

MINUTES  
CITY OF CHARLOTTESVILLE  
PLANNING COMMISSION  
TUESDAY, February 12, 2013 -- 5:30 P.M.  
CITY COUNCIL CHAMBERS

Commissioners Present:

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

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

Staff Present:

Ms. Missy Creasy, AICP, Planning Manager  
Mr. Brian Haluska, AICP, Planner  
Mr. Michael Smith, Planner

Also Present

Mr. Richard Harris, Deputy City Attorney

**II. REGULAR MEETING**

Ms. Keller convened the meeting.

**A. COMMISSIONERS' REPORT**

- Ms. Green –MPO TEC will meet in March. The CDBG Task Force held their regular meeting. She was unable to attend, but she knows they are close to a decision.
- Mr. Osteen missed the last BAR meeting, but two new members were introduced.
- Mr. Rosensweig stated that HAC had their regular meeting. The discussion in March will be on homelessness and affordable housing. They will also address what local organizations are doing about these issues.
- Mr. Keesecker- Nothing to report
- Mr. Santoski-Nothing to report

**B. UNIVERSITY REPORT**

Mr. Neuman – He presented a state of the University PowerPoint presentation that highlighted current and future projects at the University of Virginia.

**C. CHAIR'S REPORT**

Ms. Keller attended a Place Task Force meeting and the PLACE sub-committee has finished their study of West Main Street. The BZA did not meet last month.

Ms. Keller gave a report for Ms. Sienitsky which consisted of announcing the opening of the new Jefferson Heritage School. She stated that there will be many different businesses located at this site.

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

Ms. Creasy announced future work session dates.

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

Sam Towler, 1601 Green Street, had concerns about the Habitat project on Rialto St that had not been completed. He wanted to make the Planning Commission aware of the flood on Rialto Street in 1968.

**F. CONSENT AGENDA**

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

1. Minutes - January 8, 2013– Pre meeting
2. Minutes - January 8, 2013 – Regular meeting
3. Minutes – January 15, 2013 - Joint City/County PC Meeting
4. Minutes – January 22, 2013 - Work Session
5. Subdivision- Belmont Cottages (preliminary and final)

Mr. Rosensweig recused himself from voting on item 5

Mr. Osteen made a motion to approve the consent agenda with Mr. Rosensweig rescuing himself from item 5 and pulling item 2 from the consent agenda.

Ms. Green seconded the motion.

All in favor

Motion carries

**G. Planning Awards**-Mr. Mike Smith, Mr. Dan Rosensweig and Mr. Michael Osteen presented the awards and they are as follows:

**The Eldon Fields Wood Design Professional of the year-University of Virginia Architecture School**

**Outstanding Plan of Development-Sunrise Neighborhood by Habitat for Humanity**

**Citizen Planner of the Year-Preston Coiner**

**Herman Key Jr., Access to the Disabled Award-Mr. Yusen Wang**

**Outstanding Neighborhood Effort-“Bike! Walk! Play! JPA!”**

**Neighborhood of the Year-Woolen Mills**

**Outstanding Sustainable Development-Main Street Market Annex, Gabe Silverman**

**NDS Staff Member of the Year-Francis Vineyard**

**H. Critical Slope Waiver Requests**

a. Stonehenge PUD-This waiver will be considered during the public hearing for Stonehenge PUD since the applicant has applied for rezoning of the same property.

### **III. JOINT PUBLIC HEARINGS**

**1. ZM-12-04-06 (Stonehenge PUD):** A petition to rezone the property located off of Stonehenge Avenue from R-1S Residential District to Planned Unit Development (PUD). The 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 provided the staff report.

After Mr. Haluska gave the report, Ms. Green asked why a 16ft buffer on lots 11-21 was not reflected on the plan. She wanted to know if anyone had looked at lot 11 to see if a 16ft buffer would work on the lot. She asked if lots 7, 8, 9, and 10 all contained shared driveways. She wanted to know if proffers are absent in the plan would the applicant need to come back if something doesn't work that is on the plan.

Mr. Haluska stated that the concept plan is not an accurate survey. He also stated that it would be a much smaller lot if a 16ft buffer were on the lot. If the applicant has not done due diligence and there are concerns during the site plan phase, the PUD may have to return for revision. He also stated that shared driveways are permitted in the city.

Ms. Creasy stated that the applicant could lose one lot if they do not meet the 16ft buffer.

