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MINUTES
CITY OF CHARLOTTESVILLE
PLANNING COMMISSION
THURSDAY, MAY 15, 2003 -- 7:00 P.M.
CITY COUNCIL CHAMBERS

The Planning Commission met this date for a special meeting with the following members present:

Mr. Kevin O'Halloran, Chair
Mr. Bruce Appleyard
Mr. Craig Barton, Vice-Chair
Ms. Karen Firehock
Ms. Kathy Johnson Harris
Ms. Cheri Lewis
Mr. Eldon Wood

Staff Present:

Mr. Gary O'Connell, City Manager
Mr. Jim Tolbert, AICP, Director NDS
Mr. Ron Higgins, AICP, Planning Manager
Mr. Craig Brown, City Attorney
Ms. Lisa Kelley, Deputy City Attorney
Ms. Mary Joy Scala, Neighborhood Planner
Ms. Barbara Venerus, Zoning Administrator

City Council Members Present:

Mr. Maurice Cox, Mayor
Mr. Kevin Lynch, Vice-Mayor
Ms. Meredith Richards
Mr. Rob Schilling

Mr. O'Halloran called the meeting to order at 7:09 PM.

7 Mr. O'Halloran: While we're waiting
8 for a quorum of City Council, why don't I just
9 kind of go over the format for tonight's open
10 hearing? Of course, there are a lot of people who
11 are here tonight to talk about the Zoning
12 Ordinance, and in the interest of everybody's
13 time, we do ask that people sign up in advance --
14 there are some sign-up sheets in front, here --
15 and that you limit your comments to three minutes.
16 Also, if a number of themes come up again and
17 again, if you could simply say, "I agree with the
18 previous speaker," instead of going through the
19 whole argument again, that, I think, would be

20 helpful and would save some time.

21 We haven't established a kind of
22 question-and-answer period, per se. It really is
23 a time for the Planning Commission to get all of
24 your comments down. What we plan to do, after
25 taking in all these comments, is to meet a week₂

1 from today. We will have a work session at 5:30
2 in the Neighborhood Development Services
3 conference room, just down the hall. And we'll go
4 through, you know, comment by comment, to address
5 people's concerns and questions and to see that
6 those concerns get reflected in the ordinance that
7 we forward to City Council.

8 Just backing up for a moment, the way
9 the whole process works is: We, the Planning
10 Commission, have been working on this draft zoning
11 ordinance for the last year, year and-a-half. We
12 have had many public meetings with neighborhood
13 associations and other groups. This is our first
14 official public hearing. And what we hope to do,
15 after hearing people's comments tonight, again, is
16 to -- excuse me -- is to address all of those at
17 our work session next week.

18 We will then, we hope before much
19 longer, forward our recommended zoning ordinance
20 to City Council. Ultimately, Council will need to
21 approve the ordinance before it becomes law. And
22 it's my understanding that Council will hold their
23 own public hearing on this, probably in June.

24 Any questions, before we begin, about
25 process? One additional thing -- oh, yes. Gabe?

1 MEMBER OF PUBLIC: Can we E-mail or
2 send in questions, also?

3 Mr. O'Halloran: Absolutely.

4 MEMBER OF PUBLIC: Okay.

5 Mr. O'Halloran: Jim, where would the
6 best place be to --

7 Mr. Tolbert: To me. Directly to
8 tolbertj@charlottesville.org.

9 Mr. O'Halloran: Jim and his staff will
10 also be out in the hallway. We were just
11 concerned that if we kind of set up a
12 question-and-answer format here, that we could
13 very easily kind of get lost and that it might be
14 more productive to have people ask their
15 individual questions of Jim and his staff out in
16 the hallway. They'll have maps and some of their
17 good tools out there, and they should be able to
18 answer individual questions. Then, you know, of
19 course if somebody goes out to the hall and gets
20 some questions answered, that person may want to
21 come back in and make some more comments so that
22 the Planning Commission can hear them, as well.
23 So, those are kind of the basic ground rules.

24 Let's see, do we have a quorum? No.
25 Okay. It should just be another few minutes.

4

1 Again, I apologize for the delay.

2 Okay. We now have a quorum, and I want
3 to call to order this public hearing, a joint
4 public hearing of the Charlottesville Planning
5 Commission and Charlottesville City Council.

6 Again, we have a large number of people who wish
7 to speak tonight, and I've just gone over the
8 ground rules. For those of you who've just walked
9 in, essentially we do ask that you limit your
10 remarks to three minutes per person. And city
11 staff will be in the hallway to answer individual
12 questions that you might have.

13 Mr. Tolbert has a few remarks about the
14 whole process that got us here and where we're
15 going from this point. And he would like to make
16 a few remarks before we begin the public hearing
17 itself.

18 Mr. Tolbert: Thank you, Chairman. I
19 really don't -- I don't have a mic that works
20 here, so I'll try to talk loud. Raise your hand
21 if you can't hear me in the back.

22 This process was started a little over
23 three years ago, really, by the Planning
24 Commission and City Council and many of you in the
25 community, when we started working on revising our
5
1 Comprehensive Plan. We decided that we needed to
2 write a new Comprehensive Plan and take a new look
3 at where we were going as a community. And that
4 plan was developed over the course of a little
5 over a year, with a tremendous amount of input
6 from the community and a lot of work by the
7 Planning Commission and the City Council, and was
8 adopted on June 18th of 2001.

9 One of the primary recommendations of
10 the plan was that we address some land use issues
11 and look towards making some changes in our land

12 use. One of the primary recommendations was that
13 we look towards implementing our corridor study
14 that had been done, the commercial corridor study.
15 That was a major piece of the Comprehensive Plan.

16 The Planning Commission started the
17 process immediately after June of -- when they
18 finished the Comprehensive Plan, of trying to work
19 on the Zoning Ordinance. The Planning Commission
20 said from day one that they wanted to have a
21 different kind of process than is usual and
22 typical in the development of a Zoning Ordinance.
23 Quite often, Zoning Ordinances are written by a
24 Planning Commission working with staff, who get
25 almost to the end and then have a public hearing⁶

1 to get input. The Planning Commission said, "We
2 don't want to do it that way in Charlottesville
3 this time." So, they appointed six committees
4 that worked with the staff and worked with the
5 Planning Commission to develop recommendations,
6 work on the big pictures, the concepts -- and
7 really did working drafts of the plan. Each of
8 those committees met between six and ten times.
9 They had between ten and 15 members each.

10 There were six of them. There was one
11 that looked at the residential standards in the
12 ordinance, one that looked at landscaping
13 standards, one that looked at the historic
14 preservation section, one that looked at the
15 commercial corridor study recommendations, one
16 that looked at development around the University
17 and high-density housing around the University.

18 and then one that was the overarching committee
19 that looked at all the regulations that came in
20 from the other committees and also looked at the
21 things that didn't fall into one of those
22 categories.

23 The Planning Commission has taken that
24 information -- they were involved in that whole
25 process, but they've taken that and they've been⁷

1 meeting, now, for the last six or eight months: a
2 series of work sessions trying to refine what they
3 got from the committees. We've had two meetings
4 that we held early on during the process, with the
5 community in here where we answered questions.
6 We've met with numerous neighborhoods. And we've
7 had several drafts out there. And I think most of
8 you that have read those drafts are bearing with
9 us, because they've gone from working paper to a
10 very rough draft ordinance to what we just have
11 developed three weeks ago as a draft Zoning
12 ordinance. It's something that really finally
13 looks like a draft Zoning Ordinance.

14 After the draft in December was
15 published, we had two public meetings. We had
16 three scheduled; one was snowed out. But we had
17 two that a lot of you came to and had a lot of
18 good input. We had some more Planning Commission
19 work sessions. And then the Planning Commission
20 began to work on that December 10th draft.

21 There are about six or seven changes
22 that were made by the Planning Commission as a
23 result of the input that we got between December

24 10th and what we have tonight, that are fairly
25 substantive changes, I think, that I wanted to 8

1 mention to you that I think are important. One is
2 that we heard from the communities around the
3 University districts that you would like to see
4 something less than seven stories in height. And
5 so the University high-density district was
6 changed to a maximum height of five stories. So,
7 that's no longer seven stories; it's been changed
8 to five.

9 It was also suggested that, if we were
10 going to have University districts, that we have
11 some kind of provision that would achieve one of
12 our goals, which was to better protect the
13 neighborhoods -- and that is by eliminating some
14 of the rental, single-family housing that's in the
15 community. And one of the methods that was
16 devised to do that is we created a bonus provision
17 to give bonus density within the high-density area
18 for developers that would take those single-family
19 houses and take them out of rental, restrict them
20 for family occupancy. So, that's something that's
21 new in this draft.

22 We had a lot of input from Preservation
23 Piedmont and the BAR and made some changes to the
24 process and to the way that the BAR worked. We
25 had beefed up the landscaping standards; we were 9

1 asked to do more, to require more landscaping and
2 buffering between parking lots and between uses.
3 That's done.

4 We had included a draft adult use

5 section in the ordinance that regulated adult
6 uses. We have removed that from this draft, with
7 the thought that we would come back and review
8 that at a later date but that we would not include
9 it in this draft that was going forward. There
10 were a lot of questions, a lot of issues, and so
11 we said, "Let's don't deal with that right now.
12 We'll pull that out for sometime in the future."

13 There was a lot of concern in the
14 community about creating a park zone
15 classification. We were trying to go another
16 route; we heard loud and clear at the meetings
17 that this community really wanted a park
18 designation, so we have included a park
19 designation. It has not shown up on the maps that
20 are out here yet, but each one of the parks is
21 listed in the text and will be -- there are
22 overlays, so they'll have a designation on them in
23 the map, when it's finalized. But there are --
24 all the city parks have been listed and all that
25 will be allowed in those, while they have that

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1 zoning designation, is public park and recreation
2 uses.

3 We heard from you that you were
4 concerned about, in the high-density districts and
5 the University high-density districts -- that
6 there was an attempt to allow some ancillary
7 commercial uses; that we had gone too far with
8 that. So, we have gone back and greatly
9 restricted that to the same standard that's in the
10 R-3 requirements now, which basically allow only

11 very small retail uses that are supported, and
12 there have to be at least 72 units in the building
13 or in the complex before you can even do it. So,
14 it's a tremendous lessening of that.

15 We also, in reviewing the corridors --
16 we backed off of some of the densities there and
17 lowered the densities of -- the densities in the
18 commercial corridors are not quite as great in
19 some cases as they were in the December 10th
20 draft. And we have combined a number of the
21 corridor classifications so that instead of 23 new
22 zoning classifications, we only have 14. So,
23 there was not a lot of substantive change there,
24 but we made it a little less complex.

25 After that was done -- a lot of you may
11

1 be here because you got a notice and don't know
2 why we mailed over 13,000 notices that we were
3 making changes in the ordinance. We did that to
4 make sure that as many people would know about
5 it -- whether you were affected or not. Some of
6 you may not be affected. And we've gotten about
7 1,000 of those returned to us undeliverable, so
8 there's about 12,000 -- 11,500 or 12,000 people
9 that got a notice that the Zoning Ordinance was
10 being done. And if you're one of those and really
11 don't know why you're here, why you got a notice,
12 Mr. Higgins and I will be outside when I finish
13 talking, and we can answer questions. You may or
14 may not have an issue that you want to bring to
15 the Planning Commission.

