

MINUTES  
CITY OF CHARLOTTESVILLE  
PLANNING COMMISSION  
TUESDAY, October 9, 2012 -- 5:30 P.M.  
CITY COUNCIL CHAMBERS

Commissioners Present:

Ms. Genevieve Keller (Chairperson)  
Mr. Dan Rosensweig (Vice Chairperson)  
Ms. Lisa Green  
Ms. Natasha Sienitsky  
Mr. Kurt Keesecker  
Mr. John Santoski

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

Not Present:

Mr. Michael Osteen

Staff Present:

Ms. Missy Creasy, AICP, Planning Manager  
Mr. Brian Haluska, AICP, Neighborhood Planner  
Ms. Ebony Walden, AICP Neighborhood Planner

Also Present

Mr. Richard Harris, Deputy City Attorney

**II. REGULAR MEETING**

Ms. Keller convened the meeting.

**A. COMMISSIONERS' REPORT**

- Ms. Sienitsky-Attended the meeting to discuss the redesigning of Tonsler Park. She felt it was very informative and is looking forward in participating in the future.
- Ms. Green –No report
- Mr. Rosensweig- The HAC met and discussed unsubsidized affordable housing with the intent of identifying housing needs in Charlottesville.
- Mr. Keesecker- Nothing to report. The PACC Tech committee will meet on October 25th at the Albemarle County Office Building on 5<sup>th</sup> Street.

**B. UNIVERSITY REPORT**

Mr. Neuman – He noted additional student housing projects including three dorms will be built on Alderman Rd. A storm water plan is underway for drainage control on Observatory Mountain.

**C. CHAIR'S REPORT**

Ms. Keller –She also announced the 2012-2013 Planning Commission Committee Assignments and they are as follows:

- Thomas Jefferson Planning District Committee-Genevieve Keller
- Board of Architectural Review -Michael Osteen
- School Board CIP Committee-John Santoski
- Park and Recreation Advisory Committee-Natasha Sienitsky

- Board of Zoning Appeals-Genevieve Keller
- PACC Technical Committee-Kurt Keesecker
- CDBG Task Force-Lisa Green
- MPO Technical Committee-Lisa Green
- Federation of Neighbors-Kurt Keesecker
- Tree Commission- Michael Osteen

Ad Hoc Committees

- UVA Master Planning Council-Natasha Sienitsky
- Housing Advisory Committee-Dan Rosensweig
- Budget Development Committee-John Santoski
- CIP Ranking Committee-John Santoski

**D. DEPARTMENT OF NDS/STAFF REPORTS/WORK PLAN**

Ms. Creasy announced that the commissioners will soon receive information on their County Commissioner committee assignments. The dates for upcoming meetings have now been confirmed: November 27 will be a mini retreat where the CIP will be discussed and the next joint meeting with the County is December 4, 2012. The first session for One Community Project will be at City Space next Thursday from 6pm-8pm. There will be a total of 4 meetings in different locations in our planning area. There will also be three meetings dedicated to City Community Outreach for the Comp Plan. The first one will be on October 17<sup>th</sup> at Buford Middle School. The next two will be October 25<sup>th</sup> at Venable and November 1<sup>st</sup> at Clark. Details of the events are on the website. The City has dedicated a lot of time to publicity for these events and we are encouraging people to attend. Each comp plan chapter is now on the website and comments can be made on line. The October 23<sup>rd</sup> work session will be focused on the comp plan as we continue to work through the language.

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

Nancy Carpenter, a county resident, is really interested in statements she heard concerning affordable housing. She has heard about the new development on Main Street and would like to know if that will be affordable. She feels that we are behind the curve on affordable housing units. As new developments come forward this needs to be a factor so the basic needs of families can be met.

**F. CONSENT AGENDA**

1. Minutes - September 11, 2012 – Pre meeting
2. Minutes - September 11, 2012 – Regular Meeting
3. Minutes – July 10, 2012 – Regular Meeting
4. Minutes- September 18, 2012-Work Session
5. Minutes- September 25, 2012- Work Session
6. Zoning Text Initiation-BAR demolition requirements and deferral timeframes, Allowance for Bioscience and Technology Space in various Zoning Classifications.

Item 6 on the Consent Agenda concerning “Allowance for Bioscience and Technology Space in various Zoning Classifications” was pulled.

Ms. Keller announced that the pulled item will be discussed at the end of the regular meeting.

Ms. Green made a motion to approve the Consent Agenda with part of item 6 being removed as stated above.

Mr. Rosensweig seconded the motion.

All in favor.

Consent agenda passes.

**G.** Presentation from Rivanna River Basin Commission-Rivanna Snapshot & Watershed Management planning

Leslie Middleton the Executive Director for the Rivanna River Basin Commission presented a PowerPoint presentation showing the snapshot and timeline of the Rivanna Watershed Action Plan

**H.** Critical Slope Waiver Request  
a. Stonehenge P UD

Ms. Keller stated that this item will be included with the Joint Public Hearing item below.