Ms. Green asked if this PUD doesn't work, is there a plan that will work.

Mr. Haluska stated that the applicant can redo the plan.

Mr. Santoski feels that promising to put things in is appropriate, but he would like to see the language changed to reflect those statements.

Mr. Haluska stated that the plans show what the applicant is promising, but the applicant could clarify items further on the plans.

Mr. Harris stated that if things are inconsistent then clarification should come from the applicant.

Ms. Galvin asked if a by right plan was ever submitted prior to the removal of the trees and doesn't it violate a zoning code.

Mr. Haluska stated that a by right site plan was not required. The property was platted in the 1800's. Only the road construction plan was missing.

Ms. Szakos wanted to know if there were any consequences for the applicant due to the tree removal.

Ms. Creasy stated that a stop work order was issued.

Ms. Szakos feels there is a different level of trust you have for an applicant who has violated codes.

Mr. Haluska stated that decisions should not be made on what applicants have done in the past.

Ms. Smith wanted to know the name of the creek that runs through the property and if any damage was done to the creek during the tree removal.

Mr. Haluska didn't know the name or if the creek had been damaged.

Mr. Keesecker asked who controls the connections on the concept plan.

Mr. Haluska stated that the home owners association would be responsible for maintenance.

Ms. Keller asked if the applicant approached staff with an application in April 2011?

Mr. Haluska stated that the application was submitted in June.

Mr. Santoski asked if the PUD trumps putting lots over the streams.

Mr. Haluska stated that Stonehenge Avenue runs down the streams and those lots have been platted. The applicant still has the right to extend Stonehenge if the PUD is approved. The only thing that can be built is what is in the concept plan.

Ms. Creasy stated that stream buffers regulate and that will control things.

Ms. Green would like to see a correct by right plan that shows an actual representation of the plan.

Mr. Shimp, the applicant, cleared up the concerns of the bridges and noted they intend on building them. He shared some new drawings and promised to build what is on the plans.

Mr. Rosensweig had concerns with the houses that front on Quarry Rd if they are architectural the front of the dwelling.

Mr. Shimp stated that it is more like an alley in the back of the house.

Mr. Keesecker wanted to know if they were double front homes and applicant stated that they were.

Mr. Shimp stated that the bridge would require a lot of grading around the stream. The by right plan scheme would have required a 30ft wall.

Ms. Smith asked if the trees were cleared before they decided to apply for a PUD.

The applicant stated that a soil and erosion plan was approved. They had the ability to remove the trees.

Mr. Keesecker wanted to know the difference in the height of the houses on Quarry Rd than the four existing houses.

Mr. Shimp stated there is about an 8ft difference.

Ms. Keller opened the public hearing.

Steve Miller, 918 Druid Ave, had no idea where the 16ft idea came from. He would like to see the first alley plan built. He disagrees with staff and feels it is a horrible plan for the road. He feels that when it rains water will dump into his yard.

James Kelly, Palatine Ave, is in favor of the development. He just feels this plan isn't it. He has issues with traffic flow and safety.

James Dasio, 1602 D Monticello Ave, has concerns with the traffic on Monticello and Quarry Road. He feels there are a lot of blind spots on that corner and the interstate traffic makes it worse.

Michael Heniger, 1006 Druid Ave, is in favor of the previous plan. He feels it fits the land better. The applicant has been reaching out to the community.

Marla Zeigler, 1008 Druid Ave, stated that the applicant has been working on this plan for 10 months. She feels that many things went wrong in the beginning and there are many things still wrong, but this is the best plan yet.

Julia Williams, 751 Belmont Ave, feels that the design is too large and will have very large retaining walls. She would like to see a commitment from the applicant to build pedestrian walkways.

Steve McQue, Palatine Ave, feels that it is really not a Stonehenge development. He feels it's a Quarry Road development.

With no one left to speak Ms. Keller closed the public hearing.

## **Discussion**

Mr. Osteen feels there is potential for a PUD. He feels the retaining wall will be problematic and the lots are really challenging to build nice houses on. He feels the applicant comes up short on two of the guidelines.

Mr. Rosensweig feels the plan will have a negative impact on affordable housing. As far as the standards of review guidelines, they don't meet most of them. He agrees with the public that the project feels like an extension of Quarry Road. He is unlikely to recommend approval.

