

DRAFT MINUTES

CITY OF CHARLOTTESVILLE

PLANNING COMMISSION

TUESDAY, 9 MARCH, 2010 -- 5:30 P.M.

CITY COUNCIL CHAMBERS

Commissioners present: Commissioners Not Present:

Mr. Jason Pearson (Chairman) Ms. Genevieve Keller (Vice-Chairman)

Mr. Michael Osteen

Mr. Dan Rosensweig

Mr. Bill Emory

Mr. Kurt Keesecker

Mr. John Santoski

Mr. David Neuman, Ex-officio, UVa Office of the Architect

Staff Present:

Mr. Jim Tolbert, AICP, Director NDS

Ms. Missy Creasy

Mr. Nick Rogers

Ms. Ebony Walden

Mr. Brian Haluska

Ms. Melissa Celij, Grants Coordinator

City Council Members Present:

Mr. David Brown

Mr. Satyendra Huja

Ms. Kristin Szakos

Also Present:

Mr. Richard Harris, Deputy City Attorney

II. REGULAR MEETING

Mr. Pearson called the meeting to order at 5:31 p.m. He stated that item ZT-10-01-01 had been removed from the agenda at the request of staff.

A. COMMISSIONERS' REPORTS

Mr. Emory stated there would be a Budget Work Session on 10 March.

Mr. Santoski attended a PAC Tech meeting and was looking forward to attending more.

Mr. Osteen stated the Board of Architectural Review had met and looked at the SUP for the boarding house on Preston Place. The Board had also talked about the demolition of the storefront at 219 West Main Street and had received a new design which was approved. The Board had also received a presentation on the University Children's Clinical Building and Outpatient Surgery Center.

Mr. Rosensweig stated the Housing Advisory Council and the Parks and Recreation Advisory Committee had each met 17 February. At the HAC meeting, they discussed how to generate a strategic work plan for 2010 and beyond. They also received an overview of potential housing grants available to the city. Parks and Recreation met with the Fry's Spring neighborhood to discuss the Azalea Park Master Plan

draft. Parks and Recreation also initiated a conversation regarding how to identify and rank priorities for parkland acquisition.

Mr. Keesecker stated the MPO Tech Committee and Community Mobility Committee met on 19 January. They were briefed on a letter related to the use of transportation enhancement funds to partially fund the acquisition of Biscuit Run.

Mr. Neuman stated there would be a series of planning workshops on Grounds of North, Central, and West. The Darden School has made a commitment to being carbon neutral by 2020.

C. CHAIR'S REPORT

Mr. Pearson stated the TJPDC met. They received a report that the Senate budget contemplated elimination of all state funding for Planning District Commissions in 2011 and 2012. The TJPDC passed a resolution resolving that the TJPDC urged the Senate to reconsider and urged the state to continue funding for the planning district commissions. They also discussed the Chesapeake Bay Total Maximum Daily Load Impact on Local Governments; localities will be responsible for ensuring they don't put more load into the waterways that ultimately spill into the bay than is appropriate.

D. DEPARTMENT OF NDS/STAFF REPORTS/WORK PLAN & CENSUS UPDATES

Ms. Creasy stated the April meeting would be held on Monday, 12 April, as City Hall would be closed on the 13th in observance of Thomas Jefferson's birthday. She stated Planning staff would be teaching the Neighborhood Leadership Institute class on 10 March. She stated most people should have received a letter from the Census Bureau that in a week they would receive their official form. Preservation Week is April 9-17.

E. ANNUAL PLANNING AWARDS PRESENTATION

Outstanding Neighborhood Effort -- Belmont Neighborhood

Outstanding Plan of Development -- Fry's Spring Service Station and the Sunrise Court development

Citizen Planner of the Year -- Kay Slaughter

The Herman Key Jr. Access to the Disabled award --
Charlottesville Pedestrian Safety Committee

The Eldon Fields Wood Design Professional of the Year award -- John Quale

Neighborhood of the Year -- Belmont Carlton Neighborhood

Outstanding Sustainable Development -- The ecoMOD and ecoREMOD projects

Neighborhood Development Services Staff Member of the Year -- Brenda Weatherford

F. MATTERS TO BE PRESENTED BY THE PUBLIC NOT ON THE FORMAL AGENDA

Ms. Colette Hall, of 101 Robertson Lane, expressed concern about the Commission's leaning toward increased density in Mixed Use Zoning. She feared for the character, safety, security, and sanctity of their present neighborhoods.