**III. JOINT PUBLIC HEARINGS**

**1. I. JOINT PUBLIC HEARINGS**

**ZM-12-14-06** – (Stonehenge PUD) A petition to rezone the property located off of Stonehenge Ave from R-1S Residential District to Planned Unit Development (PUD). This property is further identified as Tax Map 60 Parcels 81.8, 91, 120, 120A-C, 121, 122.4-7 having road frontage on Stonehenge Avenue and containing approximately 240,887 square feet of land or 5.53 acres. The PUD zoning allows an applicant to present a proposal independent of established zoning categories for consideration by the governing body. This proposal consists of 29 single family detached dwellings with open space and a density of no greater than 5.25 DUA. The general uses called for in the Land Use Plan of the Comprehensive Plan are for single-family Residential. **Report prepared by Brian Haluska, Neighborhood Planner.**

Mr. Haluska presented the staff report. He gave an overview of changes that the applicant made since the prior meeting. He also reviewed what rights the applicant has due to the way the property was platted.

Mr. Harris confirmed Mr. Haluska's statement concerning the plat.

**Questions from the Commission**

- What is the process for protecting streams on site and would this stream fall within state regulations for protection?
- What is the maximum slope percentage of a road with parking on it?
- Would the city determine the parking requirements?
- Are all the lots recorded as separate parcels?
- Has any previous application come forward to build on this lot?
- Has there been any discussion of the traffic impact on Quarry Rd?
- Has any connectivity change to the neighborhood been shown on this plan?

Mr. Haluska stated that this stream is not subject to stream protection because it is not shown on the USGS maps but the applicant has been working with agencies to protect this stream. He did not know the maximum slope for parking but noted that a road can slope not more than ten percent. Parking requirements will be determined at site plan phase and there has not been any other applicant to come forward with intention to develop this property. Parcels are a system that the tax assessors use to bill

owners for properties that they own, so a bunch of lots may be on one parcel for tax purposes. He stated that there has been no new plan or changes for connectivity to the neighborhood and outlined that there would only be a small traffic impact on Quarry Rd.

Mr. Neuman asked if there is a standard or regulation applied for every tree that is removed as to what should be replanted. He also asked if there is a site engineering plan for the retaining walls.

Mr. Haluska stated that there is not a standard in place for tree replacement, but there is a list of trees that are permitted and not permitted. An engineering plan for retaining walls are only required once the wall is above a certain height.

Ms. Keller asked Mr. Harris if the “Doctorate of Merger” would pertain to this application.

Mr. Harris stated that he needs to research the “Doctorate of Merger” concept further to know.

### **Questions from Council**

Ms. Smith asked if the critical slope waiver is only for the road and could all of the other critical slopes be disturbed?

Mr. Haluska stated that the critical slope waiver is for the PUD as proposed.

Mr. Norris asked if there was an affordable housing proffer with this plan?

Mr. Haluska stated that was discussed with the applicant and no proffers were submitted.

Ms. Szakos asked what the housing price range for this development would be? This was unknown at this time.

Ms. Galvin asked if there was a Virginia Code that prohibits the applicant from clear cutting while waiting on a PUD. Staff noted there was not.

### **Comments from Council**

Ms. Galvin feels that the applicant is trying to benefit from the positives of both the PUD and By Right allowances. She also feels that the applicant has not made an attempt to provide alleys. She feels that the plan is not typical “Belmont” because the houses in the PUD are all front loaded.

Ms. Creasy noted that fewer critical slopes would be disturbed in the PUD than in the by right scenario.

### **Questions from the Commission**

The Commission's main question concerned understanding the rights of the applicant to build “By Right” and address critical slopes. They also asked about slope requirements for a sidewalk.

Mr. Haluska stated that if a sidewalk has to be built it would not matter if it was on a slope.

The applicant Justin Shimp (engineer) and Andrew Baldwin (developer) were present. Mr. Shimp explained what the applicant was trying to do with the site. He explained why they wanted to rezone to a PUD and not develop it by right. Mr. Baldwin noted that some of the lots would have less expensive houses. He stated that there can't be any connectivity to Druid because of the steepness of the road and that there would be entrances on Rockland and Stonehenge.

### **Questions from the Commission**

- What is the different from the by right grading plan versus the PUD plan?
- What would be the treatment of the stream in the PUD scenario?
- What is the depth of lots 29, 27 and 25?
- What type of pedestrian and bike connectivity is proposed?

Mr. Shimp stated that they are working with a group now to preserve the stream and the depth of the lots is 100ft. He also stated that by having the PUD plan it would allow them to haul in less dirt to get the development up to grade.

Mr. Baldwin stated that a pedestrian walkway would be coming down Druid Ave and if that connection was possible they would make it happen. They are in the process now of working with a developer to keep the houses similar to Belmont custom and make them affordable. He stated that the lots were cleared after they submitted the PUD application but the developer felt that the PUD plan would be better.

