

DRAFT MINUTES

CITY OF CHARLOTTESVILLE

PLANNING COMMISSION

TUESDAY, 9 JANUARY, 2007 -- 6:30 P.M.

CITY COUNCIL CHAMBERS

The Regular Meeting of the Planning Commission was held on this date with the following members present:

Mr. Bill Lucy (Vice-Chairman)

Ms. Cheri Lewis

Mr. Michael Farruggio

Mr. Michael Osteen

Mr. Jason Pearson

Mr. David Neuman, Ex-officio, UVa Office of the Architect (arrived 6:51 p.m.)

Commissioners Not Present:

Mr. Jon Fink (Chairman)

Mr. Hosea Mitchell

Staff Present:

Mr. Jim Tolbert, AICP, Director NDS

Ms. Missy Creasy

Ms. Ashley Cooper

Ms. Mary Joy Scala

Ms. Angela Tucker, Development Services Manager

City Council Members Present:

Mr. David Brown, Mayor

Mr. Kendra Hamilton, Vice Mayor

Mr. Kevin Lynch

Mr. Dave Norris

Also Present

S. Craig Brown, City Attorney

Ms. Leslie Beauregard, Budget Manager

REGULAR MEETING

In the absence of the Chair, Mr. Lucy, Vice-Chair, convened the meeting at 6:32 p.m.

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

Mr. Lucy called for matters not on the agenda.

Mr. Peter Kleeman, of 407 Hedge Street, stated he was pleased to see that the agenda has draft times on it now and that the agenda is anticipated to last less than the four to five hours of some previous meetings.

Ms. Andrea K. Weider, of 2331 Highland Avenue, read a prepared statement regarding Biscuit Run and the Granger property. A copy of her statement was provided for attachment to the minutes.

B. COMMISSIONERS' REPORTS

Mr. Farruggio stated the Parks and Rec component of the 250 Bypass Interchange Committee had not met. The MPO Tech Committee had not met either, nor had the Neighborhood Federation. The Parks and Recreation Committee met on 13 December and reviewed the budget proposal which had been submitted by the Director. They had also discussed some Master Plan decisions which need to be made.

Mr. Pearson stated he had attended the Thomas Jefferson Planning District Commission meeting on 4 January. They had reviewed the 2012 Plan to End Homelessness; no action was required at that time. The Downtown Zoning Committee had met and was making progress in coming up with recommendations on how to think about massing of buildings along the Mall as well as Market Street and Water Street.

Mr. Osteen stated the Downtown Zoning Committee would be meeting with the Planning Commission and the Board of Architectural Review on 25 January. The BAR had met 19 December at which time they had reviewed the McGuffey Park project and 201 Avon Street. The Urban Streetcar Task Force met in subcommittees; the next full meeting would be 19 January.

Ms. Lewis stated none of her committees had met since the last Planning Commission meeting. She noted a few of the Commissioners had attended the joint meeting with the County Planning Commission on Biscuit Run; unfortunately traffic was not discussed. Another joint meeting would be held 30 January at 6 p.m. in the County Office Building. She also noted the Planning Awards would be coming up in March.

C. CHAIR'S REPORT

Mr. Lucy stated his committees had not met. He stated the Charlottesville/Albemarle Realtors would be reporting on the annual sales conditions on 10 January. Mr. Lucy had performed a cursory analysis of sales in Albemarle County and noticed the cost of housing per square foot seemed to have gone down by 18 percent since the previous quarter. He stated he had met with the Housing Committee of the Coalition of Churches and Synagogues; the Housing Committee had decided to focus on the rental needs of the population having zero to 30 percent of the median income.

Mr. Neuman arrived during Mr. Lucy's report.

As it was not yet 7 p.m., Mr. Lucy called for the NDS Staff Report.

H. DEPARTMENT OF NDS/STAFF REPORTS

Ms. Creasy hoped nominations for the Planning Awards would be coming in within two weeks. She announced Ms. Ebony Walden had been hired as a Neighborhood Planner. She noted a number of work sessions were upcoming.

Mr. Tolbert also wanted to emphasize the work sessions: 18 January, Joint Planning Commission & City Council Work Session to talk about the Transportation element of the Comprehensive Plan; 23 January, Work Session to discuss the Housing and Environmental chapters of the Comprehensive Plan; and 25 January, Joint Work Session with BAR to discuss Downtown Development.

Mr. Lucy asked Mr. Neuman if he had anything to report.