Mr. Peter Klieman, of 407 Hedge Street, thanked the awarding body for the recognition of the efforts of the Pedestrian Safety Committee. He noted some hazardous areas which had resulted from snow removal and suggested the Commission consider having an annual report on pedestrian and bicycle issues from the public.

G. CONSENT AGENDA

1. Site Plan and Subdivision approval list
2. Minutes - January 12, 2010 – Regular meeting
3. Minutes - January 12, 2010 – Pre meeting
4. Minutes – February 23, 2010 – Work session
5. Request for initiation of zoning text and map amendments - The purpose of initiating these amendments is to allow formal consideration of the applications. These items will be scheduled for future public hearings if initiated:
 - a. Site Plan and Special Permit Validity Requirements

Mr. Emory stated he would send text follow ups to Ms. Creasy of changes to sections regarding the January consent agenda, Preston Place, and critical slopes. Mr. Emory also suggested changes to the final paragraph of the Pre-meeting minutes.

Mr. Rosensweig also stated he would provide changes to Ms. Creasy. However, he wanted to read into the record his changes to paragraph 5 of page 13: "Mr. Rosensweig thought criterion 3 was problematic; it seemed almost contradictory to the other three criteria. He expressed a preference for tying steep slope restrictions to impacts for a process that examines where be it from -- be it for distance to streams or topography, disturbing the slopes would have tangible negative impacts."

Mr. Osteen moved the approval of the consent agenda. Mr. Santoski seconded the motion. The motion carried unanimously.

III. JOINT PUBLIC HEARINGS

H. JOINT PUBLIC HEARINGS

1. SP-09-12-24 - (207 14th Street NW) An application for a special use permit for the property at 207 14th Street NW. This request is for a 31 room hotel in the B-1 Commercial District with Historic Overlay zoning district with a request for side yard setback and parking reductions. The setback request includes a reduction in the side setbacks for the two story addition from 23' to maintain the existing 10' setback on the north and 7' to the south. The parking request includes a reduction in the required number of on-site spaces from 40% (13 spaces) to 10% (3 spaces). This property is further identified on Tax Map 9, Parcels 70.1-70.21 having frontage on 14th and 15th streets and containing approximately 10,900 square feet of land or 0.25 acres. The property is zoned B-1 with Historic District Overlay and the Land Use Plan generally calls for Office.

Ms. Walden gave the staff report. Hotels of up to 100 rooms are allowed by special use permit in B-1 zones. The applicant proposes a two story addition, removal of the front yard parking, reducing the rear yard parking area and adding landscaping. As part of a special use permit application, the Commission can consider exceptions to yard regulations, and setback standards. The applicant would like to maintain the current setbacks on the north and south side. Staff thinks this is reasonable. The applicant is also requesting a reduction in their parking with only three spaces on site and the remaining spaces in the 14th Street parking garage. The rooftop gathering area could potentially produce excessive noise. The BAR recommended 8-0 to City Council that they approve a special use permit for a hotel on this site. The massing and scale of this project is consistent with the two- to four-story buildings in this area. Staff recommends approval with the condition that the applicant submit a signed lease verifying that they have a parking agreement with the 14th Street parking garage and that noise not exceed 65 dB.

Ms. Valerie Long was present on behalf of the applicant. She gave a presentation of the exhibits provided to the Commissioners.

Mr. Rosensweig wanted to know the programmatic elements of the front of the building. Ms. Long stated there would not be a door on 14th Street; there would be a pedestrian path leading to the back.

Mr. Osteen wanted to know if the stormwater system would handle the water for the whole site or just a portion. Ms. Long was not sure as it had not been fully designed yet.

Mr. Pearson opened the public hearing. With no one wishing to speak to the matter, Mr. Pearson closed the public hearing.

Mr. Keesecker expressed concern about the loss of affordable apartments at this location. He was concerned about the noise on the rooftop. And he was concerned about the proposed density. Mr. Osteen thought hotels do not have a density level.