Mr. Keesecker agrees with a lot that was said. He feels that a site like this is difficult due to the standards of review guidelines.

Mr. Santoski agrees with other Commissioners. He feels it doesn't meet the PUD standards of review guidelines. There will never be a transit system going through because it only has one entrance. He has a real problem with plans that do not have engineered slopes. He feels the applicant hasn't been trust worthy.

Ms. Green appreciates the effort for the pedestrian connection. She feels that the issue of only having one entrance would impact the neighborhood.

Ms. Green made a motion to grant the critical slope waiver to the applicant.

Mr. Santoski seconded the motion

This motion was withdrawn

Mr. Osteen made a motion to deny the applicants request for a rezoning of the property to a PUD.

Mr. Santoski seconded the motion

Ms. Creasy called the question

Green	yes
Osteen	yes
Rosensweig	yes
Keesecker	yes
Santoski	yes
Keller	yes

The motion carries

Mr. Osteen made a motion to deny the application request for a critical slope waiver.

Mr. Rosensweig seconded the motion

Mr. Harris stated that a waiver may not be needed since the PUD was denied.

Ms. Creasy called the question

Green	yes
Osteen	yes
Rosensweig	yes
Keesecker	yes
Santoski	yes
Keller	yes.

The motion carries

**2. SP-12-12-17 – (501 Locust Avenue)** An application for a special use permit to locate a Medical laboratory in excess of 4,000 square feet at 501 Locust Avenue. The property is further identified on City Real Property Tax Map 53 Parcel 234 having road frontage on Sycamore Avenue and Locust Avenue. The site is zoned Downtown North and B-1 Business with Entrance Corridor and Historic Conservation District Overlay and is 3.83 acres or 166,835 square feet. The Land Use Plan generally calls for Office. **Report prepared by Brian Haluska, Neighborhood Planner.**

Mr. Haluska provided the staff report.

After Mr. Haluska finished the staff report ,Mr. Keesecker wanted to know if Hemoshear would be a B use in the building code classification.

Mr. Haluska confirmed that Hemoshear would be a Business use group.

Ms. Green wanted some clarification on how a building could have two different zonings.

Ms. Creasy stated that the building goes through the property line.

Mr. Huja asked if any hazardous material would be going through the drains.

Mr. Williamson, the applicant, stated that there will be no hazardous waste in the drainage system. He also stated that the applicant has a sub-contractor that will be collecting the waste.

Ms. Keller asked if any material would be stored on the property.

The applicant stated that a sub-contractor would be in charge of the medical waste.

Ms. Keller opened up the public hearing.

Mark Rylander, 607 Lexington Ave, wanted to know if the SUP is granted, what would happen to future tenants in that space and will they need a new SUP.

Marie Chapel, Hazel Street, wanted to know how the ventilation works and what does the medical waste consist of.

Denis Mason, 621 Lexington Avenue, had concerns about the high traffic volume it will bring to Poplar Street and feels it will get worse once the building is fully developed since more than 700 people will be working there.

With no one left to speak, Ms. Keller closed the public hearing.

Mr. Haluska answered the concerns from the public hearing by saying that the SUP will be for one laboratory and if an additional laboratory is needed then the SUP may be amended for the site or a new SUP may be applied for. He also stated that the traffic for this use will be a mad rush in the morning and then a peak in the afternoon between 4-7pm. It will not be the same as to when it was a hospital and there was traffic all day long.

Mr. Santoski asked if the SUP would be granted for the entire square footage since they will only be occupying part of it and he wanted clarification of exactly how much square footage they are approving.

Ms. Keller disclosed they she had taken a tour of Hemoshere last spring and feels she can be impartial in her decision.

Mr. Keesecker wanted to know if there would be limits on the SUP in the future and he feels a B use group is a benign use.

Mr. Rosensweig asked if any conditions should be placed on the SUP if it is granted.

Mr. Santoski stated , I move to recommend approval of this application for a special use permit for the operation of a medical laboratory in the Downtown North and B-1 zone for 501 Locust Avenue.

Mr. Rosensweig seconded the motion.

Ms. Creasy called the question

Green	No
Osteen	Yes
Rosensweig	Yes
Keesecker	No
Santoski	Yes
Keller	Yes

Motion Carries

#### **IV. REGULAR MEETING ITEMS (Cont.)**

##### **J. Comprehensive Plan Work Session (move to NDS Conference Room)**

Ms. Creasy opened the work session by stating that the discussion for the evening would be on land use, community values and community characteristics and turned the meeting over to Mr. Haluska to discuss land use.