Mr. Neuman stated the University had begun the Transportation Demand Management aspect of the Grounds Plan. He stated the South Lawn infrastructure phase of development would begin in about three weeks.

D. CONSENT AGENDA

Steep Slope Waiver -- McGuffey Park

Site Plan -- Watson Manor -- 3 University Circle

Amendments to Planning Commission Bylaws

Neighborhood CIP Process Changes

List of site plans and subdivisions approved administratively

Minutes -- December 5, 2006 -- Work session

Minutes -- December, 12, 2006 -- Regular meeting

Minutes -- December 12, 2006 -- Special meeting

Mr. Lucy called the consent agenda. He stated item 4, the Neighborhood CIP Process Changes, had been removed from the Consent Agenda for discussion at the end of the meeting.

Ms. Creasy stated the Master Plan change for McGuffey Park would impact a slope of over 25 percent. The impact was minimal and would contain landscaping. She stated the Watson Manor site plan had been before the Commission a number of times with only one outstanding issue which had been addressed. The Amendments to Planning Commission Bylaws contained information on requiring a certification course for new Commissioners along with a change in meeting time.

Ms. Lewis stated she was glad the requirement for attending the Virginia Planning Commissioners Certification Institute had been added to the Bylaws. She felt the change should be retroactive to include the Commissioners who had joined last fall.

Mr. Lucy asked if there was a motion to approve the Consent Agenda. Mr. Pearson so moved. Mr. Farruggio seconded the motion. Mr. Lucy called the question. The motion carried unanimously.

JOINT PUBLIC HEARINGS

E. JOINT PUBLIC HEARINGS

1. **Charlottesville Capital Improvement Program FY 2008-2012:** Consideration of the proposed 5-year Capital Improvement Program totaling \$72,825,892 in the areas of Education, Economic Development, Neighborhood Improvements, Safety and Justice, Facilities Management, Transportation and Access, Parks and Recreation, Technology, and General Government Infrastructure.

Mr. Lucy also asked Ms. Beauregard to explain why water and sewer projects are not included in the CIP.

Ms. Beauregard stated the Water and Wastewater projects are included in the Utilities CIP and are covered by a separate fund. The general government CIP has a budget of \$15.2 million.

Mr. Lucy called for questions from the Commissioners and City Council.

Mr. Pearson expressed concern that the major Downtown Mall reconstruction was categorized under Transportation and Access since there were significant transportation and access issues in the City. He stated this project seemed to be more about the economic vitality of the City and it was one of the larger pieces of the allocation for Transportation.

Mr. Lucy opened the public hearing.

Ms. Colette Hall, of 101 Robertson Lane, stated the North Downtown Residents Association had received a ten page memo from the City over Thanksgiving week regarding selecting a CIP project with all that entailed and submitting it by 31 March, 2007. She stated that would be difficult to do in the timeframe. She asked if each neighborhood would receive approximately \$20,000 over the three years or would there be larger City projects which would require the funds instead. She also wanted to know how two City-wide representatives would be chosen for the Selection Committee.

Ms. Emily Dreyfus, of 1407 Rutledge Avenue and Chair of the Charlottesville Special Education Advisory Committee, urged the Commission to bring all schools up to ADA compliance as quickly as possible rather than waiting for the proposed funding in years four through six.

Ms. Kannay Hoffman, of 98 Meadowbrook Court and a member of the Special Education Advisory Committee, was grateful SEAC had been included in the process. She urged the Commission and Council to move quickly in reaching full ADA compliance in the schools.

Mr. Daniel Milner, of 98 Meadowbrook Court and a junior at Charlottesville High School, read a prepared statement in support of ADA compliance for the schools based on his personal experience in the public schools.

Mr. Joe Szakos, of 1132 Otter Street, was present in his capacity as the Executive Director of the Virginia Organizing Project. He stated six years was too long to wait for ADA compliance improvements to be made. He stated the Virginia Organizing Project was here to inform the Commission that if these deficiencies were not corrected in a more timely manner, they would be forced to pursue litigation to get the City to comply fully with the ADA in making sure all school facilities are accessible.

With no one else wishing to speak to the matter, Mr. Lucy closed the public hearing and called for comments from the Commissioners.

Ms. Lewis thanked Ms. Beauregard and Mr. Davidson for their hard work on the CIP. She supported approving the plan. She felt they had an obligation to the City to tie these projects in with more strategic goals.