Mr. Rosensweig also had concerns about the loss of affordable housing and pushing student housing away from the University. He thought the design on 14th Street would be critical to mitigating the impact of the increased massing.

Mr. Osteen thought that these apartments did not constitute affordable units. He thought if the market said there was more use for a boutique hotel at that site than efficiency apartments, the Commission should be responsive to the market.

Mr. Santoski did not think there would not be something within a reasonable distance that would replace the affordable housing. He stated he was more concerned about the noise levels and how the rooftop terrace would be used.

Mr. Osteen thought Staff's limitation for noise was appropriate.

Mr. Keesecker commended the applicant for moving cars off the site.

Mr. Osteen moved to recommend the approval of this Special Use Permit to allow a 31 room hotel at 207 14th Street with the following conditions, exceptions or modifications: a reduction in the side yard setback for the two-story addition from 23 feet to 10 feet on the north and seven feet on the south; a reduction in the required number of on-site spaces from 40 percent to 10 percent to provide the remaining parking spaces in the 14th Street parking garage; the applicant shall submit a signed lease agreement verifying off site parking to Neighborhood Development Services prior to final site

plan approval; no person shall permit, operate or cause any sound to create a sound level emanating from the building or site during the hours between 11 p.m. and 6 a.m. in excess of 65 dB when measured at or outside the property boundary; and administrative approval of the preliminary site plan following approval of Certificate of Appropriateness by the BAR -- on the basis that the proposal would serve the interests of the general public welfare and good zoning practice. Mr. Rosensweig seconded the motion. Mr. Santoski thought they were going to add a 24 hour on site management. Mr. Osteen amended his motion to include 24 hour on site management will be provided. Mr. Rosensweig accepted the amendment. The motion passed, 5-1; Mr. Keesecker voted against.

Mr. Rosensweig wanted to offer a recommendation to attach to the motion that they recommend that the BAR examine issues of pedestrian activity on both streets when they review the application for a Certificate of Appropriateness and also look at potential setbacks on the upper floors. He also noted for the record that this did not set a precedent for changing use from student based residential to other uses in the neighborhood; in fact, it might also potentially put pressure on future applications that anticipate a similar change in use.

Ms. Long stated they had discussed the step back issue and thought about as they were crafting the request for the setback waiver that would apply to the whole building. She stated the upper floor was a small space already and needed to be functional. The upper floor was important to the economic viability of the hotel.

Mr. Rosensweig stated he was willing to withdraw that recommendation.

Mr. Pearson called for a quick voice affirmation of Mr. Rosensweig's recommendation to recommend to the BAR that they consider carefully the issues of pedestrian access on 14th to 15th Street; the recommendation passed unanimously.

Mr. Pearson next called for voice affirmation of Mr. Rosensweig's recommendation to recommend the BAR consider setbacks at the fourth floor level, side setbacks, in order to respond to the surrounding context; the recommendation passed unanimously.

Mr. Pearson wanted to know how many Commissioners agreed with Mr. Rosensweig's comment for the record regarding precedent. All did.

2. Community Development Block Grant and HOME/ADDI Funding—3rd Year Action Plan, 10-11: The Planning Commission and City Council are considering the third year Action Plan of the multi-year Consolidated Plan which sets forth projects to be undertaken utilizing CDBG & HOME/ADDI funds for the City of Charlottesville. In fiscal year 10-11 it is expected that the City of Charlottesville will receive approximately \$533,500 for Housing and Community Development needs and \$126,000 in HOME/ADDI funds for affordable housing from HUD. CDBG funds will be used in the City to conduct housing rehabilitation, assist low and moderate income home buyers, and improve access and housing for persons with disabilities, as well as to fund several programs that benefit low and moderate income citizens and the homeless population. HOME/ADDI funds will be used to assist first time home buyers and rehabilitate housing.

As the Executive Director of Habitat for Humanity of Greater Charlottesville which was recommended for funding as part of the HOME allocation, Mr. Rosensweig recused himself from this matter.

Mr. Keesecker noted he was a board member for AHIP which is also mentioned in the report; however, he would not benefit personally from any consideration and believed he could remain impartial to the discussion.