16 And related to that, a couple of

17 important things, I think, is that -- one is that
18 if you are in a property that's zoned R-1, a
19 single-family residential district, there are
20 essentially no changes to the ordinance that
21 affect you. The one change is that we now, in
22 this draft, will allow accessory apartments to be
23 built on your property. But there are no other
24 changes that restrict the use of your property.

25 Excuse me -- the one other is that there's a 12

1 recommendation in single-family zoning
2 classifications in here that we reduce the number
3 of unrelated individuals that can reside in the
4 unit from four to three. So, that is a change.

5 We did not propose any downzonings of
6 properties at this time. When the Planning
7 Commission finished the work on the Comprehensive
8 Plan, there were 172 properties that were
9 recommended for downzoning. That went to the City
10 Council; that recommendation is still before the
11 City Council and the City Council held off on it
12 until they got the entire ordinance, and they will
13 consider that when they consider this ordinance.
14 Those show up on -- those are reflected on the
15 maps that are out there, though, that have been
16 published.

17 When we leave here -- after we leave
18 here tonight and after the ordinance is done,
19 we've still got several other things that we need
20 to do. One of the comments we heard from folks is
21 that this ordinance would be a lot more user
22 friendly if there were illustrations in it showing

23 what we mean by things. We've been working on
24 those. As soon as the ordinance is recommended to
25 City Council, we'll be inserting those so it'll be
13

1 a more graphic ordinance with a lot more maps and
2 a lot more drawings in it to explain the things
3 we're talking about.

4 There will be a plant list refined and
5 developed, re-studied, for the landscaping
6 section. We currently have one, but the
7 landscaping committee wanted to work further on
8 that. And we're going to take further looks at
9 our design guidelines. And those things will be
10 ongoing, so those are a few more things left to be
11 done.

12 I'm going to get up and go outside.
13 Again, if you have any questions that you're not
14 sure about something, if you'd like to see me or
15 Mr. Higgins, who will be outside by one of the
16 maps, we'll answer the questions. If you then
17 want to come back in and share a comment with the
18 Planning Commission, feel free to do so. But we
19 will be taking down -- Ms. Kelly will be taking
20 down every comment you write, and we've got two
21 other staff members so that we make sure we
22 capture all that and the Planning Commission, as
23 Mr. O'Halloran said, can consider those things at
24 their work sessions. And everything is being
25 recorded and a transcript is being made of the
14

1 meeting to make sure we get everything.

2 Mr. O'Halloran: Thank you, Mr.

3 Tolbert. Let's see. Oh, Mr. Lynch?

4 MR. LYNCH: I've got a question. At
5 one time, there was a plan to have a forum on the
6 City's website, where people could put their
7 comments if they weren't able to get them out at
8 this meeting or other meetings.

9 Mr. Tolbert: It's there.

10 MR. LYNCH: Is it there?

11 Mr. Tolbert: Yes.

12 MR. LYNCH: Thank you. Thank you.

13 Mr. O'Halloran: Mr. Tolbert just asked
14 that I inform you that we need to set an end date
15 for when can take comments, either on the website
16 or by E-mail or over the phone. And so we do ask
17 that people get their comments to Mr. Tolbert by
18 the end of business on Tuesday, so that we can get
19 all of those written down and can consider them at
20 our Thursday meeting.

21 And if anyone has just walked in,
22 please -- and you do wish to speak, please do feel
23 free to sign up or please do sign up on the list
24 up front. Again, I'm going to start calling
25 people's names. If you could just, when you come
15

1 up, please give your name and address for the
2 record. And again, limit your comments to three
3 minutes.

4 The first person is Kevin Kotlarski.

5 MEMBER OF PUBLIC: Kevin Kotlarski,
6 2316 Fontaine Avenue. I've had a chance to review
7 the Zoning Ordinance and have gone through, and I
8 see how it's linked to the Comprehensive Plan.

9 I've had a chance to review those, as well. I
10 want to address a lot of concerns, specifically
11 with the letter to the Planning Commission.

12 I want to target -- as Mr. Tolbert
13 pointed out, one of the big concerns was
14 neighborhood protection. I'm specifically
15 concerned about the neighborhood which I live in,
16 which is the Fontaine Avenue neighborhood, and the
17 protection which does not seem to be there in the
18 current ordinance. Currently, our neighborhood is
19 primarily single- and two-family homes, with a
20 diverse mix of families, long-term residents,
21 newcomers coming in, and students, as well. We're
22 served by our business neighbors there which
23 support our community.

24 The vision calls for a large
25 increase -- an increase in density on the south ¹⁶

1 side of Fontaine Avenue, while preserving the
2 single-family, quiet, residential neighborhood
3 across the street, where they'll be removing the
4 use of external accessory apartments. But across
5 the street on the south side, where I live, the
6 proposal calls for multi-family structures which
7 will allow, by right, up to 21 dwelling units per
8 acre and 43 by special permit, and up to three
9 stories by right and five stories with special
10 permit, where now we currently have single-family
11 homes.

12 My concern is the effect it's going to
13 have on the neighborhood, and specifically -- the
14 Comprehensive Plan, the concern is what's happened

15 to the JPA neighborhood. Back in '76, from my
16 understanding, the zoning changed to R-3, and
17 we've seen how that development has affected the
18 JPA neighborhood. It's changed it from an
19 owner-occupied neighborhood to primarily
20 renter-occupied. And 93 percent was
21 renter-occupied at that time.

22 I think we fought back a little bit
23 against that since then, and our neighborhood is a
24 little bit better today. And we're hoping that
25 continues. And we see as a big part of -- the

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1 Planning Commission says they want to preserve
2 owner occupancy and increase that. So, we're
3 afraid that this change of upzoning our area will
4 adversely affect our owner occupation over there.
5 Specifically -- I had a long speech written out
6 there, but I can't -- three minutes. Let me see.

7 Well, I guess my main concern is the
8 protection for our neighborhood and the fact that
9 you'd be able to build structures, according to
10 this current ordinance, which will allow on our
11 side streets buildings right up to the edge of the
12 street, with zero setbacks, except for a ten-foot
13 set- -- between 15- and 30-foot setback on
14 Fontaine, Maury, and -- I can't remember the third
15 street. So, that's a concern, as well. So, I'd
16 like to take time to re-visit the concerns and
17 effect neighborhood preservation in our area, for
18 increased owner occupancy, as well as concerns in
19 other parts of the city.

20 Mr. O'Halloran: Thank you very much.

21 Monica Viara?

22 MEMBER OF PUBLIC: I live at 2316

23 Fontaine also, and I agree with everything he just
24 said. I'm also extremely concerned with the
25 vision for Fontaine Avenue, or, as it's stated in
18

1 the Zoning Ordinance, the residential corridor.
2 However, I'm going to get sort of specific about a
3 couple of points, though we have many points.
4 I'll just pick two, one of which is the
5 Certificates of Appropriateness. I do not believe
6 that single-family and two-family residences
7 should be subject to this section. According to
8 section 34-309(a)(2), it appears as though a
9 property owner would need to obtain administrative
10 permission to replace the roof on the home,
11 install replacement windows or doors, or possibly
12 to even paint their house. Referencing section
13 34-310, it appears that the color would need to be
14 approved. Further, it is unclear as to whether a
15 property owner would need -- excuse me -- would
16 further need to pay for this permission. Section
17 34-312.3 states that each application for special
18 permit shall be accompanied by the required fees.
19 It's sort of hard, with the language, to determine
20 whether or not there's a fee attached to that or
21 not.

22 Mr. O'Halloran: If I can interject --
23 this is for the historic districts only.

24 MEMBER OF PUBLIC: This is on -- this
25 isn't on the residential corridor?

19

1 Mr. O'Halloran: No.

2 MEMBER OF PUBLIC: There's no --

3 Mr. O'Halloran: This -- well --

4 MEMBER OF PUBLIC: -- Certificates of
5 Appropriateness for --

6 Mr. O'Halloran: The entrance corridor;
7 excuse me.

8 MEMBER OF PUBLIC: -- residential
9 corridors?

10 Mr. O'Halloran: Yes; excuse me.
11 Entrance corridors.

12 MEMBER OF PUBLIC: I'm going, "That
13 would be great." However, so -- back to the
14 concern. A single-family property owner shouldn't
15 be required to pay for permission, if that's the
16 case, to paint their home or to install
17 replacement windows. I also have -- take issue
18 with having to get permission to change my roof on
19 my new home or my old house. So, that's one
20 point.

21 Another point I'm going to address is
22 the concern that a parking garage is possible for
23 use in our neighborhood. I realize that this is
24 only allowable by special use or as an ancillary
25 use, but I do not want to see a parking garage in
20
1 my neighborhood. We all know the problems that
2 this can cause. A parking garage does not belong
3 in a residential neighborhood. So, those are two
4 points that I wanted to make.

5 I want to thank you for your time, and
6 I really hope that we can preserve our
7 single-family homes on Fontaine. Thank you.

8 Mr. O'Halloran: Thank you very much.
9 Ellen Contini-Morava?

10 MEMBER OF PUBLIC: For several years
11 now, the residents of Jefferson Park Avenue
12 Neighborhood Association --

13 Mr. O'Halloran: I'm sorry. Name and
14 address, please?

15 MEMBER OF PUBLIC: Oh, sorry. Ellen
16 Contini-Morava, 225 Montebello Circle.

17 -- have been voicing our objections to
18 the proposal to create a high-density University
19 district along JPA. You don't have to take notes;
20 I've got this in writing and I'll give it to you.
21 But this idea seems to be a zombie that keeps
22 coming back to life, so we have to keep repeating
23 the reasons why it's a bad idea. So, here are
24 five.

25 First of all, community. The 21
1 experience of other cities where large numbers of
2 students are concentrated in a small area is that
3 the quality of life in those neighborhoods
4 deteriorates fast. JPA already has problems with
5 noise, drunken parties, traffic, parking, garbage,
6 and security. We've suffered from vandalism and
7 theft. The serial rapist who's been at large
8 still has attacked two women in the JPA
9 neighborhood in the last couple of weeks.

10 I have no problem with students, as
11 such. We've had many responsible students as
12 neighbors in the last 15 years when I've been
13 living in the JPA neighborhood. The problem is

14 the idea of creating a student ghetto of high-rise
15 apartment buildings filled with teenaged
16 transients who may live there for only a few
17 months at a time, never get to know their
18 neighbors, have no stake in the well-being of the
19 neighborhood. To be stable, coherent, and secure,
20 a neighborhood needs long-term residents.
21 Creating the University district will drive
22 long-term residents away. What we need is more of
23 us.

24 A second problem is traffic and
25 parking. We've been told that putting 22

1 high-density apartment buildings with businesses
2 on the ground floor next to UVA will decrease
3 students' need for cars, because they'll be able
4 to walk to school and get other services close to
5 home. So, the proposal allows the new high-rise
6 buildings to provide only half a parking space per
7 dwelling unit.

8 Who are we kidding? Has anyone done a
9 study to find out how students actually use their
10 cars? Last I heard, they don't only go to school
11 and to the laundromat. They also go to the
12 movies; they go to the dentist; they go to shops
13 in different parts of town; they go to trips out
14 of town. They're going to have cars, even if
15 parking is not provided where they live. This
16 means that either they'll spread out into
17 neighborhoods that don't have permit parking or
18 we'll have a bunch of parking garages like my
19 neighbor mentioned before, which will continue to

20 sully the neighborhood.

