

DRAFT MINUTES

CITY OF CHARLOTTESVILLE

PLANNING COMMISSION

TUESDAY, 9 OCTOBER, 2007 -- 5:30 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 (Chairman)

Mr. Michael Farruggio (Vice-Chairman)

Ms. Cheri Lewis

Mr. Hosea Mitchell

Mr. Michael Osteen

Commissioners Not Present:

Mr. Jason Pearson

Mr. Jon Fink

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

Staff Present:

Mr. Jim Tolbert, AICP, Director NDS

Ms. Missy Creasy

Mr. Brian Haluska

City Council Members Present:

Mr. Kevin Lynch

Mr. Dave Norris

Mr. Julian Taliaferro

Also Present

Richard Harris, Deputy City Attorney

II. REGULAR MEETING

Mr. Lucy convened the meeting at 5:31 p.m. He stated the site plan and entrance corridor review for Item G, Gray Communications, had been deferred.

A. COMMISSIONERS' REPORTS

Mr. Mitchell had nothing to report.

Ms. Lewis had nothing to report.

Mr. Osteen stated the BAR had met and dealt with a number of issues, but nothing that was of concern to the Planning Commission.

Mr. Farruggio stated the Parks and Recreation Advisory Board had met and spoke about economic development opportunities and property values related to the amount and quality of parks and recreation space, and how the City fit in with the amount of park space in Charlottesville compared to other areas. He stated there had also been a special meeting to discuss pools. Mr. Farruggio stated the MPO Tech had met and talked about the Lewis and Clark grant application for an additional grant for the Lewis and Clark Exploratory Center in Darden Towe Park. The MPO Tech Committee also talked about the Blue Ridge Tunnel Greenway. Mr. Farruggio also attended the 250 Interchange meeting at which there was a review of the draft environmental assessments in the 4F evaluations which showed the interchange within guidelines.

B. CHAIR'S REPORT

Mr. Lucy stated he would give his report at the end of the meeting.

C. DEPARTMENT OF NDS/STAFF REPORTS

Ms. Creasy introduced the new Neighborhood Planner, Mr. Nick Rogers. Ms. Creasy reminded the Commissioners that the Capital Improvement Plan budget forum would be 20 October from 10 o'clock till 12 at Buford. She stated the Planning Commission Retreat would be 10 November at Camp Holiday Trails from 8 until 3.

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

There were no matters from the public.

E. CONSENT AGENDA

1. List of site plans and subdivisions approved administratively
2. Road Plans -- Evangeline Subdivision -- Bolick Court Road Plans (off 100 Block of Harris Road)
3. Minutes -- September 11, 2007 -- Regular meeting
4. Minutes -- September 17, 2007 -- Work session
5. Minutes -- September 25, 2007 -- Work session

Mr. Lucy stated Item 2, the Evangeline Subdivision road plans, would be moved to the active agenda.

Mr. Farruggio asked that the 11 September minutes be changed as follows: Page 3, second paragraph, reflect that he had stated the overwhelming commitment to increase both pedestrian and bicycle connectivity to the park. Page 8, last paragraph, reflect that he had added the ability to make the larger lots smaller, increasing the density and looking for planning strips for larger shade trees.

Ms. Lewis asked that the 17 September minutes be changed as follows: Page 2, under Development Incentives, add a waiver of real estate taxes during the development process.

Ms. Lewis stated she would abstain from voting on the 25 September minutes as she had not been present for the meeting. However, she had sent some changes to Staff earlier.

Ms. Lewis moved to approve the minutes of September 11th, 17th, and 25th and the site plans and subdivisions approved administratively during the month of September. Mr. Farruggio seconded the motion. Mr. Lucy called the question. The motion passed with Ms. Lewis abstaining from voting on the minutes of 25 September.

F. STEEP SLOPE WAIVER

1. Brookwood Phase V

Mr. Haluska gave the staff report. A similar application was before the Commission in August and was denied. The applicant has redesigned the site since then. The applicant took one lot to create a pocket park; this aids in the storm water issues for this portion of the site. There are four findings to support a waiver; an application need only meet one. Staff feels this application meets finding 2 and finding 4. The steep slope ordinance is designed to protect streams and critical slopes.

Mr. Lucy called for questions of Mr. Haluska.

Mr. Mitchell wanted to know what was different between this submittal and the August submittal. Mr. Haluska stated this submittal included the pocket park and the reduction of one home.

Ms. Lewis wanted to know if the rain garden had been in the prior submittal. It had not.

Mr. Mitchell sought clarification that denial of this application would still allow the applicant to build the houses by right at the base of the retaining walls. Mr. Haluska confirmed this and added the applicant would have to reconcile the grading.

Mr. Lucy recognized the applicant.

