

MINUTES

CITY OF CHARLOTTESVILLE

PLANNING COMMISSION

TUESDAY, December 14, 2010 -- 5:30 P.M.

CITY COUNCIL CHAMBERS

Commissioners Present:

Mr. Jason Pearson (Chairman)

Mr. Dan Rosensweig

Mr. Michael Osteen

Mr. Kurt Keesecker

Mr. John Santoski

Ms. Lisa Green

Staff Present:

Mr. Jim Tolbert, AICP, Director NDS

Ms. Missy Creasy, AICP, Planning Manager

Mr. Nick Rogers, AICP, Neighborhood Planner

Mr. Brian Haluska, AICP, Neighborhood Planner

Mr. Michael Smith, Planning Assistant

Also Present:

Mr. Richard Harris, Deputy City Attorney

II. REGULAR MEETING

Mr. Pearson convened the meeting. He informed the public that the Sidewalk Priorities item was deferred to either the January or February meeting.

A. COMMISSIONERS' REPORT

- Ms. Green and Mr. Santoski had nothing to report.
- Mr. Osteen discussed the replanting effort by UVA to plant up to 200 trees around Grounds.
- Mr. Rosensweig provided an overview of the CHS turf field that was discussed during the Parks and Rec. Advisory Board meeting. He also noted that the HAC held a meeting and appointed Ms. Karen Waters as Chair.
- Mr. Keesecker had no report.

B. UNIVERSITY REPORT

No Report. Mr. Neuman was not present at the meeting.

C. CHAIR'S REPORT

Mr. Pearson mentioned the TJPDC meeting in which he was not in attendance. A highlight of that meeting was a draft of the Rural Long Range Transportation Plan.

D. DEPARTMENT OF NDS/STAFF REPORTS/WORK PLAN

Ms. Creasy discussed upcoming work plan items. No work session is scheduled for December 28th.

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

Mildred Spicer, 420 Mobile Lane., spoke on the Middleton to Azaela Park portion of the Old Lynchburg Road project. She was concerned this project would affect the wildlife habitat, tree canopy, and air quality of her home. She offered alternatives and suggestions towards addressing the issues with this project.

Carolena Saunders, 416 Mobile Lane., concurred with everything Ms. Spicer had discussed.

Paul Beyer, 201 Huntley Ave, offered the Commission suggestions for the critical slope ordinance. He believes an ordinance that includes aesthetic and environmental protections is important, however, reducing review to characteristics such as slope of the land creates bad policy.

F. CONSENT AGENDA

Mr. Osteen moved for approval. Mr. Rosensweig seconded the motion.

All in favor. Consent agenda passed.

While waiting for Councilors to arrive, the Commission decided to introduce the critical slope memo slated for the Work Plan Discussion on the agenda.

Critical Slope Ordinance

Mr. Haluska provided a brief overview of the critical slope process. He mentioned that Commission agreed during the previous work session to refer to Council a list of issues, most of which dealt with subjective material of the ordinance. The Commission would discuss items related to the public benefits portion of the ordinance later in the meeting.

Mr. Rosensweig discussed the e-mail he had circulated to the Commissioners concerning the critical slope work plan discussion. His e-mail provided suggestions to the Commissioners about whether architecture could equate the loss of natural features and if open space could be preserved outside of the critical slopes on the property.

G. JOINT PUBLIC HEARINGS

1. **1. Charlottesville Capital Improvement Program FY 2012-2016:** Consideration of the proposed 5-year Capital Improvement Program totaling \$77,864,501 in the areas of Education, Economic Development, Neighborhood Improvements, Safety & Justice, Facilities Management, Transportation & Access, Parks & Recreation, Technology and General Government Infrastructure. **Report prepared by Leslie Beauregard & Ryan Davidson, Budget Office.**

Mr. Davidson presented the staff report.

Mr. Rosensweig wanted to clarify that although he is employed by Habitat for Humanity, a large recipient of Charlottesville housing funds, he is also an appointed member to the Housing Advisory Committee. His involvement with Habitat will not interfere with his deliberation as he will review the CIP funding as an unbiased member of the Planning Commission.

Mr. Rosensweig had questions about the fluidity of funds.