21 Another issue: Students don't want to
22 live in high-rise apartment buildings. There was
23 a recent editorial in the UVA student newspaper
24 saying that students prefer to live in smaller
25 houses, rather than being crowded into apartment
23
1 buildings. After all, why bother to move out of
2 the dorms if the alternative is just another
3 dorm-type environment? So, the residents don't
4 want the University district; the students who are
5 supposed to live there don't want it. Who is it
6 for?

7 Another problem: aesthetic
8 considerations. A strip of anonymous high-rises
9 along JPA is inconsistent with other entry
10 corridors to Charlottesville and with the
11 surrounding neighborhood. The current proposal
12 allows five-story buildings, which are rare in any
13 part of Charlottesville. Putting a row of them
14 along this road will be an eyesore. I have more
15 details about the plan itself, but I'll skip them
16 in the interest of time.

17 In conclusion, the University district
18 is not a good model for our future. The JPA
19 neighborhood has done fine as a mixture of
20 long-term and student residents, and it deserves
21 to be protected. One thing that makes
22 Charlottesville special and makes people want to
23 live and work here is the sense that it's not like
24 other cookie cutter cities. We need to preserve
25 its distinctive qualities and to prevent its

1 becoming a copy of every other anonymous college
2 town. Our neighborhood is part of Charlottesville
3 history, and it adds to its character and charm.
4 We need to preserve its special nature. In a time
5 when many cities are struggling to find something
6 individual and remarkable about themselves, the
7 university district proposal makes ours less
8 distinguished. Thank you.

9 Mr. O'Halloran: Thank you.

10 Steven Buck?

11 MEMBER OF PUBLIC: I'm Steven Buck; I
12 live at 1208 Merriweather Street. I have a couple
13 concerns. One relates to bicycle parking, and the
14 other relates to a zoning change.

15 The first one -- I'd like to see
16 bicycle parking required in commercial districts
17 and offices, hotels, schools, and shopping
18 centers, say, two spaces per 20 parking spaces for
19 cars. I'd like to see parking required in areas
20 or at buildings where there are five dwelling
21 units or more, multi-family dwellings,
22 multi-family developments. And -- yeah, okay.
23 End of bicycle parking.

24 The other -- my other interest is I'd
25 like to see Zone T, which is now zoned industrial,
25

1 change to mixed use. And I notice, actually, that
2 on this map here of the 2025 land use plan, it
3 seems to be indicated that it's mixed use, but in
4 the draft zoning map, it's labeled as corridor
5 industrial. So, my reasons are: I think the

6 industrial use is not compatible with the
7 sensitive nature of the riverine areas. It would
8 allow uses such as gas stations. And, you know,
9 industrial uses invariably involve chemicals and
10 spillage in that area along River Road. East of
11 River Road, it's going to go right into the river.

12 Also, I think that it would offer mixed
13 use. It would offer possibilities for restaurants
14 and small retail spaces, retail complexes and
15 offices there. And I think it would be a better
16 use for the area east of River Road than
17 industrial. So, thank you.

18 Mr. O'Halloran: Thank you very much.

19 Rick Jones?

20 MEMBER OF PUBLIC: My name is Rick
21 Jones. I work at 102 South First Street. And
22 I've been a part of this process for over three
23 years. I was a former member of the zoning
24 committee that reviewed all of these -- the work
25 of the six committees. I guess the first thing I

26
1 wanted to say was, as Mr. Tolbert said, this has
2 been a tremendous, long effort. And what you see
3 before you reflects the vision and a process that
4 a lot of people put a lot of time in: Neighbors,
5 business people, Planning Commission members, Mr.
6 Key and Nancy Damon, Mr. Harris were at just about
7 every single one of these meetings. And I
8 personally applaud the commitment that the City
9 Council and the Planning Commission have shown
10 towards this process.

11 This is a huge, sweeping, bold change.

12 Entrance corridors and University precincts are a
13 major step. But what I saw in the short time I've
14 had to review it all was the result of consensus
15 building. It wasn't perfect for every person. As
16 I looked through, the University precinct medium-
17 and high-density -- I have my nitpicky little
18 things that I will send E-mails about, but I can
19 live with, you know, cutting down from seven
20 stories to five stories, because I don't see that
21 as the overarching issue. I see this whole giant
22 package as something that has to direct and guide
23 this city for the next 25 years. And if you start
24 to tear it down and change the parcels, change the
25 bold vision here, then you might as well just

27

1 stick with what you already had and go forward
2 with it -- (Applause and verbal outbursts)

3 I have the floor, please.

4 In closing, I'll just echo my
5 congratulations to the people who have watched
6 this process and been a part of this process for
7 so long. I hope that you will have the strength
8 of courage and conviction to continue to support
9 the process that you all had started and
10 supported. I'm on one other committee, which is
11 the City Housing Policy Task Force. Believe me,
12 it'll be a long time before I throw myself into
13 that one, if I see that the commitment to this
14 type of process is not there. Thank you.

15 Mr. O'Halloran: Thank you. Yeah, I do
16 ask that people respect our speakers and allow
17 them to have the floor. I think that outbursts

18 are really not appropriate right now. We need to
19 listen to what other people have to say.

20 Gene Foster?

21 MEMBER OF PUBLIC: Gene Foster, 6
22 Gildersleeve Wood. I would like to say that I
23 agree completely with statements that have been
24 submitted to the Planning Commission by members of
25 the JPA Neighborhood Association, that I agree

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1 with statements that will be made this evening by
2 Jay Brown and other members of the JPA
3 Association, and I just want to emphasize two
4 points, without dealing with the specifics.

5 First, I think that the biggest mistake
6 that the city can make is to try to have really
7 high density around the university. If you simply
8 looked at the experience of university cities and
9 towns around the country, like Hopkins in
10 Baltimore, Penn in Philadelphia, University of
11 Florida in Gainesville -- you can see what would
12 happen to these neighborhoods in 25 years. And
13 you won't like it.

14 The other point I have to make is just
15 simply that the visual impact of five-story
16 buildings -- not seven any more -- along an
17 entrance corridor to this city doesn't tell us
18 what the city looks like.

19 Mr. O'Halloran: Thank you.

20 Jane Foster?

21 MEMBER OF PUBLIC: I'm Jane Foster, 6
22 Gildersleeve Wood, Jefferson Park Avenue
23 Neighborhood Association. I just want to say that

24 I feel much better after hearing Jim Tolbert tell
25 us all of the modifications that you've all made
1 after listening to all of the opinions of
2 everybody in town. I feel relieved. I'm glad
3 that you're going to be continuing to work on it.
4 I think that what I care about the most is
5 retaining some of the neighborhood feeling of JPA.
6 I love the whole -- the point of saving some of
7 the little one-family houses for people, not
8 necessarily -- they could be people who work at
9 the university, at the hospital. They're modest
10 little houses that now have four students crammed
11 into them -- glad it would only be three, now, but
12 thank you all very much. Continue to listen to
13 everybody, and try to preserve Charlottesville as
14 a pleasant town for people to live in.

15 Mr. O'Halloran: Thank you.

16 Wade Tremblay?

17 MEMBER OF PUBLIC: Good evening. My
18 name is Wade Tremblay. My business is Wade
19 Apartments, and my offices are located at 1025
20 Wertland Street. I want to commend you all, as an
21 earlier speaker did, for I think three years'
22 worth of work and a vision that's going to provide
23 a template for Charlottesville for the next 15 to
24 25 years, to grow and evolve in a way that
25 Charlottesville needs to grow and evolve.

30

1 Clearly, there have been some difficult
2 calls in this process, and a lot of compromise and
3 discussion ensued during the past three years in
4 the various meetings of these committees. And

5 virtually every aspect of Charlottesville was
6 involved in those discussions and the debate that
7 ensued. And I think the product that you have
8 before you tonight reflects all of that.

9 And as I think -- I urge you to follow
10 through on that, because if we don't have this
11 template in place, not only entrance corridors and
12 University districts, but the other aspects of the
13 plan -- we're going to be stuck, and we're not
14 going to be stuck in a good place.

15 Charlottesville is growing. the university is
16 growing. And we've got to be prepared to deal
17 with that. So, thank you for your efforts; thank
18 you to those that preceded you, and let's finish
19 the process. Thank you.

20 Mr. O'Halloran: Thank you.

21 Kimberly Parr?

22 MEMBER OF PUBLIC: Hi, I'm Kimberly
23 Parr, and I live at 2307 Fontaine Avenue. I'd
24 like to address the situation with the Fontaine
25 Avenue rezoning. And I agree with everything that
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1 my neighbors, Monica and Kevin and everyone with
2 the JPA Association have already said about that.
3 One of the things that I've been concerned about,
4 as well, is that I will live on the side of the
5 street where the zoning won't be affected; that
6 across from me will be apartment buildings and UVA
7 students that I don't want to live across the
8 street from, basically. I like my neighbors
9 across my street. I like the fact that we watch
10 out for each other, that we care about each other.

11 This is a long-term commitment in purchasing a
12 home on Fontaine Avenue. It isn't just nine
13 months out of the year and then they leave. These
14 are people that we have come -- we've become
15 friends with, that we care about each other. And
16 there's a neighborhood love and respect. I have
17 seen pictures on the Internet of future drawings
18 that have called this project "the little corner."
19 I do not want to live across "the little corner."
20 I don't want to live across "the big corner." I
21 like it the way it is. I think that we -- as --
22 Charlottesville encompasses more than just UVA.
23 Yes, UVA is a big part of our city, but there's
24 more to it than just UVA. And there are residents
25 that have been here for many years, even from

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1 birth, that we need to consider in making our
2 plans -- not just considering UVA.

3 The other thing that has been brought
4 to some of our neighbors' attention is that some
5 of our neighbors have already been contacted by
6 developers to sell. Now, Fontaine has been
7 working very wonderfully with City Council about
8 our widening situation, and the fact that we're
9 trying to stop VCOT from purchasing our land.
10 Now, we have the contractors wanting to get us.
11 You know, that has to -- something has to stop;
12 something has to give.

13 We're trying to preserve an entrance
14 corridor -- something that speaks to our residents
15 and to our visitors that says something about
16 Charlottesville when they drive into our city --

17 more than just, "It's UVA and here are some
18 apartments where they live nine months out of the
19 year" -- "a neighborhood, a place where they care
20 about each other and respect each other; beautiful
21 streets with homes -- beautiful homes where the
22 yards are taken care of and beautiful flowers and
23 trees."

24 There are many -- like I said, there's
25 many aspects to Charlottesville. And UVA is one
33

1 of them, but preserving our neighborhood is also
2 in Charlottesville's plan. Thank you very much.

3 Mr. O'Halloran: Thank you.

4 David Brown?

5 MEMBER OF PUBLIC: Hi, I'm David Brown.
6 I live at 1534 Rugby Avenue. And I have -- first
7 I have some concerns about public participation
8 with the proposed new ordinance. As I see it, the
9 role of the Planning Commission -- and therefore
10 the role of the public process that results from
11 that -- will decrease as the amount of by-right
12 development increases. And so, you know, there'll
13 be more development that will require, at most, an
14 administrative approval. And I'm just concerned
15 about the opportunity for public comment.

16 And so, because of that, I think it's
17 important that in all cases possible when you look
18 at this ordinance, that -- including
19 administrative review, that the public be given an
20 opportunity to comment on an appropriate appeal.
21 And I'd like to give a specific example.

