

MINUTES

CITY OF CHARLOTTESVILLE

PLANNING COMMISSION

TUESDAY, April 12, 2011 -- 5:30 P.M.

CITY COUNCIL CHAMBERS

Commissioners Present:

Mr. Jason Pearson (Chairman)

Mr. Dan Rosensweig

Mr. John Santoski

Mr. Osteen

Mr. Keesecker

Ms. Genevieve Keller

Ms. Lisa Green

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

Staff Present:

Mr. Jim Tolbert, AICP, Director NDS

Ms. Missy Creasy, AICP, Planning Manager

Mr. Michael Smith, Planning Assistant

Also Present

Mr. Richard Harris, Deputy City Attorney

II. REGULAR MEETING

Mr. Pearson convened the meeting.

A. COMMISSIONERS' REPORT

- Ms. Green –the MPO Tech budget committee had its meeting, and decided how to allocate remaining funds.
- Mr. Santoski had no report.
- Mr. Osteen had attended the BAR meeting and he was pleased with the overview draft plans of the Belmont Bridge.
- Ms. Keller had no report.
- Mr. Rosensweig extended an invitation to anyone who would like to attend the “Paton Street” dedication ceremony on 4/16. He also thanked the City for their involvement.
- Mr. Keesecker had reported that PACC Tech would meet on April 21, 2011.

B. UNIVERSITY REPORT

Mr. Neuman mentioned UVA’s “Founder’s Day” activities. He also gave the date, time and place for the inauguration of the new president of the University.

C. CHAIR’S REPORT

Mr. Pearson noted that TJPDC did meet, but he did not attend. He noted that agenda included: the HOME action plan, Biscuit Run and election of officers.

D. DEPARTMENT OF NDS/STAFF REPORTS/WORK PLAN

Ms. Creasy informed the Commission that two new staff members were hired at NDS. Willy Thompson, who was a planner from Rockingham County will be taking Nick Rogers place. Also, Mike Smith who has been working as our planning assistant, was hired for a long term temporary position to work on the Comp Plan and other projects at NDS. She also reminded the Commission of the kickoff event with the County which will be held April 27, 2011 from 3:00pm-7:00pm. She also encouraged Commissioner’s and Council members to attend.

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

Cateriana Krecensika, 829 Nalle Street, wanted to know what had happened to the billboards that use to be on the mall. She feels there is now no place on the mall to advertise or have free speech. She would like the Commission to take another look at this and think about getting the billboard back on the mall.

Morgan Butler had attended the pre-meeting and had some concerns about Critical Slopes. He wanted the definition clarified and gave personal thoughts of the appropriateness of the code.

F. CONSENT AGENDA

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

1. Site Plan and Subdivision approval list
2. Minutes - February 22, 2011 – Work Session

3. Minutes - March 8, 2011 – Regular meeting
4. Minutes - March 8, 2011 – Pre meeting
5. Minutes - March 22, 2011 – Work Session
6. Zoning Text Change initiation-Assisted Living Facilities

The Commissioners highlighted a motion that was incorrect in the March 8th minutes. Ms. Keller would like the information on Pg. 2 carefully considered. She had felt it needed to be reviewed. She also felt the minutes would be better read if they were in past tense. She would also like item 6 pulled from the Consent Agenda.

Items 3, 5, and 6 were pulled from the consent agenda. Remaining items on the consent agenda were approved.

The Commission felt the work session minutes should go back and some more of the conversation involving the concept plan should be added. The Commission would also like clarity of who made the motion on page 6 of the minutes.

Mr. Rosensweig made the motion to approve item 6 from the Consent Agenda.

Mr. Keesecker seconded the motion.

All in favor. Consent agenda passed.

G. JOINT PUBLIC HEARINGS

1. **Spot Blight Abatement (704 Montrose Avenue):** A request for the Planning Commission to make finding and recommendations concerning the repair or other disposition of the property located at 704 Montrose Avenue, which has been determined to be a blighted property pursuant to City Code Article V, Division 5. The property is identified on the City Real Property Tax Maps as Tax Map 59 Parcel 189, having approximately 50 feet of frontage on Montrose Avenue and containing approximately 0.1390 acres. **Report prepared by Patty Armstrong, Property Maintenance Inspector.**

Mr. Rosensweig recused himself because he felt he could not be impartial due to possible conflicts with his position as executive director of Habitat and left Council Chambers.

Ms. Armstrong presented the staff report.

Mr. Rogers, the home owner, was present and added some of his feelings about the property. He stated that the property is only used to store his books. He also felt if he was given six months, he could get all the books out the house and sell the property. If he is not able to do this, then the City can do what needs to be done.