### **Ms. Keller opened the public**

Susan Bird, 361 Quarry Rd, stated that her property is adjacent to the development and she likes the idea. She is just worried about traffic congestion. There is a problem now when there are games in the park. Cars park everywhere which makes it difficult to access.

Steven Miller, 918 Druid Avenue, likes the design of the houses on Druid Avenue. They are 1 ½ story high. There are already problems with the pathways. Most pathways now have weeds that hang on other properties and affect power lines.

Michael Hennigar, 1006 Druid Avenue, feels the clearing of the trees started before the PUD application. He would like the developer to come back with a better PUD plan if the current one is not approved.

Jeanette Halpin, 1011 Druid Avenue, feels that the “by right use” has been held over their heads. She could support the PUD if certain concerns were addressed. She has concerns about the style and size of the houses and feels there is no concern for the Belmont neighborhood.

Sam Tower, 1601 Green Street, noted that a current development has been approved right behind his house (Rialto Beach) and was never developed. He feels the original Belmont plan is terrible and the PUD would be better.

### **Discussion**

Ms. Green wanted to see an overlay of the critical slopes on the lots

Mr. Haluska stated that they are shown on the larger site plan. Only lots 1-4 are disturbed by critical slopes.

Ms. Green feels that this is not an easy decision. She feels the applicant has not created a whole hearted effort to include bike and pedestrian paths and find better ways to mitigate the issues that the Planning Commission has. She thinks that there are ways to get this to work to meet the community vision

Ms. Keller asked when the application was submitted. Staff found this information.

Mr. Santoski feels that nobody likes the plan and something better could be built. At this point he would vote against the PUD.

Mr. Keesecker wanted to know how the Planning Commission asks for a deferral. He feels a deferral is needed due to missing information. He would like to know how the road would work and how the houses relate to the road. He feels one plan is more deferential to the environment but not convinced less dirt is being moved in a PUD scenario.

Ms. Sienitsky agrees that this is not the best PUD due to missing information. She feels it would put a lot of traffic through the neighborhood and she is on the fence right now.

Mr. Haluska stated that the application was submitted in April with a preliminary discussion in May. The applicant deferred in August. He explained that there can only be one deferral by the Planning Commission and if the Commission has not made a decision within 100 days it automatically goes to Council with a recommendation for approval.

Mr. Baldwin asked the Planning Commission for a deferral and will contact Ms. Green to set up a time to look at bike and pedestrian trails.

Mr. Rosensweig would not support the PUD. He feels there is a gesture towards environmental sensitivity. He feels the plan needs a lot of work to allow the streets to work around the park. He also feels that the housing prices are too high to be affordable.

Ms. Keller would not support the PUD. She has concerns about the slope waiver. She feels the applicant does not have a good plan of development. She also feels that having the houses face the back is not ideal.

The applicant requested a deferral.

Mr. Rosensweig made a motion to accept the applicant's request for a deferral.

Ms. Green seconded the motion

Ms. Creasy called the question:

Sienitsky	Yes
Green	Yes
Rosensweig	Yes
Keesecker	Yes
Santoski	No
Keller	Yes

Motion Passes

#### **IV. REGULAR MEETING ITEMS**

##### **J. Preliminary Discussion**

##### **1. The Plaza on Main Street SUP**

Ebony Walden gave a brief description of why the applicant was here and what kind of information the applicant was looking for from the Commission.

The applicants of Ambling University Development Group showed a PowerPoint presentation of how the building will look on West Main Street and what their intentions are for the area. They also explained how their company has gone into other college towns and built new housing for graduates and undergraduates.

## **Discussion**

Mr. Neuman is very happy to see this project but, would like the developers to really look at the impact the development will have on traffic along 9<sup>th</sup> Street. He feels with the development being so close to the hospital that it will attract medical staff and graduate students. He would like different traffic patterns studied and some sort of storm water requirement considered. He congratulated the developers on the project and he is glad they are ready to move forward.

The Commissioners would like the current streetscape to stay as is. They would also like the massing broken up. They are hoping that this project will promote public activity and that the public will be able to use the courtyard. It was also noted that there is enough space to have a bay of bike racks.

Ms. Keller closed by asking the applicant to consider teaming up with UVA and come up with something that will keep with the academic village theme that Thomas Jefferson has bestowed upon the University.

## **Consent Agenda Discussion**

Ms. Sienitsky stated that after speaking with Mr. Tolbert he has assured her that they are working closely with Economic Development to incorporate every part of the Target market study into the “Allowance for Bioscience and Technology Space in various Zoning Classifications”.

Mr. Rosensweig made a motion initiate study of “Allowance for Bioscience and Technology Space in various Zoning Classifications”

Ms. Green seconded the motion.

All in favor

Motion passes.

Ms. Sienitsky made a motion to adjourn to the second Tuesday in November.

Meeting adjourned at 9:26 pm