22 In certain cases in the historic

23 district sections, the Director of Neighborhood
24 Services can approve an application for a
25 Certificate of Appropriateness. Now, this 34

1 decision can be appealed to the BAR, so if the
2 applicant doesn't like the outcome, they can
3 appeal it, but it has to be appealed within five
4 days. And so the language also says that other
5 interested -- other -- another aggrieved party
6 could also appeal, but they would have to file
7 that appeal within five days. And I don't see how
8 they could file that appeal within five days if
9 this has been approved administratively. How
10 would they know that it had been approved? And so
11 I think that we need to be careful that that
12 language in here, in cases of administrative
13 review, allow the public to know that the process
14 is occurring and that the application has been
15 made and approved.

16 I'd like to also comment -- I think
17 there's a lot of good ideas in this proposed
18 ordinance. For example, having entrance corridor
19 design review; having new outdoor lighting
20 standards; and reducing the number of unrelated
21 adults allowed in one home, in many areas of our
22 city, from four to three. But I'd also like to
23 comment -- you know, we currently have an
24 ordinance allowing only four unrelated adults to
25 live in R-1 housing. And I hear a lot of 35

1 complaints from people who claim that it's very
2 difficult to enforce that and that the City is not

3 particularly responsive to enforcing that
4 regulation. So, as we look forward to changing
5 the zoning, with these new ideas, I think we have
6 to make sure we're having mechanisms in place to
7 require enforcement.

8 I also support, with reservation, the
9 concept of a high-density University area;
10 however, I'd feel better about this if I could be
11 conveyed information about how successful this has
12 been in other university towns -- and, in
13 particular, have they successfully persuaded
14 students to park off-site in return for having
15 convenient housing? I mean, that seems to be the
16 crux of one of the issues, and it'd be nice to be
17 able to point to other areas where that's been
18 done successfully.

19 And then, finally, it seems that this
20 proposed new ordinance allows, in many areas,
21 denser and taller development. And taken
22 individually, you know, one project at a time,
23 sort of the way things are currently being done --
24 that may be a good change in most instances. But
25 what concerns me is that more development becomes

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1 a matter of right, with no requirement for
2 Planning Commission approval; that the totality of
3 development in, say, a particular corridor could
4 overwhelm the streets in the city and worsen,
5 dramatically worsen, our traffic and parking
6 problems. Thank you.

7 Mr. O'Halloran: Thank you. I believe
8 it's Greg Sacketts? I'm having a hard time

9 reading it; sorry. He's left? Okay.

10 Kendra Hamilton?

11 MEMBER OF PUBLIC: Hi, Kendra

12 Hamilton, 620 Booker Street, in the Rose Hill
13 neighborhood. We in Rose Hill have a longstanding
14 concern about businesses encroaching on the
15 residential areas. That's a concern that's been
16 documented, for example, in our 2001 neighborhood
17 plan. But, of course, realistically, I mean, we
18 are in this neighborhood. We have business owners
19 and we have home owners, and we understand that
20 you guys have to balance both of our needs.

21 So, one of the things I wanted to draw
22 to your attention is that in the new version of
23 the zoning plan there is a good bit of B-3 zoning
24 in the area of our neighborhood that's near
25 Preston -- B-3 being, as I understand it, a

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1 designation for major commercial kinds of
2 developments. So, there are two areas in
3 particular that we are concerned about.

4 The first is Dale Avenue, between Rose
5 Hill and Albemarle Street. It's documented in the
6 neighborhood plan that we currently have concerns
7 about Dale Avenue, already. It's a very narrow
8 street. Two cars cannot pass at the same time.
9 There's no area for parking. There's -- it's very
10 poorly lit. And there have been security
11 concerns. So, if we -- that's one area that it
12 seems to me if you're going to designate that as
13 an area for -- and also, there are residences on
14 that street, also. So, if you designate that as

15 major commercial, there is no way to, like, sort
16 of pass through. There's no place to park. There
17 needs to be some kind of corresponding upgrading
18 of the streets or the services to sort of go along
19 with that.

20 The second street/area, that we're
21 concerned about is the street that I live on, in
22 the interest of full disclosure: Booker Street.
23 Booker Street is a dead-end street off of
24 Charlton, and the last two lots on Booker Street
25 are designated B-3. Everything else -- everything
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1 in that section of Charlton is residential;
2 everything else on Booker Street is residential
3 except for those last two lots. It would be a --
4 there's no possible way to gain access from
5 Preston, except by walking down a long stairway.
6 There's no parking once you get there.

7 So, I understand that you have taken a
8 moratorium on downzoning, but it seems to me that
9 that's an area where you really need to take into
10 account the land use. There are currently houses
11 there. If you wanted to turn it into a commercial
12 operation, it would completely destroy the
13 character of the street, number one. Number two,
14 it would be completely unworkable, because you
15 can't get there; you can't park once you've gotten
16 there. So, those are the two things that I just
17 wanted to bring to your attention concerning our
18 neighborhood. Thank you.

19 Mr. O'Halloran: Thank you very much.

20 Ben Ford?

21 MEMBER OF PUBLIC: Thank you. My name
22 is Ben Ford, 117 Amherst Commons. I'd like to
23 talk tonight about the Historic Preservation and
24 Architectural Design Control Overlay Districts,
25 Division 2 of the proposed ordinance. I'd first³⁹

1 of all like to thank the City, and particularly
2 Jim Tolbert's office, for working with our
3 organization, Preservation Piedmont, in voicing
4 some concerns and taking them into consideration
5 and really changing the Historic Preservation
6 section of the ordinance into a more positive
7 chapter.

8 Having said that, I would like to call
9 your attention to section 34.277(a)(1), which is
10 titled, "Certificates of Appropriateness,
11 Demolition and Removals." (A)(1) talks about the
12 moving, removing, encapsulating or demolition in
13 whole or in part of any contributing structure.
14 And the paragraph goes on to say that "upon such a
15 determination" -- this is the last sentence in
16 (a)(1) -- "Upon such a determination, the building
17 code official shall deliver a copy of his order to
18 the Director of Neighborhood Development Services
19 and to the Chairman of the BAR." I think this is
20 a positive, positive move, and to my knowledge it
21 was actually initiated by BAR and supported by our
22 organization, as well -- Preservation Piedmont.

23 I would add, however, that my
24 understanding of putting this in here -- that is,
25 the notification of BAR -- is to have a more
40
1 positive and interactive relationship between the

2 building code official and BAR, who has oversight
3 over historic properties, individual and
4 districts, within the City. I give you a case
5 example of the Lankford Avenue property this past
6 winter and early spring, where a permit for
7 demolition was granted and the BAR did not know
8 that the property was being reviewed, and the
9 building official did not know that the property
10 was listed as an individual historic property.
11 And I think BAR's emphasis to get them to be
12 notified was ultimately to have a better
13 interaction.

14 My one concern about the way it's
15 written right now is that the language is rather
16 vague. All it says is that notification has to be
17 delivered to the Chairman of BAR. I would
18 strongly suggest that this committee and City
19 Council consider that there be some timeframe in
20 there or some other language added that would
21 allow BAR to be involved from the beginning. And
22 in my opinion, you can take this language to read
23 that BAR is notified the same day that the
24 demolition permit is issued, and that's not
25 interacting at all, in my opinion. And we all 41

1 think that there should be better interaction
2 between BAR and the City.

3 My last comment: I also would like to
4 strongly support what other people have said from
5 the JPA community. My personal feeling is that
6 preservation is not just about saving historical
7 sites; it is also just as importantly about

8 preserving neighborhoods and communities. And I
9 strongly, strongly agree with what members of the
10 JPA Association have stated and their interests on
11 keeping it a strong community, as it is right now.
12 Thank you.

13 Mr. O'Halloran: Thank you.

14 Eric Geilker?

15 MEMBER OF PUBLIC: Hello, my name is
16 Eric Geilker. I live at 2421 JPA, which is the
17 other side of JPA. And, in fact, I guess I should
18 entitle my remarks, "A Tale of Two JPAs." I used
19 to live on the other side of JPA. I worked with
20 Nina, the Fosters, and others trying to hang out
21 over there with drastically lowering owner
22 occupancy rates. And I gave up and I moved a
23 couple blocks away to the other side of JPA, the
24 section between the bridge and Fry Springs Beach
25 Club -- which remains mostly as it was when the ⁴²

1 trolley went back and forth there, with big old
2 houses, large, gracious lots, and places for
3 people to live who don't want to escape to
4 spacious areas in the county, for instance.

5 I've lived there for ten years, and
6 it's a wonderful place to live. The house I moved
7 into -- it was zoned R-1 -- it was a duplex. I
8 un-duplexed it. A new neighbor just this year --
9 the house has a port-a-potty in front of it;
10 they're un-duplexing their house. We like the R-1
11 neighborhood. It's increased; lots of faculty
12 members are living there. We want to keep it that
13 way. I'm sorry, you know, about your

14 neighborhood, but I want to make a plea for mine.
15 I want to thank the Council and the Planning
16 Commission for, in a sense, allowing that
17 neighborhood to exist as it has for 80 years,
18 undisturbed. And I'd make a plea to continue
19 that.

20 And, in particular, there's one thing I
21 think you can do to make sure that that very
22 special neighborhood that contributes greatly to
23 the diversity of Charlottesville -- there aren't
24 many neighborhoods like that left; this is one of
25 the very few -- there's one thing you can do, and
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1 that is: In the proposed zoning map there are
2 seven lots. It's an erosion of this neighborhood.
3 Seven lots from the corner of Stribling and JPA,
4 traveling toward Fry Springs Beach Club. Those
5 are nice, older homes that people have spent a lot
6 of money recently making owner-occupied and fixing
7 up. In that map, they're shown as R-2. They have
8 one-acre or half-acre lots -- huge temptation for
9 developers to come in, purchase those lots, and
10 erode that important corner that is the entrance
11 to our side of JPA.

12 I'd like to see all the lots down JPA
13 not R-1S for "small lot." They're big lots. I'd
14 like to see them R-1, and I'd like to see them
15 that little light color that you see on the map
16 for Jefferson Park Circle, for instance, which is
17 another incredibly unique neighborhood in our
18 town. There aren't many, you know, undisturbed
19 neighborhoods like that left that haven't been

20 eroded by students and rentals, et cetera.

21 So, I'm making a plea for seven lots.

22 I don't know why those seven lots were changed in
23 this draft zoning map. I think that they should
24 be R-1; that street should continue to help us out
25 and protect us so that we can live close to the

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1 University so that we can walk. Thank you for the
2 sidewalks. Thank you for the bike lanes. And
3 good night.

4 Mr. O'Halloran: Thank you. I think to
5 clarify -- at least the map I have doesn't show
6 that as being a change, that those lots are
7 already R-2, and at least, you know, as far as I
8 can tell, we're not proposing any change to them.

9 MEMBER OF PUBLIC: Well, then I suppose
10 I'm proposing a change. Since you're rezoning,
11 let's make a change to make it consistent --

12 Mr. O'Halloran: Sure. I --

13 MEMBER OF PUBLIC: -- so that it looks
14 like what it reads.

15 Mr. O'Halloran: Right. Point taken,
16 but just to clarify -- the R-2 is not a change.

17 Charles Webber?

18 MEMBER OF PUBLIC: Would it be
19 possible, when you say the speaker's name, to also
20 say who's on deck?

21 Mr. O'Halloran: I don't want to do
22 that right now. I think --

23 MEMBER OF PUBLIC: Good evening. My
24 name is Charles Webber. I live at 601 Locust
25 Avenue. I have some prepared comments which I'll

1 pass down to you.

