over time. He is not in favor of the new zoning.
26. **Luke Jana** – 620 Prospect Avenue, is opposed to the rezoning.
27. **Paul Lindsay** – 1623 Grove Street, He believes this is not a zoning problem. He said he detects a little bit of racism.
28. **Deb Burkenhouse** – Ms. Burkenhouse is looking forward to investing in a basement apartment. Feels her right is being taken away, she is opposed.
29. **Terry Dicientio** – 2307 Highland Avenue, Ms. Dicientio said the FSNA didn't ask for properties from outside of Fry's Spring to be included in this request. Fry's Spring has about a 50/50 mix of renters and owners and is in close proximity to JPA. Mr. Dicientio is in favor of the downzoning.
30. **Laura Nickels**, 2315A Crestmont Avenue – Ms. Nickels stated in 1996 her family bought a duplex and they were very happy living there and appreciate the opportunity for future generations to build and buy duplexes which in her opinion are more environmentally friendly.
31. **Joan Alboston** – 921 Royal Drive, She said she owns a duplex on Azalea drive. She used to be president of the Fry's Spring Neighborhood association and she does not want the downzoning.
32. **Susan Elliott** – 2712 JPA, She said there is not a lot of affordable houses in Charlottesville and said she may rent out her basement in the near future.
33. **Derrick Stone** - 439 Hill Circle, He said it seemed to him that people are balancing their interest in support economics and feeling of growth versus people who want to determine the future of how their neighborhood is shaped.
34. **Alex Hancock** - 2712 Eaton Road – Mr. Hancock said there is no justification for change of zoning in this area. Discourage those people because there is no justification for this change.
35. **Fred Michell** - 114 N Baker Street – Mr. Michell said he bought his house 40 years ago. He said his wife is disabled, had a stroke, and cancer. He purchased the house to rent to students. He stated many families are impacted because of this issue. He is against this rezoning.

CLOSED THE PUBLIC HEARING 8:05

Mr. Osteen said he lives in a very similar neighborhood. He stated his property is zoned R1 but most of the properties adjacent to him are R2. Mr. Osteen said the diversity that we want throughout the city is achieved by the zoning that we see and as he looks at the standard of review and the compelling line for him is whether there is a need or a justification for the change.

Mr. Keesecker said he has searched in the comprehensive plan to find a series of clauses that would support the change and he cannot find a strong compelling argument for the need or justification for the change. He said while many people have spoken about the quality of the Fry's Spring neighborhood, He said, "Why wouldn't we want to have more people live in this neighborhood in a relatively low density situation?" He agreed that to diminish this zoning fundamentally cities at their best is a place of opportunity and he doesn't see this change creating opportunity, only diminishing opportunity.

Mr. Santoski said he has lived in the Fry's Spring neighborhood since 1988 and the street he lives on and some of the streets close by are R1S - there are few duplexes, and many homes that are rented out. He stated there is an interesting mix of people, graduates and singles. He said when he first purchased his home it was a duplex and he converted it into single family home. He said that the neighborhood had changed from a family neighborhood to something that wasn't a family neighborhood and they were excited to see someone move in with two small children. He stated that in recent years there has been a growth in families either renting or buying. He also said there is a development coming up behind his house where homes are continuing to be built and not all are owner occupied, some are rental. He said he sees a real cross-section in the neighborhood of folks of all income levels who maybe renting a basement apartment to middle class families who either own or rent and to more wealthier families who can rent or to own as well. He said he disagreed with Mr. Keesecker, because he too went through the land use plan and the housing plan and saw a number of places where we could support this if we

wanted to. He said according to 3.3 – Achieve a mixture of incomes and uses in as many areas of the City as possible, he said Fry’s Spring has met that because as one speaker stated, 50% of properties may be rented and he feels that Fry’s Spring have met the mixture of incomes and uses in the neighborhood. Mr. Santoski asked how we achieve it in all of our neighborhoods. He said Fry’s Spring want us to meet that mixture incorporating affordable housing. Mr. Santoski said he feels that we are asking the Fry’s Spring neighborhood to do more to change the mixture of it. He said what he takes offense to is that there were a number of speakers talking about the school system and some remarks about racism, he said he can assure that his children went to Johnson School and he was on the city School Board, a PTO president, and feels that this community is one of the least restrictive in terms of who they go to school with, or what they do. He said what every parent who sends a child to Jackson-Via or Johnson School is looking for a good school, with good teachers in a good community no different than what anybody else is looking for anywhere else.

Mr. Santoski said there’s enough reason to move this forward to Council to say they should look at this and take seriously what the neighborhood association requests but should also exclude some of these properties from that. He said he finds it very heartening for everyone who did come out tonight to speak and wanted it to be real clear where he stood on the issue, and feels that more time is needed to further discuss this.

Mr. Neuman said he own a duplex and lives in one so there is a difference between accessory dwelling and a duplex and he thinks that needs to be clear because you can have joint ownership of a duplex and you can’t joint ownership of an accessory dwelling unit. Does the UVA community appreciate the Fry’s Spring neighborhood? Absolutely, because there are a lot of people who live there and a lot of them spoke that have an affiliation with the university and it does qualify in terms of a walkable, bikeable and a good mixture of age groups. He said he cautioned the commissioners not to get to effective by the rental term and consider that there are both the ownership and rental issue that has been presented by a number of people.

Mr. Rosensweig is not in favor of the rezoning, he is deeply sympathetic to those who spoke in favor of it and even more sympathetic for the number of years that it has taken to get to this stage. He said as with all re-zoning requests he looks very carefully through the comprehensive plan and in this case over-whelming the guidance of the comprehensive plan particularly in the housing section couldn’t be clearer. Mr. Rosensweig said changing the zoning would effectively under mind the ability to do that.

Mr. Santoski said, “At what point do we consider-when looking a land use and the housing stock- that neighborhoods have reached a critical mass or is it not at critical mass. He said one of the considerations the neighborhood association was when JPA went to a higher density that at some point when that gets build out, all of a sudden, Stribling, Todd Ave, and Shamrock starts to look incredibly attractive for putting in more high density. Of course it states that Council has no desire to do that at this point, but as we also know that zoning laws can change all of the time. He said regarding private property, it is very clear from previous court decisions that communities have the right to change the zoning at any point and time as long as it’s done in a reasonable, thoughtful, deliberate manner. He asked the other commissioners where do you feel a neighborhood has reached its critical mass in terms of providing rental units, single family homes, and duplexes before it all tips over and the very thing that makes it attractive for people who want to be there is no longer there because it becomes unattractive.

Mr. Keesecker said he lives on a R2 lot and he doesn't know whether his neighbors rent or not. He said he is not really sure if there is a limit.

Recommend Denial of the Rezoning

It was moved by Mr. Osteen, and seconded by Mr. Keesecker, to recommend City Council that they should not approve the proposed rezoning based on a finding that the public necessity, convenience, general welfare or good zoning practices does not require the rezoning.

Keesecker - yes

Osteen - yes

Rosensweig - yes

Santoski - No

Review of enforcement (zoning & police) – Park and take up in the future.

Motion to adjourn by Mr. Osteen 8:35