Mr. Osteen stated Mr. Milner had been a compelling speaker.

Mr. Pearson seconded Ms. Lewis' commendation of the staff who had prepared the report.

Mr. Farruggio echoed Mr. Pearson's statement. Mr. Farruggio stated the ADA was of paramount importance.

Mr. Lucy stated Education was a lump sum to schools to cover several programs. Ms. Beauregard explained there was a School CIP Committee which prioritizes the projects that need to be done within the dollar amount allotted; ADA improvements were included within those projects.

Mr. Osteen expressed a desire to know how the projects had been broken down so as to accelerate the ADA compliance.

Mr. Lucy called for comments from Councilors.

Mr. Norris stated there had been a substantial surplus from the FY 06 budget which was partly allocated to the CIP. He wanted to know how those funds would be allocated. Ms. Beauregard stated those were not yet programmed for anything. Mr. Norris asked if a plan came before City Council to expedite some of the ADA requirements those surplus funds could be allocated. Ms. Beauregard agreed they could.

Mr. Lynch reminded everyone the School CIP was being funded an additional \$1.2 million per year through one percent of the meals tax. Currently this was being used to repay a bond for the renovation of CHS.

Ms. Lewis moved they recommend to Council the adoption of the CIP program FY 08-12 as presented by Staff. Mr. Pearson seconded the motion. Mr. Pearson asked if it could be sent to Council with the recommendation to look at the Transportation and Access issue he had raised earlier. Ms. Lewis accepted as a friendly amendment that Council heed the discussion topics including the ADA modifications to schools and the observation of Mr. Pearson regarding non-traffic appropriations. Ms. Creasy called the roll. The motion carried unanimously.

2. SP-07-01-01: (112 West Market Street) An application for a special use permit for a shelter care facility on the property at 112 West Market Street. This proposal would allow for the use of this building as a day center for the homeless. The Downtown Historic zoning classification allows for a shelter care facility by special use permit. This property is further identified on City Real Property Tax Map 33 as parcel 254, having approximately 128 feet of frontage on West Market Street and 120 feet of frontage on First Street NW and containing approximately 14,157 square feet of land or 0.325 acres. The general uses called for in the Land Use Plan of the Comprehensive Plan are for Mixed Use. Report prepared by Ashley Cooper, Neighborhood Planner.

Ms. Cooper gave the staff report. She provided the Commissioners with a property survey which had been submitted earlier in the day. This property was part of the Downtown Historic District. The building has been used by First Christian Church since 1897. The applicant seeks to convert the lower level to a shelter care facility to be used as a day haven for the homeless. According to City Code, shelter care

means a building, or portion thereof, used for the provision of emergency overnight shelter for homeless, indigent and other disadvantaged persons, and associated services, such as: crisis intervention, counseling, service referral, hotline, and similar social service functions. Ms. Cooper stated there would be no overnight shelter provided as this was strictly for daytime use. The property is in the Downtown Mixed Use Corridor; this is also an historic overlay and is within the Downtown Parking Exempt area. Two parking spaces exist for the site and will be kept; no additional parking is planned. The applicant is planning to adaptively reuse the historic structure. The exterior will remain the same. There will be extensive interior renovations. The Building Code Official found that minor changes were required for safety and accessibility. No public comment had been received. The application did not clarify hours of operation; this was needed. Staff recommends approval.

Mr. Lucy called for questions from Commissioners.

Mr. Osteen sought clarification of the primary entrance. Ms. Cooper stated there would be two entrances. The accessible entrance would be off Market Street.

Ms. Lewis sought clarification of what was covered by the Special Use Permit. Ms. Cooper thought it covered the entire building although the applicant only proposed the Special Use for the lower level. Other by right uses were proposed for the upper level. The City Attorney stated there was precedent for limiting the Special Use Permit to a discrete portion of the property.

Mr. Lucy called for questions from City Council.

Mr. Brown sought clarification that the property would be limited to day shelter and not overnight as provided by the definition. Ms. Cooper stated that was going to be added as a specific condition of the Special Use Permit.

Mr. Lucy recognized the applicant, Shady Acres, LLC.

Mr. Stuart Rifkin, of 2605 Northfield Road, was present along with Mr. Fred Wolfe, of Wolfe Ackerman.