2 First of all, I'd like to comment that
3 the Planning Commission and the entire City staff,
4 I think, are to really be commended for the effort
5 that's gone into this Zoning Ordinance and
6 redrawing the zoning map. I personally
7 participated as a member of the residential zoning
8 committee, and I fully appreciate the complexity
9 of the issues and the struggle among all the
10 competing and conflicting interests involved here.
11 At some point, you've got to make decisions and
12 move forward, and I think we're at that point
13 right now. And this is a good product, and I
14 endorse it with two caveats and suggestions.

15 One is: I suggest that somebody do an
16 analysis to determine what impact, if any, the new
17 ordinance will have on any personnel requirements
18 in the various City departments. I think the last
19 thing taxpayers want is to hear, a year from now,
20 that certain departments will need more people to
21 do the job that you're requiring of them with this
22 ordinance. If more people are required, we should
23 identify those requirements now, determine what
24 regulations are driving them, and then make a
25 decision whether we really want those regulations.

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1 I think this new ordinance should be a
2 relief on the tax burdens and not increase it.
3 And, by the way, I'm not suggesting that it is
4 going to increase anything, and Mr. Tolbert has
5 provided me some informal assurance that it will

6 not, in his department. But I think that ought to
7 be a matter of record and I think y'all have a
8 duty to the taxpayers here to at least address
9 that issue. And this is a simplified ordinance,
10 and I think that you should require that it not
11 require more people.

12 The second one: I'd like to echo a lot
13 of the comments we heard about the downzoning, and
14 particularly in the areas on the fringes of these
15 corridors. The last speaker spoke about
16 downzoning from R-2 to R-1. I think the ordinance
17 and the associated tax map don't go quite far
18 enough in protecting the neighborhoods from that
19 sort of instability, particularly in the areas
20 right around the fringes of the corridors.

21 And rather than talk to specific
22 properties, just consider this proposal: I
23 suggest that all structures that were designed and
24 built as a single-family residence, particularly
25 those that are not in the corridors, should be

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1 downzoned to R-1 if they're not already so. Many
2 of them are zoned B-1. He mentioned some that
3 were R-2, but many around the neighborhoods,
4 around my neighborhood and around north downtown
5 that are zoned B-1. They're already trying to
6 encourage higher density development in the
7 corridors, which will most assuredly include new
8 business and office space; why not try at the same
9 time to encourage the return of these valuable
10 homes to the residential market? Consider this:
11 Every house that's not used as a residence is

12 another family that lives in the county.

13 So, I thank you all for all your hard
14 work and thank you for the opportunity to be heard
15 tonight.

16 Mr. O'Halloran: Thank you.

17 Howard Bishop?

18 MEMBER OF PUBLIC: Howard Bishop. I
19 live at 409 Moseley Drive; have for almost 50
20 years. I was annexed into the city from -- about
21 two blocks. And --

22 Mr. O'Halloran: Congratulations.

23 MEMBER OF PUBLIC: -- what I'd like to
24 know is: why are we changing this all at once?
25 Other times, we change and then turn around and go
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1 back to what we had before. You had Water Street,
2 Market Street, and now they're back to two lane;
3 was two lane years ago and back to one, back to
4 two. And you're talking about now people can live
5 four people to a residence, unrelated. The City
6 has no way to control that. There's more people
7 living than is allowed in those houses, now. And
8 I just talked to the young officer out front, and
9 he says it's up to the property owners to complain
10 to get the City to do anything. So, I don't -- if
11 you get the City to do it, you'll be lucky.

12 And one other thing I'd like to bring
13 up. This meeting, I'd like to see held at the
14 auditorium in the City of Charlottesville High
15 School, where they can lay these maps out and talk
16 to each one person that needs to know from the
17 area where they're located, and then you can get

18 the answers from which areas that you'll need to
19 know about. Thank you.

20 Mr. O'Halloran: Thank you.

21 Liz Cutchi?

22 MEMBER OF PUBLIC: My name is Elizabeth
23 Cutchi. I live at 528 Valley Road. And as
24 president of the Jefferson Park Avenue
25 Neighborhood Association, I've been involved with
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1 this rezoning process for the last three years.
2 You all have my letter; I know you've read it.
3 I'm not going to repeat that. I agree with the
4 other members of our neighborhood association.

5 Just want to mention a couple of
6 things. One -- I was at the PAC meeting this
7 afternoon, the Planning and Coordination Council,
8 and representatives from the University and the
9 County were really worried about this University
10 district zoning. "Where are the cars going to
11 go?" They don't think for a minute that people
12 are not going to have automobiles, just because
13 they don't have a place to park. You may not be
14 aware that the University really doesn't have a
15 commitment to house students' cars over there at
16 U-Hall. Every time they have an event, the
17 students have to get their cars off of the lot by
18 midnight the night before. Where are they going
19 to go?

20 Second point: This neighborhood right
21 here, F, is mostly one-story, single-family homes
22 with front yards, side yards, back yards --
23 they're not all home owners. The renters are

24 mostly long-term residents. I would beg you to
25 keep it R-2 and not zone it for three-story 50

1 apartment buildings with no side setback; as I
2 read the ordinance, no front or back setbacks are
3 required, either, if you live on Summit or
4 Westerly or Plateau Road. The only place you need
5 a setback is on Fontaine, which I guess takes care
6 of the widening. Please don't upzone this stable,
7 quiet, integrated, residential neighborhood.

8 In closing, the great Chief Justice
9 John Marshall is well known for his statement,
10 "The power to tax is the power to destroy." I
11 would like to point out that the power to zone can
12 also be the power to destroy.

13 Mr. O'Halloran: Thank you.

14 Jean Hyatt?

15 MEMBER OF PUBLIC: My name is Jean
16 Hyatt, and I live at 1534 Rugby Avenue. I was
17 pleased to see that section in the proposed
18 ordinance on the Historic Preservation and
19 Architectural Design Control Overlay Districts.
20 It's on page 49. One of the purposes that -- I'll
21 read one of the short ones -- is to promote local
22 historic preservation efforts through the
23 identification and protection of historic
24 resources throughout the city."

25 Unfortunately, not all the districts 51

1 that are part of the National Register of Historic
2 Places are protected and designated local historic
3 districts. We have several that are on the
4 National Register and are protected, like Wertland

5 Street, West Main Street, downtown, and Ridge
6 Streets. The Rugby Road-University Corner
7 historic district is not protected, as yet. It's
8 of the same importance; it just has not happened
9 in the history of Charlottesville. It was on the
10 books to happen.

11 According to our city Historic
12 Preservation Plan, which was put out in 1993,
13 there are 209 properties in this district.
14 Unfortunately, some parts of this district overlap
15 with the proposed University high-density and
16 medium-density districts. Of course, my concern
17 is: How are we to protect our historic fabric in
18 our city when there are incentives to tear down
19 our older, historic buildings in order to build
20 larger apartment buildings? Well, I guess that's
21 it. I'm just concerned about -- not only there,
22 but in other areas, but I'm afraid that's my time.

23 Mr. O'Halloran: Thank you.

24 Nancy O'Brien?

25 MEMBER OF PUBLIC: Good evening. I'm
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1 Nancy O'Brien. I live at 501 Ninth Street,
2 Southwest, in Fifeville. I appreciate all your
3 hard work, but I think you have a lot more hard
4 work to do. There's been a lot of effort going
5 into this, and I was part of it. I worked on the
6 corridor zoning committee. And that didn't leave
7 me with the same sense of comfort that working on
8 the committee the other two gentlemen prior to me
9 had.

10 What I'm concerned about in this:

11 Because of the major change in how this City is
12 developed and used and will look in the future, it
13 is a magnitude beyond, I think, what we're really
14 aware of, perhaps even of what you're aware of.
15 And what concerns me is the law of unintended
16 consequences. It's sort of like wanting a
17 chocolate bar, and then, lo and behold, you put on
18 ten pounds. And so that's what is my concern --
19 is that there has -- while we've thought of what
20 you want, you haven't thought of the consequences
21 of what you want, or we all didn't. I know we
22 didn't on the corridors committee. And that is a
23 real concern to me.

24 One comment was made at the beginning
25 of our work, and that was that the purpose of this
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1 ordinance was to codify enough so that most of the
2 decisions -- or as many as could possibly be
3 done -- were transferred to the staff, did not
4 come to the Planning Commission nor the City
5 Council. When I asked where that directive came
6 from, I got no answer. So, I don't know whether
7 that was your desire, the Council's desire, or a
8 staff desire -- or whether it just sort of popped
9 up from nowhere.

10 But this community has a history of
11 involvement of its people in its planning. And
12 the more that goes to a staff level, as was
13 pointed out by some of the others who spoke prior
14 to me -- the more that goes to the staff level,
15 the less the public is involved. And that's a
16 great concern to me. This is what I've been doing

17 for 30 years, so I'd hate to see that taken away.

18 And here's where a law of unintended
19 consequence comes in. The County did something
20 similar, and what's happened in the County is that
21 there is an appeal process for certain things that
22 the staff is able to approve, but when it gets to
23 the Planning Commission, it's so codified that
24 they have absolutely nothing they can do. So,
25 there's an opportunity to the public to be heard,
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1 but there's the frustration of the Planning
2 Commission not to be able to do a thing about it,
3 and the frustration of the people that -- what did
4 they bother for? And I don't think we want to
5 instill that kind of feeling in our people. So, I
6 would say: Please go back and review that.

7 I was a little surprised, also, to see
8 that what this Zoning Ordinance is trying to do is
9 implement the corridor study. All through the
10 development of that corridor study, I asked at
11 every meeting, "What is the purpose of this? How
12 is it going to fit into the Comprehensive Plan?"
13 And I was always told, "Oh, it's just a study.
14 It's just a study. It's just a study."

15 To see that being what we're
16 implementing is a little alarming, since there
17 were things in that that were of great concern to
18 me. For those who are concerned about where the
19 students are going to park, I have the answer:
20 Cherry Avenue is the only corridor that has
21 parking garages by right. I think they'll park
22 there. We could change it from Cherry Avenue to

23 Garage Boulevard. That is some concern. I've
24 lived there. I can't get out of my house at 8
25 o'clock in the morning, as it is.

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1 And the other big concern I have is
2 that, in order to get a sense of the whole of what
3 this ordinance means, of what those corridors
4 mean, a little more work and a little more
5 discussion needs to take place, because that's
6 what's missing. Thank you.

7 Mr. O'Halloran: Thank you.

8 Francis Fife?

9 MEMBER OF PUBLIC: Mr. Chairman, my
10 name is Francis Fife, and I live at 501 Ninth
11 Street, Southwest. And I will associate my
12 remarks with those of Mr. David Brown, Ben Ford,
13 Nancy O'Brien, and the people from JPA. Thanks.

14 Mr. O'Halloran: Thank you very much.
15 Jeff Bialy? I may have mispronounced that; sorry.
16 Is he here? Is it -- it's B-I-A-L-Y.