Mr. Keith Lancaster, of 1613 Meadowbrook Heights Road, and Mr. Charlie Armstrong, of Southern Development, were present. Mr. Armstrong stated the plan was similar to the previous submittal as far as unit layout. One unit was eliminated from the top of Ridge Street. Along with the park and rain garden additional landscaping had been added to help with runoff.

Mr. Farruggio wanted confirmation that CPTED practices were in place so police coming down the street would be able to see anyone hiding in the park. Mr. Armstrong stated they would.

Mr. Lucy called for comments.

Mr. Mitchell stated he was comfortable with this because it addressed issues that had not been addressed in the original proposal.

Ms. Lewis concurred with Mr. Mitchell. She stated she would support approving this waiver on findings 2 and 4.

Mr. Osteen thought the applicant was doing a lot of things right. However, he felt breaking Brookwood into parts, a lot of problems were forced from one phase to another.

Mr. Farruggio stated he agreed with Mr. Mitchell on some points and with Mr. Osteen on others.

Ms. Lewis stated she looked at the application and thought if it was not granted, the applicant still had the by right development.

Mr. Lucy stated the steep slope ordinance was intended to cope with run off issues and erosion issues; the City Engineer's office had judged that this application would accomplish that result.

Ms. Lewis moved to approve the steep slope waiver for Tax Map 25A, Parcel 41, Brookwood Phase IV [sic] on the grounds that the alternative proposed would satisfy the purposes and intents of the critical slopes provision of 34-1120(5)(a) of our Code, at least to an equivalent degree. Ms. Lewis corrected her amendment to reflect this was for phase V. Mr. Mitchell seconded the motion. Mr. Farruggio expressed his agreement with Ms. Lewis' assessment. Ms. Creasy called the roll. The motion passed, 4-1; Mr. Osteen voted against.

Mr. Lucy called for a brief recess; the meeting stood at recess at 6:23 p.m.

Mr. Lucy reconvened the meeting at 6:33 p.m.

G. GRAY COMMUNICATIONS

1. Site Plan

2. Entrance Corridor Review

These items were deferred by the applicant.

While waiting for a quorum of Councilors, Mr. Lucy called item 2 from the Consent Agenda.

E. Consent Agenda, continued

2. Road Plans -- Evangeline Subdivision -- Bolick Court Road Plans (off 100 Block of Harris Road)

Mr. Haluska gave the staff report. The project had been platted 12 years ago and the applicant wanted to know what was needed to get the development moving. Staff had informed them the road plans needed to be brought up to the current engineering standard. The plans went through several reviews. Staff searched through the Planning Commission minutes to make sure the subdivision had been approved by the Commission at some point. There had been five conditions of approval. Two of the conditions had been for a median as well as a planter in the middle of the cul-de-sac; these items did not meet the current engineering standard.

Mr. Lucy interrupted the Staff report to note a quorum of Councilors was now present.

III. JOINT PUBLIC HEARINGS

H. JOINT PUBLIC HEARINGS

ZT-07-09-22: (Conditional Zoning Ordinance) An ordinance to amend and re-ordain §§ 34-61, 34-62, 34-64 and 34-1200 of the Code of The City of Charlottesville, 1990, as amended (Zoning Ordinance), to

allow the City Council to adopt reasonable conditions proffered in conjunction with rezoning applications, in accordance with Virginia State Code §15.2-2303. The 2007 amendments to the Virginia Code give localities such as the City of Charlottesville the option to adopt the conditional zoning authority granted under Virginia Code §15.2-2303 rather than Virginia Code §15.2-2298. An ordinance utilizing the provisions of Virginia Code §15.2-2203 would grant the City greater latitude concerning the types of conditions, or proffers, that may be accepted from property owners in conjunction with rezoning applications.

Ms. Creasy gave the Staff report. A change was made in the 2007 legislation which allowed the City to use a different code pertaining to proffers which would give a little more latitude in the items which could be accepted. Staff recommended approval as this would be a first step in moving forward in proffers.

Mr. Lucy called for questions of Ms. Creasy.

Ms. Lewis wanted to know how Charlottesville was defined under 15.2-2303. Mr. Harris, stated the city was adjacent to or completely surrounded by a county wherein the urban county executive form of government is in effect.

Mr. Lucy opened the public hearing. With no one wishing to speak to the matter, he closed the public hearing.

Mr. Lucy called for comments from the Commissioners.

Mr. Farruggio moved that they adopt the conditional zoning granted under Virginia Code §15.2-2203 [sic]. Ms. Lewis offered a friendly amendment that it should be 2303. Mr. Farruggio accepted the amendment. Ms. Lewis seconded the amended motion. Ms. Lewis offered a friendly amendment that the changes would occur in City Code Sections 34-61, 34-66[sic], and 34-1200. Mr. Farruggio accepted the amendment. Ms. Lewis corrected her friendly amendment to be Sections 34-61 et seq. through 34-66 and 34-1200. Mr. Farruggio accepted the amendment. Ms. Creasy called the roll. The motion carried unanimously.