Mr. Wolfe stated his firm was retained to do preliminary design concepts and feasibility studies. In answer to Ms. Lewis, he stated there would be office spaces on the upper level of the building. There would be no program space on any other level. Mr. Wolfe had nothing to add to the staff report.

Mr. Lucy called for questions of the applicant's representatives.

Ms. Lewis expressed appreciation for the survey which had been provided.

Ms. Lewis sought clarification of the hours of operation. Mr. Eric Spear, of 511 North First Street, the project coordinator for Compass Day Haven, stated they anticipated the hours to reflect daylight hours in an attempt to echo and complement the services of the Salvation Army food programs, the PACEM van and other service companies. The latest the facility would close was 8 p.m. Mr. Pearson sought clarification of an estimate of hours of operation as the Commission would be conditioning the Special Use Permit. Mr. Spear suggested 7 a.m. to 7 p.m.

Mr. Page Williams, Esquire, of Feil, Pettit & Williams, was present on behalf of Shady Acres LLC. He stated the sanctuary of the building is anticipated for community use and may require extended hours for programs or presentations. The annex portion would have office hours.

Mr. Lucy opened the public hearing.

Mr. Peter Loach, of 1620 Rosehill Drive, Deputy Director for Piedmont Housing Alliance and member of the Thomas Jefferson Area Coalition for the Homeless, stated he was excited about this possibility.

Mr. Jim Barnes, of 1607 Greenleaf Lane, read a statement of support from residents of the Queen Charlotte condominiums.

Ms. Colette Hall, of 101 Robertson Lane, President of the North Downtown Residents Association, stated the applicant had asked to speak with the Neighborhood Association at the December meeting; however, they ran out of time to meet prior to Planning Commission. She stated he was scheduled to speak at the January Board meeting. At this point she did not know if the neighborhood would favor this project.

Mr. Marsh Graffilli, of 511 North First Street, spoke in favor of the proposal. He stated COMPASS had made remarkable progress since its inception.

Ms. Beth Elliott, of 1640 Rio Hill Drive, Apartment 102, stated she worked part time for PACEM and was on the Board of COMPASS. She thought this could solve a lot of problems for Lee Park.

With no one else wishing to speak to the matter, Mr. Lucy closed the public hearing and called for comments from the Commissioners.

Mr. Farruggio stated he had some reservations about what he saw as problems. However, he also saw the great need and opportunity here. He stated this was an incredible adaptive reuse of the building. He felt the hours of operation of 7 a.m. to 7 p.m. were reasonable. Overnight stays should be prohibited. He also felt the shelter should be limited to the lower level. He also felt CPTED (Crime Prevention Through Environmental Design) criteria should be considered to include orienting the entry toward Market Street.

Mr. Pearson concurred with Mr. Farruggio; however, he did not see a need to include the CPTED criteria. Mr. Farruggio clarified he had not meant to make CPTED a stipulation.

Mr. Osteen stated this was a win/win proposition. He applauded the project.

Ms. Lewis felt the adaptive reuse honored the past of this building.

Ms. Cooper expressed concern that the project was limited to the Market Street entrance as this type of use required two means of egress.

Mr. Farruggio moved to recommend approval of this application to allow a Special Use Permit in the Downtown Corridor Mixed Use District for the shelter care facility at 112 West Market Street with the following conditions: the hours of operation would be limited to 7 a.m. to 7 p.m.; overnight stays would be prohibited; the shelter would be limited to the lower level only, excluding office space; and the primary entrance would be designated towards Market Street. This approval is based on the finding that the proposal meets the criteria for the Special Use Permit and would serve the interests of the General Public Welfare and good Zoning practice. Mr. Osteen seconded the motion. Mr. Lucy congratulated the people involved in the project. Ms. Creasy called the roll. The motion carried unanimously.

3. **ZT-07-01-02:** An ordinance to amend and reordain Section 34-480 of the Code of the City of Charlottesville, 1990; an amendment in the Zoning Ordinance to allow health clinics of all sizes and public health clinics as a by right use in the B-1 Business Zoning classification.

Ms. Creasy gave the staff report. Health clinics and public health clinics had been allowed by right prior to 2003; in the ordinance change, they were not allowed at all.

Mr. Lucy called for questions of staff.

Mr. Lucy opened the public hearing. With no one wishing to speak to the matter, Mr. Lucy closed the public hearing and called for comments.