Mr. Haluska stated that he has two items to discuss. The first item will be giving an update on where we are with the chapter. He stated that he is rewriting the chapter and integrating the comments that Mr. Keesecker submitted. He stated that one additional goal is breaking down the city wide goal into two goals and taking the notes provided by Mr. Keesecker and have a draft by the end of the week. He also stated that they would review parcels in Woolen Mills, 1408 & 1410 Burgess Lane, and the Herman Key Apartment sites. The property is currently zoned industrial and we need to discuss whether it should be classified as multiuse or residential.

Ms. Green and Ms. Keller feel that it is appropriate to make the property residential because that is what it is being used for now.

Mr. Rosensweig feels that you can't determine what the building should be zoned unless you go inside and see what it is being used for.

Mr. Keesecker asked if we would need to circle back and take another look at the land use map. He feels that it doesn't make sense to change the zoning on one piece of land.

Ms. Creasy stated that we may need to bring the land use map up to where the zoning map is now.

Mr. Keesecker feels that leaving it as business technology with the theory of wanting some buffering doesn't make sense.

Ms. Keller feels that it makes some sense to protect what is there and make it residential so its use would conform.

### **Community Values**

Ms. Creasy presented a review of how we have gotten from one point to the next and things were updated based on the current council vision statement and this year's round of review.

Mr. Rosensweig feels that the first paragraph and opening needs a little work. He feels that it is dry and generic and feels the second paragraph has more of the meat and potatoes in it. The part that states our values now should be the opening statement. He feels our elected officials have stated who we want to be.

Ms. Keller stated that other parts speak values, but the first part does not. It feels like the 1995 goal should not be bold.

Ms. Creasy stated that we need to find a way to include the progression and things can be flipped around to reflect where we were and where we are not. She also stated that the preamble should be put in front of statement.

Ms. Keller suggested that it might be healthy to make the sentences reflect points.

Mr. Keesecker asked how implementing council vision applies to the statement. He would like to see the public input on how to implementation.

### **Community Characteristics**

Ms. Creasy stated that a lot of outside data was used to compose this section. She stated that the characteristic chapter is similar to the last one. She would like to see the data part moved to the beginning of the chapter and they plan to do active links where it is possible.

Mr. Keesecker asked if any of the table of contents represent any of our thoughts.

Ms. Creasy stated that it will have an outline document and a link. It will start with the small chapters and have links to other sources.

Ms. Keller asked if the links will have their own place to reside and why some of the land use data couldn't go into the characteristics part of the plan.

Ms. Creasy stated that it will be on the NDS website.

Mr. Keesecker really liked the idea of having a single page executive summary. Having the summary in the front keeps the document from being boring and it needs to be written in a narrative format.

Ms. Keller is very disappointed in the characteristics chapter. She would like see links to certain sections that relate to Charlottesville. She feels that we shouldn't say things if we can't back them up.

Ms. Creasy stated that they basically took what was in 2007 and updated it.

Mr. Keesecker feels that Council statements and the data should follow each other.

Ms. Green asked if the wording in figure 3, 13 or 31 come from the data or did staff come up with the wording. She feels that 12 and 13 are really offensive.

Ms. Creasy stated that we did not make up the wording and she knows it is bulky. She stated that only what the data said was put in and the data can be removed.

Ms. Keller feels that there is pertinent information in table 11 and figure 3 and feels it can be presented in a different way.

Mr. Osteen feels that the data shouldn't change just some of the words.

Mr. Rosensweig feels that the language is really outdated. He feels the glossary is really good and he likes the writing of it.

Ms. Keller would like for the table to be placed into a narrative and the census data referenced at the end

Mr. Rosensweig brought up some concerns from earlier discussions. He felt that some things are missing. He would like to see three levels of affordability added. He noted that shared streets are included but not living streets. Single room occupancy should be added and also nodes of density.

Ms. Keller suggested that a time frame should be picked if any alternative language is needed or suggested.

### **Public Comment**

Bill Emory, 1604 Market Street, really likes the changes made to the land use plan, but he still feels that the design manual should be looked at again and referenced back too.

Ms. Keller adjourned the meeting at 10:25 PM