Several comments and questions were discussed by the staff and commission.

Ms. Green had asked if the balance of fines and fees had been paid by Mr. Rogers. She also wanted to know how the house could be assessed at such a high figure if it was unlivable. She asked if NDS staff member had tried to gain access to the property with a court order and why had staff not gone that route.

Mr. Osteen wanted to know if Mr. Rogers could provide the commission with a structural report and had anyone been able to gain access to the inside of the property.

Mr. Pearson wanted to know if NDS staff ever had probable cause to enter the house without the owner's permission?

Mr. Keesecker asked if the City would be financing the demolition. He also wanted to know if the adjacent neighbors were notified by mail and why had the assessment of the property escalated?

Ms. Green wanted to know if there had been any posting put up to notify the neighbors of the actions that were being taken.

Ms. Armstrong answered the Commission's questions by noting if the City paid for the demo ,then we would bill the owner. If the owner does not pay, the City will put a lien on the property. She also stated that letters were mailed and a posting put up. As soon as the posting went up, she received phone calls that someone had taken them down. She could not answer the question of why the value of the property was rising.

The owner then stated that he thought he had fixed everything the City wanted him to fix. He felt the City was continually charging him for things that were fixed like the stucco and growing vines on the side of the house.

Mr. Keesecker wanted to know about the condition of the inside of the property. He also wanted to know if there were any leaks in the house that could have damaged the books and if the books were being stored on the 1st and 2nd floors.

Mr. Rogers stated that books were being stored in the entire house including the 2nd floor. He stated he has not made his house available to NDS staff because of the books, no one is able to get in the house.

Mr. Osteen stated that a lot of work is needed on the property. He feels that the owner should not put any money into the house. He felt that 90 days should be given to the owner to remove the books and put the house on the market.

Mr. Keesecker felt that a little more than 90 days is needed to get the books out and sell the property.

Ms. Green wanted to know why the City had let this issue go on for so long since the house had been vacant since 1978.

Ms. Armstrong had stated that she is not able to answer why the City had let the issue go on for so long that she had only taken over the issue a year ago.

Comments from the Public:

Richard Breeden, 702 Montrose Avenue, stated the house has been in bad shape for over 30 years. He also stated that the property draws termites, rats, mice, snakes, raccoon and opossums. He stated that there is always trash and open beer bottles on the property.

Greg Jackson, 631 Blenheim Avenue, vice president of the neighborhood association would like the house to be saved. He feels the house is salvageable and wishes the house was designated historic.

Allen Wong 1004 Avon St, stated that he has lived there for 4 years and the yard has always had rubble in it and he feels there is a safety issue. He would like to see the house repaired and lived in again.

Comments from the Commission:

Ms. Keller noted that the house has potential to be a contributing resources to a National register district.

Mr. Osteen said it would be a shame to see the property demolished.

Ms. Armstrong felt that the owner could get his books out and the house on the market within 90 days. She has seen other owners do this. She also stated that the City does not like to see properties demolished. They prefer owners keeping the structures sound and safe and intact.

Mr. Pearson called for a motion

Mr. Keesecker moved to recommend that City Council designate 704 Montrose Avenue as a blighted property as defined in City code section 5-192 and a nuisance and reasoning that the owner has failed to cure the blight or to present a reasonable plan to do so. It's further recommended that City Council

consider the sale of the property, the repair of the property as an abatement to the blight within 6 months.

Ms. Creasy called the question;

Green Yes

Santoski Yes

Osteen Yes

Keller Yes

Keesecker Yes

Pearson Yes

Motion Passed

2. ZT-11-03-03 (Unzoned Properties) An ordinance to create and ordain Section 34-13, of the Zoning Ordinance of the Code of the City of Charlottesville, 1990, as amended, to definitively zone any parcel not currently located within a zoning district. **Report prepared by Brian Haluska, Neighborhood Planner.**

Mr. Keesecker recused himself and left Council Chambers.

Mike Smith gave the staff report.

Mr. Rosensweig wanted to know why staff did not recommend that the Zoning Administrator make the appropriate designation. He did not want to see single family units on Main Street.

Mr. Harris noted that was not a legal option.

Mr. Pearson opened the Public hearing.

Bruce Wardell wanted to know if zoning would be taken across railroads and how would properties adjacent to railroads be zoned.

Neil Williamson, 554 Hillsdale Dr, would like the Comp Plan to be guidance in the rezoning. He stated that he only knew of 2 unzoned parcels.

Mr. Tolbert stated that the two locations we are aware of are in railroad right of way. He stated that he is going to ask Council to absorb the fee for first time rezoning.