17 Okay. Bonnie Riley?

18 MEMBER OF PUBLIC: Hi. I'm Bonnie
19 Riley; I live on 116 Oakhurst Circle. I have been
20 a resident of Charlottesville for 30 years and in
21 my current home for 20. And I truly enjoy living
22 where I do. I want to just echo what my other
23 neighbors have voiced. And they've done it very
24 well, and I just urge you to hear our plea. Thank
25 you.

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1 Mr. O'Halloran: Thank you. James

2 Chang?

3 MEMBER OF PUBLIC: Hi, my name is James
4 Chang. I live at 1612 Rickey Road. And just
5 speaking for myself personally, I understand not a
6 lot of people have spoken on the issue of the
7 adult use shops, adult use stores. And I'd just
8 like to say that I'd like to limit them as much as
9 possible. I believe that one reason why
10 Charlottesville is so appealing to the rest of the
11 country, the rest of the world, is because it's
12 just a nice, small community -- a nice, small
13 city. And I'd like to preserve the family
14 atmosphere of Charlottesville. I'd just like to
15 encourage you -- even though you took it out of
16 this proposed zoning -- that when you take it up
17 again in the summertime, that you give it serious
18 study with all due diligence. Thank you very
19 much.

20 Mr. O'Halloran: Thank you.

21 John Potter?

22 MEMBER OF PUBLIC: My name is John
23 Potter; I live at 1208 Bland Circle. And I'm a
24 board member for the Locust Grove Neighborhood
25 Association. I'm here representing the

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1 neighborhood today. I would like to thank
2 everybody -- the Planning Commission and the
3 staff -- for the great work they've done on the
4 Zoning Ordinance thus far, but I think there are
5 some significant things that need to be changed,
6 still. So, I'd like to speak about protection of
7 creeks and rivers.

8 As you may know, the Rivanna River and

9 Meadow Creek run through our neighborhood. And
10 the creek and the river and the trail system are
11 really one of the things that make Charlottesville
12 a great place to live. So, I have three points
13 related to the protection of creeks.

14 First, construction on steep slopes
15 should be forbidden except with a special use
16 permit. I'm talking about slopes over 25 percent
17 or more. As the city has developed, a lot of the
18 land that's left is really marginal land. It
19 hasn't been built on because it's not very
20 developable. And in our neighborhood, we've had
21 several projects occur on these kind of steep
22 slopes and marginal lands, and they honestly have
23 not been well managed. So, I think requiring
24 special use permits would give the Planning
25 Commission an opportunity to work with the

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1 developer and make sure that the requirements are
2 tailored to the site, both to the physical
3 topography of the site and also to the natural
4 habitat surrounding the site, as well.

5 My second point is that buffer strips
6 should be required along rivers and creeks in the
7 city. The Chesapeake Bay Act gives localities the
8 authority to take any segment of the Bay Act that
9 they wish -- at least for localities to the west
10 of I-95. Basically, the City of Charlottesville
11 could take that as kind of a menu and just pick
12 out things that they wanted in the Chesapeake Bay
13 Act. And I think that just the simple step of
14 requiring buffer strips would do a lot to mitigate

15 the non-point source pollution that's affecting
16 our creeks and rivers.

17 The third point concerns the zoning
18 along River Road. Industrial zoning, industrial
19 use is a very important part of the diversified
20 economy in the city, but I do think that there are
21 concerns besides just economic ones that should
22 come into effect here. So, our neighborhood
23 believes that mixed use zoning should be required,
24 or should be in effect along that stretch of River
25 Road -- number one, because industrial use is not
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1 compatible with the really sensitive nature of the
2 flood plain and riverine habitat. Industrial use
3 would allow truck repair, gas stations, et cetera,
4 by right.

5 Number two: Industrial use is also
6 disruptive to the trail along there. You know,
7 things like the truck repair yard -- there's a lot
8 of erosion and such that really impacts the trail
9 there.

10 And finally, it's just not really the
11 highest and best use of the land. The City should
12 be really trying to expand its tax base, and
13 riverfront property is really pretty special. It
14 really has a lot of potential. And if the City
15 wants to maximize its tax base, I think it could
16 do so by going with mixed use in that area.

17 And then just as one closing thing, I
18 would like to thank the Planning Commission for
19 the special -- or for the zoning -- the
20 designation of parklands in the zoning. That's

21 it. Thank you.

22 Mr. O'Halloran: Thank you.

23 Jay Brown?

24 MEMBER OF PUBLIC: I'm Jay Brown. I
25 live at 110 Shamrock, and I'd like to talk about ⁶⁰

1 the issue along JPA. My comments will be sort of
2 like what other people have said, but I'd like to
3 express them in my own words, if I could. My
4 comments will have to do with the area of JPA from
5 the University up to Fry Springs' corner -- in
6 other words, the proximal region of JPA.

7 I'm opposed to the change to ultra
8 high-density housing along that region. Instead,
9 I'd prefer that we stay at the current R-3 zoning.
10 I have two comments that I'd like to make that I
11 think are relevant there. One has to do with
12 process and the other with the substance of the
13 proposal.

14 Beginning more than three years ago, as
15 has been said tonight, our neighborhood
16 association had a series of meetings organized by
17 city representatives to address the issue of how
18 our neighborhood might be improved. Other
19 neighborhood associations had similar meetings.
20 There were at least six, I'm told, such meetings.
21 They were well attended; there was thoughtful
22 discussion. And I believe I attended every one.
23 My recollection is that nobody ever advocated
24 high-density housing along Jefferson Park Avenue
25 at all. There were two developers who wanted to ⁶¹

1 try the idea in a restricted location very close

2 to the University, but no one advocated it along
3 JPA.

4 After the reports of the neighborhood
5 associations were available, the City organized a
6 set of committees to make recommendations
7 regarding changes to the zoning laws. I served on
8 the zoning committee. Although our committee met
9 several times, I recall no one advocating ultra
10 high density along JPA or what's come to be called
11 University District Zoning.

12 My point is that, despite abundant
13 opportunities to do so, no one has publicly made a
14 case advocating the proposal that is now a part of
15 the draft changes to the zoning code. Neither
16 residents nor the developers have publicly
17 supported University District Zoning along JPA.
18 That leaves -- the zoning along JPA needs a full
19 and public discussion, with advocates and
20 opponents presenting their reasons. And that
21 really hasn't happened.

22 It didn't happen in the neighborhood
23 association meetings; it didn't happen in the
24 zoning committee meeting; and I, despite my
25 interest in the subject and my willingness to come
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1 anywhere and go anywhere to discuss it -- I've
2 been unable to attend a meeting where someone
3 forcefully advocated ultra high density along JPA:
4 the very thing that's now a part of the Zoning
5 Ordinance. It's not been discussed. And the City
6 does its other business this way. The City does
7 its other business in an open and transparent

8 manner, and I think it ought to do so here, as
9 well. I think we should -- I think there should
10 be a thorough discussion of this issue with
11 advocates, if there are any, stating their case
12 and opponents doing so, as well, as I'm doing
13 tonight.

14 The proposed zoning change along JPA is
15 a bad idea because the population density in the
16 proposed region is too high, and there's
17 inadequate provision for parking. We in the city
18 should not take the view that every increase in
19 Uva student population should be met with
20 increased housing density in the existing student
21 area adjacent to the grounds. Inevitably, student
22 housing will spread to adjoining regions of the
23 city and county. Our goal should be to ensure
24 that the changes are met with appropriate and
25 livable solutions for both students and permanent
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1 residents.

2 I don't believe that we, in
3 Charlottesville, are yet to the state where we
4 require the high density that is permitted in this
5 Zoning Ordinance. In some much larger cities,
6 such high density may be appropriate, but I don't
7 believe this is the case in Charlottesville.

8 Now, let me address the parking. We
9 live in a car culture. Nearly everyone in the
10 city either owns a car or wants to own one, and
11 nearly every eligible person drives a car. It's
12 not in the power of the City, the University, or
13 the Commonwealth to change this. Much broader

14 restructuring of society would be required.

15 UVA students bring their cars to town;
16 they need some place to park them, and it is most
17 reasonable that, like everyone else, the students
18 park near where they live. By eliminating or
19 nearly eliminating the requirement for parking in
20 University District Housing, the Zoning Ordinance
21 would create a situation in which students live in
22 one place and park in another. It is my
23 experience that none of the groups above wants
24 this: not the students, developers, or residents.
25 Instead, the proposed zoning -- the City should

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1 require landlords to provide adequate on-site
2 parking for their tenants and enforce the
3 requirement.

4 Mr. O'Halloran: Mr. Brown, can you
5 just wind up, please?

6 MEMBER OF PUBLIC: Okay. I've got to
7 read the last paragraph. Can I --

8 Mr. O'Halloran: You're out of time;
9 I'm sorry.

10 MEMBER OF PUBLIC: All right. Okay.
11 Well, my point is that I advocate leaving the
12 zoning at R-3, and I cite three developments along
13 JPA where that's been the case, and they are very
14 successful developments.

15 Mr. O'Halloran: Thank you very much.
16 Genevieve Keller?

17 MEMBER OF PUBLIC: My name is Genevieve
18 Keller, and I live at 504 North First Street. I
19 concur with many of the comments that have gone

20 before, tonight, specifically those of David
21 Brown, Ben Ford, Jean Hyatt, Nancy O'Brien, the
22 neighborhood preservationists and the river
23 protectionists. I'd like the Planning Commission
24 and Council to know that I've been a member of an
25 informal group of about a dozen citizens who have
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1 been meeting over the last couple of months to try
2 to get our hands around this ordinance and
3 understand it.

4 The City staff has been helpful in
5 answering questions and addressing some of our
6 concerns, but I'd also like to say that there's
7 been a general feeling that this has been too much
8 of a top-down process; that there has been a
9 committee process -- several of our members of the
10 study group participated in the committee process
11 in the beginning but were never given the courtesy
12 of reviewing the draft language before it went out
13 into these more prepared and finished documents,
14 and so, consequently, felt a little bit left out
15 of the process in the middle and at the end when
16 important work was being done.

17 And to me, that indicates that there
18 really hasn't been an appropriate level of citizen
19 involvement to date. And like Nancy O'Brien, I
20 think there is still much work to be done,
21 although you're to be complimented for the hard
22 work that you have done. And I think this truly
23 is a visionary document and can do a lot towards
24 getting us to our goals.

25 I'd also like to say that I think it's

1 going to take a very committed group to implement
2 and enforce this ordinance. Our group has been
3 made up of people who have served in the past and
4 who currently serve on city boards and commissions
5 and who've been active in their neighborhoods,
6 some of whom have professional backgrounds in
7 design and planning, and we've had a hard time
8 understanding it. Some of that may be because
9 it's been in draft form, but we have had some
10 difficulty. There has been no detailed executive
11 summary; we've worked without a table of contents;
12 we've had to make our own handmade index. It's
13 really been a labor-intensive effort to try to
14 understand it.

15 I'm also concerned about the
16 substantial amount of by-right development that
17 limits public notification and review -- and
18 perhaps an over-dependence on staff. Today, I
19 attended a meeting out of town with the
20 Preservation Alliance of Virginia. One of our
21 members who is a Council member in Northern
22 Virginia warned all of us about ordinances that
23 are too developer-friendly. And I do have a
24 personal fear that this is an ordinance that is
25 overly developer-friendly.