Mr. Keesecker was interested in knowing the status of the Old Lynchburg Road Project.

Mr. Tolbert replied that construction was planned to begin around July 2011.

Mr. Pearson opened the public hearing.

Karen Waters, 1014 St. Charles Ave, Chair of the HAC, came before the Commission to clarify the HAC's position on the use of CDBG and HOME dollars relevant to Charlottesville Housing Fund.

Colette Hall, 101 Robertson Lane, believes the budget can only be balanced by minimizing excess spending.

Thomas Taylor, 108 Robinson Woods, Principal of Charlottesville High School presented a letter from the Chair of Charlottesville City School Board in support of the turf field.

John Kammauff, 762 Lexington Ave, is a member of the Parks and Rec Advisory Board and a parent of children attending Charlottesville High School. He believes a turf field would greatly benefit the community.

Jean Chase, 223 Old Lynchburg Road, wanted to thank the Commission and Council for honoring their commitment to the Old Lynchburg Road Project.

Mildred Spicer, 420 Mobile Lane, wishes to see the Commission revisit the Azaela Park renovation project.

Carolena Saunders, 416 Mobile Lane., encouraged the Commission to engage property owners along Old Lynchburg Road who have not been involved with the road project.

Mr. Pearson closed the public hearing.

Mr. Pearson asked for clarification from Ms. Waters' remarks. He understood Ms. Waters as saying that within the report sent to Council, HAC stated that in order to achieve the level of affordable housing desired in the City, \$1.4 million of City funds would have to be leveraged by non-City funds and CDBG funds could not necessarily leverage City dollars because they were already leveraged funds. City funds would

have to be leveraged by non-City funds. Mr. Pearson requested Mr. Tolbert comment on the remarks made by Ms. Waters in regards to the use of CDBG funds towards leveraging other sources of funding.

Mr. Tolbert replied that it was a misunderstanding that CDBG funds do not leverage other funds. The report suggests that roughly \$1.48 million would be required to attain and sustain 15% of affordable housing in the City. Mr. Tolbert cannot speak on HAC's decision to recommend \$1.4 million, however, it was staff's understanding that \$1 million of City dollars along with HOME and CDBG funds would be allocated. At any time in the future Council could increase that amount at their discretion.

Mr. Rosensweig, speaking on behalf of the HAC, explained that HAC met to clarify the confusion of whether the proposed \$1.4 million included CDBG and HOME funds. HAC unanimously concluded that City dollars would need to leverage all federal funds to achieve the 15% affordable housing the City desires. Mr. Rosensweig wanted to make it clear that if the data is correct in the report HAC presented to Council in February 2010 that the City would have to fund roughly \$1.48 of City dollars independent of federal dollars to achieve the 15% affordability within the City.

Mr. Norris explained Council decided to act upon the interpretation of Mr. Tolbert, however, Council has been awaiting HAC to clarify exactly what they intended in the report.

Ms. Waters informed the Commission that the report HAC had agreed upon was simply a road map for Council to refer to when deciding how much funding should be targeted towards affordable housing.

Mr. Pearson asked the Commissioners to choose, if any, line items they thought merited more discussion.

Commissioners proceeded to ask various questions relating to the funding for the CHS turf field and Old Lynchburg Road.

Mr. Rosensweig moved to include \$100,000 contribution in the City CIP to the synthetic turf field project at CHS contingent upon Charlottesville High School agreeing upon joint use agreement with City Parks and Recreation.

Mr. Santoski seconded the motion.

Mr. Pearson called the question:

Green Yes

Santoski Yes

Osteen Yes

Rosensweig Yes

Keesecker Yes

Pearson Yes

Motion passed.

Mr. Rosensweig and Mr. Keesecker desired the City take an aggressive approach towards parkland acquisition.

Mr. Rosensweig moved to include \$250,000 in the CIP for parkland acquisition.

Mr. Keesecker seconded the motion.

Mr. Pearson called the question:

Green No

Santoski No

Osteen No

Rosensweig Yes

Keesecker Yes

Pearson No

Motion did not pass.

Mr. Pearson welcomed discussion for Charlottesville Housing Fund item. He asked Mr. Rosensweig what his recommendation to Council would be. Mr. Rosensweig thought Commission should recommend funding the CHF with the money HAC recommended in their report.