Mr. Pearson closed the public hearing.

Questions from Commissioners

Mr. Santoski wanted to know why we are considering the lowest intensity zoning and not the zoning in the area.

Mr. Pearson understands the code change request the City wants on the books and feels this is the safest approach.

Mr. Pearson called for a motion.

Ms. Keller moved to recommend approval of the zoning text amendment to create and ordain Section 34-13 of the code of the City of Charlottesville 1990 as amended to create to definitively zone any parcel not currently located within a zoning district on the basis the changes would serve the interest of public necessity and good zoning practice. It's further recommended that at the first rezoning request for each such property all fees be waived.

Mr. Santoski seconded.

Mr. Creasy called the question

Green Yes

Santoski Yes

Osteen Yes

Keller Yes

Rosensweig Yes

Pearson Yes

Motion Passed.

III. Regular Meeting Items (Cont.)

H. Critical Slopes

A. 901 River Road

Ms. Creasy presented the staff report.

Kurt Glockner, the applicant, was present and gave a brief overview.

Mr. Osteen wanted to know if the slopes were identified on the plans.

Mr. Keesecker wanted to know which slopes were being disturbed.

Mr. Pearson wanted to know if the plans were based on the same area where a waiver was granted a few years ago.

Mr. Osteen still wanted to know if the Critical Slopes to be disturbed are on the current plans.

Mr. Pearson stated that the Critical Slopes to be disturbed are on both plans and the same area for disturbance was approved in 2008.

Mr. Osteen wanted to know if new sidewalks would be required.

Ms. Creasy stated no because there will be no change to the frontage.

Mr. Pearson called for a motion

Mr. Rosensweig moved to recommend approval of Steep Slope Waiver Tax Map 49 Parcel 98 at 901 River Run Road on the grounds that the alternative proposed by the developer would satisfy the purpose of the Critical Slopes ordinance to an equivalent degree with the following conditions;

- 1. The applicant must extend the retaining wall along the southwest property line to the building.*
- 2. The applicant shall include a guardrail at the top of the retaining wall that conforms to the most recent version of the Virginia Building Construction Code.*

Mr. Keesecker seconded the motion.

Ms. Creasy called the question.

Green Yes

Santoski Yes

Osteen No

Keller No

Rosensweig Yes

Keesecker Yes

Pearson Yes

Motion passed.

I. Entrance Corridor

a. Appeal-2100 Ivy Road.

Ms. Creasy presented the staff report.

The applicant was present and stated they are willing to compromise if they can keep their long standing logo and colors.

Several comments and question were discussed by Commissioners and staff.

The commissioner's would prefer smaller lettering. They also felt that red and yellow colors could be toned down.

Mr. Pearson called for a motion.

Mr. Rosensweig moved to approve the Entrance Corridor Certificate of Appropriateness application for the two signs at 2100 Ivy Road as proposed by the applicant with the following modifications;

1. The wall sign be restricted to a 12 in plate letter that is externally illuminated as proposed by the staff and can use the Wells Fargo yellow.

Mr. Santoski seconded the motion.

Ms. Creasy called the question.

Green No

Santoski Yes

Osteen Yes

Keesecker Yes

Rosensweig Yes

Pearson Yes

Motion Passed.

J. Preliminary Discussion

a. Sunrise PUD amendment

Mr. Rosensweig recused himself from the discussion and left Council Chambers.

Ms. Creasy presented the report.

Applicant was present and wanted an idea of what he needed to do in order to gain an amendment to his PUD.

The Commissioners wanted to see additional sidewalks, clarity on the density of parking. They also wanted to see a bigger court yard and more trees on the amended plan.

Ms. Keller noted that she had been contacted by residents who were concerned about the expansion and asked that the developer meet with them.

K. Work Plan Discussion

a. Critical Slopes

Mike Smith presented the report. He presented the Commission with an excel spreadsheet of slope locations with various calculations and outlined how they would be classified with the current ordinance in place.

Mr. Pearson read the list to the Commissioners to see which locations they felt were trivial. He also wanted to know who felt if it should be 20, 30 or 40 feet of run of slope to be determined critical. He took a straw poll to see where everyone was and if a compromise could be made.

The Commission wanted to know additional information on engineering standards since felt they should make their decision based on those standards.

Mr. Pearson asked staff to come up with language that provides a clear identification of which waterways are on the map that is in the Comprehensive Plan. He also wanted to know which Commissioners would be ready for a public hearing in May.

Some felt they would be ready and others needed more information they felt to make a decision.

Ms. Green still wanted to see a list of parcels that fit the 20% slope.

The meeting adjourned at 10:25pm.