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1 In terms of density, I live in an
2 R-1(A) neighborhood, but I live across the street,
3 willingly, from a six-story, 80-unit building
4 that's a condo. As it has transitioned into a
5 majority of rental ownership instead of

6 owner-occupied ownership -- residency; excuse
7 me -- that is starting to have a tremendous impact
8 on our neighborhood, on our street, in terms of
9 traffic and other things. So, I'm certainly
10 empathetic with people on JPA or other places who
11 will start to experience that to a greater degree.

12 I'm also disappointed that the
13 boundaries of the existing historic districts have
14 not been addressed. Some of us were led to
15 believe by staff that that could happen as part of
16 this process, and it has not. And that would
17 necessitate additional public hearings when those
18 are addressed in the future. And it leaves the
19 edges of those districts vulnerable.

20 I'm similarly concerned about the new
21 corridors being enacted without identifying and
22 designating potential historic resources along
23 each one and without the design guidelines and
24 standards being developed and approved before this
25 ordinance goes into effect. There's also no

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1 provision for preservation experience on the
2 Planning Commission. With all due respect, I
3 think that that's something that needs to be
4 addressed. Our corridors are among our most
5 imageable areas; they're full of visible points of
6 identity that both our residents and our visitors
7 use to find their way and to evoke significant
8 memories and experiences of their time in
9 Charlottesville.

10 My returning friends -- and these are
11 not my preservation friends; they're my ordinary

12 friends from high school -- are disappointed that
13 they can't find their landmarks. I had a friend
14 come at Christmas; he couldn't find any of the
15 houses he lived in. He grew up on Jefferson Park
16 Avenue, and he said, "Where's my home?" We need
17 to keep a city that's meaningful to people and not
18 one that's just developer-friendly. We need
19 places that look and feel familiar to all of us.

20 Mr. O'Halloran: If you could conclude
21 your remarks, please.

22 MEMBER OF PUBLIC: I will. A final
23 comment about proper- -- I think that's something
24 that's going to be huge for the city, and I
25 believe that the community needs to understand how
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1 that could politicize the process.

2 Finally, the ordinance points a new
3 direction. We need to be sure that we're ready
4 and that we have all the tools and safeguards
5 necessary to implement it before adopting it in a
6 long process that may be rushed at the end. Thank
7 you.

8 Mr. O'Halloran: Thank you.

9 Elizabeth Sloan?

10 MEMBER OF PUBLIC: Hello. My name is
11 Elizabeth Sloan. I live at 2024 Minor Road. I'm
12 an architect, and I have worked in this city for
13 about 20 years. And my first comment is just -- I
14 think we have a little problem. I know this is
15 bigger print, but it's just so much bigger -- and
16 I also was involved in the process of just trying
17 to keep on top of this.

18 And as an architect, I'm very familiar
19 with the existing Zoning Ordinance. I know it's a
20 change, and change is always hard, but I am
21 finding it to be somewhat cumbersome and difficult
22 to use. And -- I do think there's a great vision
23 behind it, though. And I appreciate that and I
24 wish -- I just would like to second Nancy
25 O'Brien's comments.

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1 And I -- one example of some things
2 that addresses me personally that I have some
3 concerns about is the home occupation, which is
4 now currently, by right, to have a home
5 business -- which I have at home as an architect.
6 And I would need to have a provisional use permit.
7 And I think that's going to have a lot of impact
8 on people. That's an example of things that
9 haven't really been thought all the way through.

10 I noticed, if you look in your little
11 matrix, which is page 84, that this would apply
12 also to the UMD-UHD, which my understanding are
13 the medium and high density, that if you then look
14 at page 213, number 12, it says "all parking in
15 connection with the home businesses, including,
16 without limitation, parking of vehicles marked
17 with advertising or signage for the home business
18 must be in permissible driveways and garage areas
19 on the premises." Well, they only have -- I'm not
20 quite -- I don't really have a handle on the high
21 density, but my understanding is that they have
22 limited parking places.

23 Mr. O'Halloran: Correct.

24 MEMBER OF PUBLIC: So, right there,
25 you've got a problem. So, how are they going to
71
1 get a provisional use, because they don't have
2 parking spaces? So, is everyone who lives in an
3 apartment or someone like myself, who -- we have,
4 I think, two parking places -- so, if I have a
5 client coming, do we have -- I mean, do I have an
6 agreement that they walk to my house?

7 And I just think we need -- I think
8 certain occupations by right have worked fine.
9 Although I know we're going with this and I can
10 see why it's meant to protect the community, but I
11 just -- I can particularly see there are some
12 problems and it just needs to be thought through.

13 Another occupation I'm concerned with
14 are music teachers. We have great, incredible
15 music systems in the public school system here.
16 My children all play string instruments. And we
17 go -- all their teachers are home businesses, but
18 I -- that's my comment on the home business.

19 And just in general, I just say, slow
20 down, do the next last bit of work, because this
21 has been in hand, I think, for 25, 22 years -- 26
22 years? And we're going to see a lot of change in
23 the next 26 years, and just be sure that what
24 we -- the document we're going to be working from
25 works well. Thank you.

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1 Mr. O'Halloran: Thank you very much.
2 Arthur Lichtenberger.

3 MEMBER OF PUBLIC: Hi. My name's Art
4 Lichtenberger. I'm at 2024 Minor Road, and I'm

5 from the Lewis Mountain neighborhood. And I'd
6 like just to start off by taking issue with one of
7 the earlier comments that somehow if more
8 substantive changes are made in the future that
9 somehow it's going to sully the process that's
10 gone before and that somehow the process is
11 complete. I've been involved through my
12 neighborhood association with a number of other
13 neighborhood associations and private citizens and
14 have found this committee and Jim Tolbert to be
15 very receptive to changes and our comments. And I
16 don't see how, at this point in time, that that
17 process should stop. So, I take great issue with
18 that comment.

19 Following on that, it sounds like this
20 Tuesday is the last day we can get comments in to
21 the Planning Commission that will be received and
22 put forth in the process. And I don't quite know
23 what the rush is. Is there some construction
24 going on or some planning going on that requires
25 us to wind down, or does City Council need a vote
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1 on it by a certain time?

2 I think I speak for most of the people
3 in this room who have appreciated that this group
4 has been receptive to changes, and I know there
5 have been a lot of changes in this document -- but
6 as you can see from this evening, that there are
7 people here with issues that still have not been
8 resolved, and since we are going to have this
9 document for quite a long time, I think it's
10 appropriate that we don't set Tuesday as sort of

11 an end date for comments and we don't try to rush
12 this thing to its conclusion.

13 I have just a few more comments, sort
14 of specifics. You may have noticed -- my wife was
15 up here earlier; she had, you know, indexed pages
16 of little stick-ems. These are things that we
17 have read that we're not quite clear on what
18 they're saying, or we may take issue; we'd like to
19 talk to other neighborhood associations, other
20 people and get comments, get back to you. We're
21 probably not going to be able to do that by
22 Tuesday.

23 I have to say I'm very chagrined to
24 realize that there is -- as someone who has
25 opposed parking garages -- that there is -- 74

1 actually a part of this document permits parking
2 garages on Cherry. I don't know anything about
3 it, but the fact that that got by me completely --
4 and I have been following this process for a while
5 and looking at the graphs and downloading
6 documents from the web -- so, we need more time.

7 Two other issues: One, echoing David
8 Brown and a couple other comments, I think of this
9 community being an open community, one where you
10 can come to City Council and come to groups like
11 this, meetings like this, and be heard and at
12 least have your voice heard. You may win or lose,
13 but you know your voice has been heard. And so to
14 hear that there are -- this process at times was
15 perhaps directed to come out with a result where
16 less input in decisionmaking in front of this

17 board, and more staff decisions and more sort of
18 automatic "you get this" or "you don't get this,"
19 is a bit unsettling.

20 I'd also like to comment, finally -- my
21 last remark is on the high density. I appreciate
22 sort of where that is going and that trying to
23 stop the spread and sprawl and, in fact,
24 protecting neighborhoods with that premise -- but
25 it seems that you need to have -- it's sort of a
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1 chicken and egg thing. You know, do you make high
2 density and have people not have cars and then
3 somehow -- then force the issue on finding
4 solutions to the car story, or do you go ahead and
5 find solutions to some of the car issues?

6 I would feel a lot better about this
7 premise if, for instance, UVa and the City were
8 working together to have satellite parking out by
9 the airport or other -- you know, so it's already
10 in the works, and these are where people can park
11 their cars at low cost to sort of encourage them
12 to do this. So, I'd rather see some solutions
13 addressed to the car issue before you start
14 selling -- requiring density housing without
15 appropriate parking. Okay, thank you.

16 Mr. O'Halloran: Thank you.

17 Sean McCort?

18 MEMBER OF PUBLIC: My name is Sean
19 McCort. My primary residence is 721 Shamrock Road
20 in Johnson Village. I have really nothing
21 original to add to the people who have spent a
22 great deal of time and research on their comments.

23 I would like to append myself with people who
24 would like to preserve the community, preserve the
25 neighborhood feel, preserve the family feel. 76

1 I am also concerned that these
2 proposals are a bit too developer-friendly. I
3 realize it's been a long time coming; we've been
4 discussing this for years. But I think there's a
5 question now that needs to be asked -- needs to be
6 asked by every person involved in this process in
7 the Planning Commission, in the City Council, and
8 every resident here -- and is more relevant now
9 than it was a few years ago when this process
10 started. The plans seem to be a way to
11 accommodate an increasing population in our town.
12 And my question is, where is the water going to
13 come from?

14 The developers build on land; we plan
15 for more people; but I haven't heard an
16 intelligent discussion yet, in public, about how
17 we're going to increase the infrastructure and
18 make room for these people -- not just physically,
19 not just by stacking them on top of each other,
20 but by providing the resources that a region is
21 supposed to be able to provide. Thank you.

22 Mr. O'Halloran: Thank you.

23 Ian -- is it McCan? I can't read it.

24 MEMBER OF PUBLIC: McCara.

25 Mr. O'Halloran: Sorry, I couldn't read
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1 the handwriting.

2 MEMBER OF PUBLIC: My name is Ian

3 McCara, 1700 Jefferson Park Avenue. I want to
4 just mention my support of everybody who spoke
5 from the JPA Neighborhood Association. I just
6 wanted to add a little personal point, because the
7 impression I get is that this ordinance is sort of
8 backward-looking rather than forward-looking, in
9 the sense that it sort of already assumes that the
10 JPA area is doomed to become a high-rise slum.

11 And my house was built 70 years ago by
12 a Classics professor at the University. And then
13 many years later, it became a student residence
14 and, of course, it deteriorated. But then before
15 I moved in, it was bought and renovated, and I
16 continued the renovation. Since then, both the --
17 the houses on both sides, which were student
18 residences for many, many decades, have been
19 bought by people, owner-occupiers, and they are
20 fixing these places up. And so now, I think, over
21 the last two years, the number of owner-occupiers
22 on my end of JPA has doubled. It's gone from one
23 house to two houses.

24 But I view this as a -- you know, this
25 is a trend. People want to live in the city. I
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1 know many -- I work at the University; I know many
2 young professors who want to live in the city.
3 They want to live near the University. They can't
4 find houses because most of them are being knocked
5 down and converted into apartment buildings.

6 In many other university towns, either
7 the City or the University actually pays grants to
8 the people to buy houses and gentrify the

9 neighborhoods to provide mixed neighborhoods where
10 owner-occupiers can help keep the neighborhoods
11 up. And I would suggest that this would be an
12 appropriate thing to include in this type of
13 ordinance, rather than simply knock houses down
14 and push owner-occupiers out and replace them with
15 high-rise apartment buildings. Thank you.