Mr. Santoski agreed with Mr. Rosensweig theoretically, but on a practical level, he could not agree using 1.48 million of CIP funds for the Charlottesville Housing Fund.

Mr. Rosensweig moved to recommend to City Council full funding of CHF according to the Chart, Table 8, Goal 3 of the City of Charlottesville 2025 Affordable Housing Goals adopted by City Council on February 2010 to wit in fiscal year 2012 that funding amount is \$1,449,028, \$1,488,065 projected in 2013, \$1,528,154 projected in 2014, \$1,569,322 projected in 2015, and \$1,611,600 projected in 2016.

Mr. Keesecker seconded the motion.

Mr. Pearson called the question:

Green No

Santoski Yes

Osteen No

Rosensweig Yes

Keesecker Yes

Pearson Yes

Motion passed.

Mr. Keesecker motioned that City Council consider offsets within the transportation and access portion of the CIP, particularly how it relates to road projects in the forthcoming years.

Mr. Rosensweig seconded the motion.

Mr. Pearson called the question:

Green No

Santoski No

Osteen No

Rosensweig Yes

Keesecker Yes

Pearson No

Motion did not pass.

Mr. Rosensweig moved to approve the CIP as presented by staff with the exceptions the Commission voted affirmatively for in the various motions.

Mr. Santoski seconded the motion.

Mr. Pearson called the question:

Green Yes

Santoski Yes

Osteen Yes

Rosensweig Yes

Keesecker Yes

Pearson Yes

Motion passed.

2. ZT-10-10-29 – (Electronic Gaming Cafés) An ordinance to amend and reordain Sections 34-420, 34-480, 34-796 (Use Matrixes), 34-1200 (Definitions), and Article VIII, Division 6 (Additional Standards for Specific Uses) of the Zoning Ordinance of the Code of the City of Charlottesville, 1990, as amended, to provide a definition, regulations and identify locations for “Electronic Gaming Cafe” uses. **Report prepared by Nick Rogers, Neighborhood Planner.**

Mr. Rogers provided the staff report.

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

Mr. Pearson asked his fellow Commissioners whether they thought the proposed zoning districts for SUP were appropriate.

Ms. Creasy informed the Commission that crafting a definition of this use is critical towards how the Zoning Administrator would review these applications.

Mr. Pearson expressed discomfort with the direction the conversation was going. He mentioned he was interested in the fact that the media coverage rarely described what was so negative about these businesses. He believes that if this use has not legally been described as gambling and the business is simply satisfying a desire of the patrons to play games then he does not recognize grounds on which the Commission would disapprove of this use. He wanted to make it clear that defining this use is important, however, he just wanted to acknowledge that the current debate could easily slip into a moralistic conversation.

Mr. Rosensweig agreed with Mr. Pearson and added that the B-3 zoning be removed from the potential zones for SUP.

Mr. Pearson asked the Commissioners their position on the potential zoning uses and whether the URB (Urban Corridor) should be included.

Ms. Green and Mr. Santoski hesitated including URB and M-1, however, if both zones are allowed then the use should be more restrictive.

Mr. Osteen agreed with the proposed zones.

Mr. Keesecker did not think any additional zones needed to be included beyond those mentioned in the staff report.

Ms. Green moved to recommend approval of the zoning text amendment to create Section 34-937 and to amend and re- ordain Sections 34-420, 34-480, 34-796, 34-1200 of the Code of The City of Charlottesville, 1990, as amended, to create a definition and regulations for electronic gaming cafés and to identify the appropriate locations for such uses as noted in the staff report on the basis that the changes would serve the interests of (*public necessity, convenience, general public welfare and/or good zoning practice*) with the following modifications:

1. To restrict that to the IC zone by SUP only.

Santoski seconded.

Mr. Pearson called the question:

Green Yes

Santoski Yes

Osteen No

Rosensweig No

Keesecker Yes

Pearson No

Motion failed.