IV. REGULAR MEETING ITEMS (Continued)

I. PRELIMINARY DISCUSSION

1. Westwood/Rose Hill Rezoning

Ms. Creasy gave the staff report. This would be before the Commission at the November meeting. The applicant seeks to change from R-1 Residential to B-1 Commercial. The applicant was proposing a professional office on the top layer of the building and an accessory apartment to be maintained in a lower level.

Mr. Lucy called for questions of Ms. Creasy.

Mr. Farruggio wanted to know if there were any sidewalks. There were not, but the applicant would be required to show them in the site plan.

Mr. Scott Collins, the applicant's engineer, was present. He explained there was a tree in the front yard which was ready to die and would need to be removed.

Mr. Lucy called for discussion.

Mr. Farruggio felt it was problematic that the business aspect would be facing Rosehill while the house was facing Westwood. Making a permanent change to the neighborhood would require some mitigation for the neighborhood in the form of the sidewalks; just because there weren't any currently did not mean they were not needed. Connectivity within the City required sidewalks to be put in. Mr. Farruggio's three base issues were the sidewalks, trees, and the building façade facing Rose Hill Drive.

Mr. Osteen endorsed Mr. Farruggio's comments about the sidewalks. He expressed concern about leaving a dead front door facing onto Westwood. Mr. Osteen stated parking for the business should be off of Rosehill and not Westwood as shown; bringing in a parking lot onto the residential street was problematic.

Ms. Lewis shared Mr. Osteen's reaction to the shared commercial entrance off of Westwood. She thanked the applicant for the proffers of limitation on the uses and the maintenance of the open space.

Mr. Mitchell did not see a potential for expanding sidewalks beyond this site.

Mr. Lucy felt the sidewalk on Rosehill was important. He felt it was very important that the access to the parking be off Westwood for safety reasons.

Mr. Collins stated the applicant would be more than glad to proffer any provisions that would be strict and not allow commercial vans or any types of trucks like that to be parked on the property.

E. Consent Agenda, continued

2. Road Plans -- Evangeline Subdivision -- Bolick Court Road Plans (off 100 Block of Harris Road)

Mr. Haluska continued the staff report. The original plan could not be approved because it did not meet current standards. The current plan could not be approved because it did not meet two of the conditions of approval which caused the original plan to not meet standards. Staff recommends a set of plans that were developed against current observable regulations.

Mr. Farruggio wanted to know if planting strips could be put on either side of the road since there was to be no center median.

Mr. Osteen expressed a preference for the 1995 plan. However, since that did not seem possible, he saw Mr. Farruggio's proposal as a nice compromise.

Mr. Haluska stated the applicant was interested in getting approval as soon as possible and was not interested in redesigning the site further.

Ms. Lewis stated it was the applicant's delay in development that had caused the situation. The lapse in time has made this a complicated and vexing matter both procedurally and substantively.

Mr. Farruggio expressed concern that this item had not been publicly noticed.

Ms. Lewis found a difficulty procedurally in that the Commission was being asked to override another Planning Commission's decision especially without knowing what had caused that Commission to impose the conditions.

Mr. Farruggio moved that they should allow Staff to administratively approve the supplemental drawings in accordance with applicable law; he wished to remove conditions 2 and 3; Staff could comply with condition 1 and approve the new compliant plan; he would also like staff to attempt to meet with the applicant and stress the Commission's concern and ask them if they would put planting strips on both sides and larger shade bearing street trees along the entire 150 foot length; that if the applicant had any questions or would like to meet with any Planning Commission members, the Commissioners would embrace the opportunity to meet with them to discuss it. Mr. Osteen seconded the motion. Ms. Creasy called the roll. The motion passed, 4-1; Ms. Lewis voted against.

B. CHAIR'S REPORT

Mr. Lucy brought the Commission up to date on the CIP ranking process. The ranking process has not included any consideration of dollars or priorities in a monetary sense. The strategic vision always got a full number of votes. The next stage of the process will emphasize prioritizing with dollar figures in mind. Mr. Pearson has volunteered to serve on the Committee.

Mr. Lucy stated the most recent joint City/County meeting had addressed transportation and land use issues.

Mr. Lucy reminded the Commissioners of an invitation to an Architectural Planning Studio at the University of Virginia on 19 October for a replanning and design of Seminole Square.

J. OTHER ITEMS

Ms. Creasy provided the Commissioners with a copy of the draft subdivision ordinance which was on the 23 October work session agenda.

Mr. Farruggio made a motion to adjourn until the second Tuesday of November. Mr. Lucy adjourned the meeting at 8:11 p.m.