Ms. Celii gave the staff report referring the Commissioners to the proposed allocations and assorted documents included in their packets.

Mr. Pearson opened the public hearing. With no one wishing to speak to the matter, Mr. Pearson closed the public hearing.

Ms. Creasy communicated to the Commission comments from Mr. Rosensweig that if there was an opportunity for additional funding to be available at some point in time, he expressed interest in the Piedmont Housing Alliance Rental Resource Center being considered for additional funding; he felt that that was a project that was worthy of funding and wanted to express that comment to the group.

Mr. Santoski moved that they submit to City Council approval of the CDBG allocations for the annual plan as submitted with the recommendation given by Mr. Rosensweig for use of the funds with the PHA Rental Resource Center. Mr. Osteen seconded the motion. The motion carried unanimously.

3. ZT-10-01-01 - (Restaurants and Neighborhood Commercial Corridor) An ordinance to amend and reordain Sections 34-699, 34-796, 34-1174 and 34-1200 of the Zoning Ordinance of the Code of the City of Charlottesville, 1990, as amended, as follows:

- * Section 34-699 Buffer Regulations -- increase the buffer requirement adjacent to residential properties.
- * Section 34-769 Use Matrix Mixed Use Corridors -- to include restaurant/music hall by Special use permit and to delete Greenhouse/nurseries as a by right use in the Neighborhood Commercial Corridor.
- * Section 34-1174 Restaurants/Music Hall and all night restaurants -- Add "Music or dance halls" to this section and establish regulations to address noise concerns in association with its operation.
- * Section 34-1200 Definitions -- Creation of definitions for "Restaurant/Music Hall" and "Music or dance hall" and a revision to the definition of restaurant.

This matter had been pulled from the agenda by Staff.

4. ZT-10-02-02 - (Site Plan Requirements for Special Use Permits) An ordinance to amend and reordain Section 34-158 of the Zoning Ordinance of the Code of the City of Charlottesville, 1990, as amended, to require site plan submission as a part of a special use permit only when required by Section 34-802 (Site Plans – When required).

Ms. Creasy gave the staff report. This issue came up during the January meeting when concern was expressed about the SUP application for 632 Preston Place because the site plan showing the BAR's recommendations were not included for review at that time. Concern was also expressed about other applications where visuals were not present or not in the form requested. City Council initiated study of site plan requirements associated with special use permits. The ordinance requirements have been met. However, staff reviewed the requirement for a site plan in association with a special permit further and found that in some cases no new drawings were needed to evaluate the special use request.

Mr. Pearson opened the public hearing.

Ms. Valerie Long, of 1716 Yorktown Drive, expressed support for the proposal and the concept behind it. She encouraged any tools that would provide greater flexibility for the Staff, the Commission, Council, and the applicants. She suggested they increase the flexibility.

Mr. Neil Williamson, of the Free Enterprise Forum, reiterated some of Ms. Long's points.

With no one else wishing to speak to the matter, Mr. Pearson closed the public hearing.

Mr. Rosensweig stated he would like to see the Commission explore changes that might create flexibility.

Mr. Santoski moved that they accept the change to the language in 34-158 to reflect Ms. Creasy's suggestion that item number 1 be struck and replaced with a site plan when required by Section 34-802 of the City Code in place of it on the basis that the change would serve the interest of the general public welfare and good zoning practice. Mr. Keesecker seconded the motion. The motion carried unanimously.

Mr. Pearson called for a short recess at 8:34 p.m.

Mr. Pearson reconvened the meeting at 8:44 p.m.

IV. REGULAR MEETING ITEMS (Continued)

I. Preliminary Discussion

Timberlake Place PUD

Mr. Haluska gave the staff report. Timberlake Place is located near Market Street behind the Mary Williams Senior Center. Twenty-two new multi-family units are proposed in three buildings. The applicant shows 38.5 percent open space. The proposed density is 9.6 dwelling units per acre. Staff is concerned about traffic and about how well this fits in with the surrounding single-family neighborhood.

Mr. Chris Murray, Business Developer for JABA, gave a brief presentation. He stated they wanted to return the Timberlake Branham house to a residential use as well as the existing senior center by converting them to six units; two market rate units would be in the old house and four affordable units in the senior center. All but two of the units can be made handicapped accessible.