16 Mr. O'Halloran: Thank you.

17 Jeremy Caplin?

18 MEMBER OF PUBLIC: My name is Jeremy
19 Caplin. I live in Earlsyville, but I own a number
20 of houses in the Venable neighborhood and the
21 Tenth and Page neighborhood. I would like to
22 speak about -- it's in Area D, that's now going to
23 be called University Medium-Density. It is the
24 beleaguered, yet still holding on Page Street
25 neighborhood, Anderson Street, West Street,

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1 Seventh, Eighth and Ninth Street. That is a
2 viable historic neighborhood. There are houses in
3 there that compare evenly with the houses in
4 Belmont. There are some houses that are bigger.
5 There are houses with beautiful yards, gardens --

6 Mr. O'Halloran: Mr. Caplin, I'm sorry.
7 The area you described is actually not in Area D.
8 The map is confusing, but the actual D is pointing
9 to some other areas adjacent to that.

10 MEMBER OF PUBLIC: What is the zoning
11 there, though?

12 Mr. O'Halloran: It's the same as it is
13 now, R-1(a).

14 MEMBER OF PUBLIC: The same? Well, I'm

15 sorry.

16 Mr. O'Halloran: Never mind.

17 MEMBER OF PUBLIC: I have two degrees,
18 and I misread your map.

19 Mr. O'Halloran: No, the map is
20 confusing. I can see why you would think that.

21 Ray Smith?

22 MEMBER OF PUBLIC: First I would like
23 to express my support, as well, for all the
24 citizens of Jefferson Park Avenue and everything
25 that they've stated.

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1 Secondly, I would like to thank the
2 Planning Commission for removing the adult use
3 section for the moment from the Zoning Ordinance.
4 But the fact that it's just been put on pause and
5 not completely ejected is what brings me up there.
6 Well -- I'll hold on to that for a second.

7 Now, in Charlottesville businesses, an
8 estimated \$2 million a year is currently spent on
9 sexually explicit literature, media,
10 paraphernalia, and nude dancing -- right now.
11 According to a recent survey in the C-ville
12 weekly, 45 percent of respondents use sexual
13 accoutrements and 51 percent view sexually
14 explicit literature or media on a regular basis.

15 Recently, Adelphia started offering
16 sexually explicit movies via pay-per-view. And
17 Adelphia is a megacorporation. Charlottesville's
18 own Sexual Health and wellness Clinic promotes the
19 use of sex toys and erotic videos. The founder of
20 the clinic, Dr. Annette Owens, was recently quoted

21 in another issue of the C-ville Weekly, saying, "I
22 think vibrators, sex toys, lubricants, erotic
23 literature, and videos can all be very good."

24 Now, other cities have sometimes gotten
25 away with legislation that is counter to the

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1 spirit of the First Amendment regarding sexual
2 speech. This doesn't mean that Charlottesville
3 should take advantage of the opportunity. The US
4 Supreme Court did recently uphold Los Angeles'
5 ability to restrict sexual speech by a very thin
6 margin, but remember that the Court saw that case
7 only because the Los Angeles statute was rejected
8 by other courts.

9 Because of the shame associated with
10 sexuality, it's a hot button issue where people's
11 public opinions often contradict their personal
12 and private actions. Regulation of sexual speech
13 is more of a political and cultural issue than a
14 legal one. The courts will need direction from
15 us, the citizens, and the legislative bodies.

16 Now, as one of our municipal governing
17 bodies, you have a responsibility to protect
18 neighborhoods and, as Mr. Tolbert has said, to
19 protect children from public exposure to sexually
20 explicit material; however, you must be
21 proportionate and fair. You should not be more
22 worried about kids being exposed to sexual
23 expression than you are about them being exposed
24 to alcohol and cigarettes -- two other items that
25 only adults can use and purchase. Strippers and

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1 erotic movies don't send kids to the hospital.

2 So, restrictions on access to sexual expression
3 should not be stronger than restrictions on access
4 to alcohol and cigarettes.

5 I encourage you to compare the
6 secondary effects within Charlottesville on
7 neighborhoods of alcohol vendors versus retailers
8 of sexual items. You have that data readily
9 available via your -- via the local police
10 departments: UVA Police Department,
11 Charlottesville, and Albemarle.

12 Now, right here is a petition, over 800
13 strong, signed by Charlottesville citizens,
14 workers, and shoppers, that says, "we, the
15 undersigned, believe that the city of
16 Charlottesville should make no law restricting
17 access to and sale of sexual paraphernalia,
18 sexually explicit literature and media, or sexual
19 entertainment, expression, or artistry involving
20 consenting adults."

21 My strong recommendation is that you
22 discard entirely any adult regulation that is in
23 consideration and replace it with this statement.
24 I want you to be the body that officially states
25 to the citizenry that Charlottesville is an abitar

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1 for expressive freedom, where sexual speech is
2 given the same respect as political speech and the
3 same protection as [Unintelligible] speech.

4 Thanks.

5 Mr. O'Halloran: Thank you.

6 Halsie Blake Scott?

7 MEMBER OF PUBLIC: Hi. My name is

8 Halsie Blake Scott. I own Beyond Video here in
9 Charlottesville. I also am Virginia chapter
10 president of the Video Software Dealers
11 Association and speak in absentia for the video
12 retailers who may not have been able to attend
13 tonight's meeting.

14 I can't really add much to what has
15 just been said, other than the fact that I would
16 encourage you to take this ordinance -- which I
17 think solves a problem that does not exist in our
18 community and never has really existed because of
19 the nature of Charlottesville. It's a
20 self-regulating town.

21 I would also just, you know, basically
22 wrap up by saying that, in the events -- even
23 though the city of Los Angeles has very narrowly
24 supported an ordinance along these lines, the vast
25 majority of ordinances that have passed in various
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1 communities -- as was basically E-mailed to most
2 of you, I believe, by our legislative affairs
3 personnel from the VSDA -- indicating that in most
4 instances where ordinances like these have been
5 passed and been held up to public scrutiny in the
6 courts, that the secondary use effects have
7 basically gone against the communities that have
8 put up these ordinances; that they, in essence,
9 violate free speech rights as well as the
10 secondary effects. I thank you all for your
11 consideration and basically would just ask you to
12 just drop this altogether.

13 Mr. O'Halloran: Thank you very much.

14 SOMEONE UP FRONT: There's one more
15 person signed up.

16 Mr. O'Halloran: Great; thank you. All
17 right. Yes, Allison, you may -- good eyes.

18 MEMBER OF PUBLIC: Thank you. Allison
19 Ewing, 1900 Chesapeake Street. I'm the president
20 of the Woolen Mills Association. We at Woolen
21 Mills have zoning concerns. We have a monoculture
22 of industrial use lurking at the edges of our
23 neighborhood. We have, over many years, expressed
24 our concerns at the industrial uses which are an
25 inappropriate neighbor to single-family homes. 85

1 These uses bring noise, considerable
2 traffic, pollution, and debris to our
3 neighborhood. We thank you all for your recent
4 decision to deny the application for rezoning from
5 R-2 to M-1 on Burgess Lane. Your unanimous
6 decision was very important to us. And I'd also
7 like to thank the majority of City Council who
8 also supported the neighborhood in denying the
9 request for rezoning.

10 As a result of this continual threat of
11 industrial creep, the neighborhood has gathered
12 together and galvanized and are looking at
13 alternative uses for the area currently zoned
14 industrial. And we hope to work with you in the
15 future to transition from junkyards to our vision
16 of a sustainable neighborhood of mixed use, with
17 tree-lined streets; hydrologies that are healthy
18 to habitats; a nice balance of residential,
19 retail, and business uses. And we look forward to

20 working with you towards a better future for these
21 industrial uses. Thank you very much.

22 Mr. O'Halloran: Thank you. Ms. Ewing
23 is the last person signed up.

24 Is there anyone else who wishes to
25 speak?

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1 Yes, Ms. Barnes? Oh, did I pass you
2 by, Nina? I'm sorry. Well, come on up.

3 MEMBER OF PUBLIC: Okay. I'm Nina
4 Barnes with the Jefferson Park Avenue Neighborhood
5 Association. I live at Number 12 Gildersleeve
6 Wood. And I do appreciate all the comments that
7 my neighbors and friends have made about our
8 neighborhood, and I certainly do agree. One thing
9 I would like to say is that I know that I've heard
10 about five stories for apartments, and I
11 definitely do not want five stories. I definitely
12 want three or four. I think five is too high. I
13 know -- well, Brandon Avenue is very close to
14 where I live, and I notice that the language house
15 has built a beautiful brick building that faces
16 right on JPA. And when I think about an apartment
17 building that could go on Brandon Avenue, I think
18 of something like that. It's brick; it's very
19 attractive, and three stories. I'd say three to
20 four. And so that's what I want.

21 The other thing is I know that so many
22 people talk about how important it is for our tax
23 base to be high, and so that's why I think it's
24 been said that the developers want to come in and
25 put so many apartments in. My comment to that is:

1 Let's not make the tax base the sole measure of
2 the city's greatness or the sole measure of its
3 desirability. Thank you.

4 Mr. O'Halloran: Thank you.

5 MEMBER OF PUBLIC: Good evening. I'm
6 Peter Kleeman. I live at 407 Hedge Street. I
7 applaud the Planning Commission and the City's
8 effort to introduce mixed use development, but I'm
9 a little disappointed it's been limited only to
10 corridors. And I look at the proposed zoning map,
11 and I see these huge sea-like areas of yellow,
12 with no opportunity, apparently, for a local
13 grocery store or some other sort of amenity that
14 could keep people from having to do so much
15 driving from their homes to get whether it's milk
16 or bread or a newspaper or whatever else.

17 I see that these are successful
18 businesses in some parts of the town, and the only
19 reason they're there is because they're
20 grandfathered. I think Belmont is one of the
21 neighborhoods that has many successful small
22 businesses. If it's possible, I would like to see
23 some opportunity for the people who might want to
24 start a local business, to either come before this
25 body or some other body and propose that this be

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1 done, and there should be some opportunity.

2 I don't even think there's an
3 opportunity to do that by variance in the current
4 zoning. I'm not sure of that; I haven't looked at
5 it in detail or the legal end of it. But I think

6 that if we look at the fact that people are
7 assumed to walk a quarter of a mile or a half a
8 mile from their homes, and you look at the size of
9 some of these areas, there's a huge number of
10 people who are not able to walk or even maybe
11 bicycle, in many cases, to some amenities that
12 they would use for daily living. And I think
13 that's a shortcoming of the plan. Thank you very
14 much.

15 Mr. O'Halloran: Thank you. Are there
16 other people who wish to speak?

17 okay. I will close the public hearing
18 on the Zoning Ordinance. Just to repeat, for
19 anybody who was not here at the beginning -- there
20 are city staff members out in the hall who are
21 there waiting to answer any individual questions
22 you may have. The next step in this process is
23 that the Planning Commission will have a work
24 session one week from today at 5:30 in the
25 evening, down the hall in the Neighborhood

1 Development Services conference room. And we will
2 go through, point by point, all of the comments
3 that were made this evening. Thank you all for
4 coming.

5 MS. LEWIS: Move to adjourn.

6 MR. BARTON: Second.

7 Mr. O'Halloran: All in favor?

8

9 (Public Hearing adjourned)