Ms. Lewis stated she would support approving health clinics up to 10,000 square feet g.f.a., health clinics up to 4,000 square feet g.f.a. by right, and public health clinics with no g.f.a. by Special Use Permit. She then so moved. Mr. Farruggio seconded the motion. Ms. Creasy called the roll. The motion carried unanimously.

Mr. Lucy called for a brief recess at 8:48 p.m. He reconvened the meeting at 8:55 p.m.

REGULAR MEETING ITEMS (Continued)

F. PRELIMINARY ENTRANCE CORRIDOR REVIEW BOARD DISCUSSION

2307 Hydraulic Road -- Potential use as a Television station

Ms. Scala gave the staff report. Gray Television Studio is seeking to move from Elliott Avenue to Hydraulic Road. The site consists of a vacant one-story brick commercial building and a parking lot. They have not yet made application. They would like to know if they will be able to locate satellite dish equipment before a decision is made about purchasing the property. A two-story building would be built on the south side of the existing building which would hide the dishes. Staff feels the proposed addition and satellite equipment could be made compatible with the Entrance Corridor standards and guidelines.

Mr. Lucy called for questions for staff. There were none.

Mr. Roger Burchett, Vice President and General Manager of Gray Television, stated they had four stations operating from their location. He stated the Hydraulic Road location would be great for Gray Television.

Ms. Valerie Long, Esquire, of Williams-Mullen, stated they would come forward at a later date with an official application and site plan. They wanted to be sure this was a location which could be approved. The plan shows storm water management plan that may not be needed.

Mr. Jim Grigg, of Daggett & Grigg Architects, stated the studio would be on the first floor and would have a 20 foot ceiling.

Mr. Lucy called for questions of the applicant.

Mr. Pearson wanted to know if abutting landowners had been notified. Ms. Long stated Mr. Burchett had been in contact with the President of the Neighborhood Association; the plan was to have an official meeting with them.

Mr. Osteen wanted to know if there were technical requirements which would keep the dishes off the roof. Ms. Long did not know of any.

Mr. Osteen wanted to know if all nine dishes would be identical. Mr. Burchett stated there would be no more than a half meter difference between them.

Mr. Lucy called for comments.

Ms. Lewis thanked the applicant for staying in the city.

Mr. Farruggio suggested they maintain the scale of the building and space while masking the utilitarian nature.

Mr. Pearson stated that, although he recognized the role of the Planning Commission in upholding the Code as written, he was not convinced that masking the utilitarian should be a design principle.

Mr. Osteen thought the applicant had a difficult design challenge. He would be in support of this project.

CONSENT AGENDA

Neighborhood CIP Process Changes

Ms. Tucker gave the staff report. The current CIP was being modified from individual neighborhood programs to city-wide approach. Discussions had been held with the neighborhoods. There were concerns about the project manager and funding. Each neighborhood would be allotted \$20,000 per three year period.

Mr. Lucy stated this had been pulled from the consent agenda because he had concerns about this approach as it added up to too little money and too much time for both neighborhood and staff. He stated it was important to decide who was on the selection committee. He felt the amount of policy making fire power should be embedded earlier in the CIP process.

Mr. Tolbert stated there had been a lot of interest from the Councilors about the selection committee.

Mr. Lucy stated he was unable to serve on the Steering Committee.

Mr. Farruggio agreed with Mr. Lucy. He thought long term planning was the way to go. Mr. Farruggio volunteered to serve on the committee in Mr. Lucy's place. He felt the neighborhood CIP evaluation and criteria scoring should be identical to the larger CIP.

Mr. Farruggio suggested they move this to a Board of four neighborhood representatives from Neighborhood Associations and two City Staff members to utilize the criteria scoring sheet and make recommendations to the Planning Commission to approve; he further asked that the criteria scoring sheet is modified before that occurs. Ms. Lewis stated she would second that even though it wasn't a motion. Ms. Lewis stated it could be any City Staff during each process. Mr. Farruggio agreed with that friendly amendment. Mr. Lucy asked if this was a motion. Mr. Farruggio stated he would make it a motion and clarified that there would be four representatives from the Neighborhood Associations, using a modified criteria scoring sheet, and two City Staff members from NDS. Ms. Lewis seconded the motion. Ms. Creasy called the roll. The motion carried, 4-0-1; Mr. Pearson abstained.

Mr. Farruggio moved they adjourn until the regular meeting, February 13, at 5 p.m. Ms. Lewis seconded the motion. The motion carried unanimously whereupon the meeting stood adjourned at 9:55 p.m.