Mr. Charles Hendrix, of 1006 East Market Street, stated they had looked at the ITE trip generation and determined that the vehicle trips per day for a community center are 101.7 while a senior adult housing attached 28 units are 97.44; this is a reduction in trips per day on weekdays. He stated they were seeking feedback on the buffer zone between the residential units and this site.

Ms. Victoria Dunham, president of the neighborhood association, stated Mr. Murray and Mr. Hendrix have been fantastic to work with. She stated the impacted neighbors have been contacted. She noted their initial reaction had been against the project. However, the neighborhood wanted affordable housing and wanted to make sure they stayed diverse, and they cared about seniors. She thought it was a much better project now because of the interaction with the neighborhood.

Mr. Osteen thought the buffer zone as recommended was fine. He had no great fascination for Leyland Cyprus. He did wonder about the neighborhood's perspective on that. He suggested that the S1 buffer be constantly maintained as they were replaced. Mr. Osteen wanted the trees on the left hand side of the drive maintained. He wanted an attempt made to see that the pervious parking area was retained.

Mr. Emory suggested the applicants look at the Sunrise Park application. He also suggested they do anything they could to decrease their asphalt.

Mr. Keesecker stated he liked the plan. He thought it was creative. He liked all the pedestrian connections.

Mr. Rosensweig stated most of his impressions were favorable. He did share the concern about the potential for the amount of impervious surface on the site. Mr. Rosensweig also questioned why the affordable housing proffers were not in line with the expressed intent of the project narrative

Mr. Pearson thought the Commission would be comfortable with the idea of cutting down trees in the context of a project that respects the City's interest in maintaining a strong tree canopy and in the context of neighborhood concerns about buffering. He thought the applicant was doing in well in working with the neighborhood.

J. Work Plan Discussion

1. Steep Slope Waiver

Mr. Haluska gave the staff report. From the previous discussion about the steep slope waiver, the Commission had expressed concerns about the intent of the ordinance, a desire was expressed to modify the criterion by which a waiver is granted, and there was interest about creating an administrative provisions for steep slope review.

Mr. Rosensweig wanted to know why there were no cities with a population above 20,000 with a steep slope waiver. Mr. Haluska stated it dealt with topography -- some of the largest cities in the Commonwealth are flat. Another possibility was those cities did not want to put up any barriers to development.

Mr. Pearson suggested they discuss the questions from the staff memo:

Does the purpose and intent proposed above meet the needs of the City in terms of clarifying the purpose of the steep slope ordinance?

Does the purpose and intent as proposed above accurately state the reasons for the ordinance, or does it need to be modified in any way? If the draft does need to be modified, how?

Mr. Pearson was not sure their intent was to protect critical slopes. He thought it was possible they were protecting critical slopes only to achieve some other objectives such as water quality objectives and that critical slopes, in and of themselves, have no inherent value to the city.

Mr. Rosensweig agreed with Mr. Pearson.

Mr. Osteen thought it was getting too abstract.

Mr. Santoski thought the important thing was what is the impact on what's around the steep slope.

Mr. Emory thought they had a lot more progress to make in terms of identifying the benefits acquired from green infrastructure.

Mr. Keesecker, having grown up in a mountain town, noted he had seen both right and wrong ways to deal with critical slopes. He thought they had a unique opportunity to find some balance.

2. Zoning Matrix Revisions

Mr. Rogers gave a PowerPoint presentation.

Mr. Pearson asked the Commissioners to identify any places where the text did not accurately reflect discussion they had had or perspectives that would be relevant as they moved forward.

With no one responding to that request, Mr. Pearson asked the Commissioners to turn their attention to public comments received.

Mr. Rosensweig clarified the process the Commission had gone through for B&Bs: lower density zones were identified where there were properties and parcels that were extremely suitable for B&Bs and by making them possible by Special Use Permit, the Commission would have an opportunity to consider them on a case by case basis.

Mr. Emory moved that they adjourn until the first Monday of April. Ms. Creasy corrected his motion to the second Monday in April. Mr. Pearson called for voice affirmation of the motion which had not been seconded. The Commissioners voted unanimously and the meeting ended at 11:25 p.m.