Mr. Rosensweig moved to recommend approval of this zoning text amendment to create Section 34-937 and to amend and re- ordain Sections 34-420, 34-480, 34-796, 34-1200 of the Code of The City of Charlottesville, 1990, as amended, to create a definition and regulations for electronic gaming cafés and to identify the appropriate locations for such uses on the basis that the changes would serve the interests of (*public necessity, convenience, general public welfare and/or good zoning practice*) with the following modifications:

1. That B-3 is stricken from recommendations in the staff report.

Mr. Osteen seconded the motion.

Mr. Pearson called the question:

Green No

Santoski No

Osteen Yes

Rosensweig Yes

Keesecker No

Pearson Yes

Motion failed.

Mr. Keesecker moved to recommend approval of this zoning text amendment to create Section 34-937 and to amend and re- ordain Sections 34-420, 34-480, 34-796, 34-1200 of the Code of The City of Charlottesville, 1990, as amended, to create a definition and regulations for electronic gaming cafés and to identify the appropriate locations for such uses on the basis that the changes would serve the interests of (*public necessity, convenience, general public welfare and/or good zoning practice*) with the following modifications:

1. Referencing Pg. 3 of the staff report, strike B-3 and M-1 zones.

Ms. Green seconded the motion

Mr. Pearson called the question:

Green Yes

Santoski Yes

Osteen Yes

Rosensweig Yes

Keesecker Yes

Pearson Yes

Motion passed.

Mr. Pearson called for recess.

III. REGULAR MEETING ITEMS

H. Johnson Village Phase III

1. Critical Slope Waiver
2. Entrance Corridor
3. Preliminary Site Plan

1. Critical Slope Waiver

Mr. Haluska informed the Commission that going through the waiver process was unnecessary considering this site plan was approved prior to the passage of the critical slope ordinance.

Mr. Osteen was displeased by the fact that the Commission essentially had no authority over the review of critical slopes on this site.

2. Entrance Corridor

Ms. Scala provided the staff report, emphasizing this review applied only to the townhouse section of this project. She asked the Commissioners decided whether or not they desired review of just townhouses and not the multi-family units proposed in this development. If they decided to just review the townhouses then there could be no site plan review of the multi-family units.

Mr. Keesecker wanted to review multi-family units due to the possible variety of roof formations and their massing to the corridor. Review at this meeting would be specific to the townhomes and other portions would need to come forward at another time.

The Commissioners proceeded to ask questions relating to the façade of the townhouse units facing 5th street and how those units would affect the pedestrian experience on 5th.

That applicants: Ashley Cooper, Cooper Planning, Scott Collins, Collins Engineering, and Alan Taylor, all wanted to emphasize the townhouse units facing 5th street would serve as the front door to the development. The apartments in the back portion of the development would mirror the palette of the townhouses and the design on the townhouses would mimic the design scheme along the Cherry Hill development.

Mr. Rosensweig asked what relationship the units facing Cleveland Ave would have to the street. He encouraged the applicant define connectivity along that street to make it more inviting.

Mr. Collins replied that the slope differential hindered fronting units along Cleveland Ave.

Ms. Green asked why there was no connectivity within the development.

Mr. Haluska responded saying that Council prohibited connection a between 5th and Shamrock on concept plan.

Ms. Cooper mentioned they were trying to funnel pedestrian traffic along sidewalks instead of property against Village Place at owners' request.

Mr. Osteen suggested that the units have some brick uniformity to resist so much individuality in design.

Mr. Pearson asked the Commissioners how they felt about making a decision with the information given.

Mr. Rosensweig requested that the applicant submit substantial information for the entire project.

All the Commissioners requested more detail from the applicant on the specific proposal.

Mr. Taylor requested deferral.

Mr. Pearson accepted his deferral.

Mr. Taylor sequentially requested deferral for the site plan review.

Mr. Pearson accepted his deferral.

I. Work Plan Discussion

1. Critical Slopes

Mr. Pearson asked commissioners for a list of potential public benefits that would justify approval of a waiver.

Some suggestions were comp plan goals, preservation of open space, and building design.

Mr. Rosensweig agreed that designing with the site rather than against it could be a public benefit.

Mr. Santoski wanted to make sure there is not just a list where applicants can just check off requirements of list and believe their application would be approved.

The Commission decided the next step is to send updates to Council for review.

Ms. Green called for adjournment at 11:05 P.M.