

DRAFT MINUTES

CITY OF CHARLOTTESVILLE

PLANNING COMMISSION

TUESDAY, 8 JANUARY, 2008 -- 5:30 P.M.

CITY COUNCIL CHAMBERS

Commissioners present:

Mr. Bill Lucy (Chairman)

Mr. Michael Farruggio (Vice-Chairman)

Ms. Cheri Lewis

Mr. Hosea Mitchell

Mr. Michael Osteen

Mr. Jason Pearson

Ms. Genevieve Keller

Mr. Andrew Green, Ex-officio, UVa

Staff Present:

Mr. Jim Tolbert, AICP, Director NDS

Ms. Missy Creasy

Mr. Brian Haluska

Mr. Nick Rogers

Mr. Read Brodhead

Ms. Ebony Walden

City Council Members Present:

Mr. Dave Norris, Mayor

Mr. Julian Taliaferro, Vice Mayor

Mr. David Brown

Ms. Holly Edwards

Mr. Satyendra Huja

Also Present

Mr. Richard Harris, Deputy City Attorney

II. REGULAR MEETING

Mr. Lucy called the meeting to order at 5:32 p.m. He welcomed Mr. Andrew Green who was present as the ex officio member.

Mr. Lucy noted two items on the agenda had been deferred: the steep slope waiver for Davis Avenue and ZM—07-09-23 the Hill and Center PUD.

A. COMMISSIONERS' REPORT

Mr. Mitchell stated there were funds remaining in the Housing Fund and City Council had asked the CDBG Task Force to look at the remaining applications and make a recommendation to Council.

Ms. Lewis had attended the December UVA Master Planning Council meeting where regional issues were discussed.

Mr. Osteen stated the BAR had met and held a preliminary discussion on the renovation of the Downtown Mall. The BAR had also had a preliminary discussion on the development of 100, 102, 104 Oakhurst Circle. Mr. Osteen stated the Streetcar Committee would be meeting on 11 January to review a report to be brought before City Council. The Downtown Design Issues Committee would also be meeting 11 January.

Mr. Farruggio stated the Neighborhood Federation did not meet in December; neither had the 250 Interchange Committee, the Eastern Connector Committee, nor the MPO Technical Committee. However, the 250 Interchange Committee had sent for review the improvements to the Vietnam Veterans Memorial. The Parks and Recreation Advisory Committee met and welcomed a new member, Sean McCord.

Mr. Pearson stated the Thomas Jefferson Planning District Commission met on 3 January and had received a report from the Rivanna Water and Sewer Authority on the status of water supply planning for the region. The TJPDC is also in the process of planning a public observation in April of the unveiling of UnJAM 2035.

Ms. Keller attended the monthly meeting of the City Historic Resource Committee where discussion focused on encouraging opportunities for referencing local history in both public and private projects.

Mr. Green stated the University was close to wrapping up the Grounds Plan.

B. CHAIR'S REPORT

Mr. Lucy noted the recent City Council meeting at which Council received a report on the condition of sanitary sewers and stormwater sewers.

Mr. Lucy stated he had tendered his resignation as a member of the Planning Commission effective in March due to a sabbatical for the University. He had asked Ms. Lewis and Mr. Osteen to serve as the nominating commission to nominate a new Chair.

C. DEPARTMENT OF NDS/STAFF REPORTS

Ms. Creasy stated there would be a work session 22 January to discuss stream buffers, flood plains, and proffers.

Mr. Tolbert provided the Commissioners with a copy of the water and sewer work report which Council had received. He also provided the Commissioners with a copy of the letter he had submitted to the Chair of the Albemarle County Planning Commission raising concerns about a development on Old Lynchburg Road which was requesting a steep slopes waiver and an access waiver. Mr. Tolbert noted there were two vacancies on the Planning Commission which would need to be filled.

D. ANNUAL PLANNING AWARDS -- Additional Nominations and Selections

Ms. Creasy stated ballots were still being turned in and the awards would be presented at the next meeting.

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

Mr. Lucy called for matters by the public not on the agenda. There were none.

F. CONSENT AGENDA

1. List of site plans and subdivisions approved administratively

2. Minutes -- December 11, 2007 -- Pre-meeting

3. Minutes -- December 11, 2007 -- Regular meeting

4. Minutes -- December 17, 2007 -- Work session

Mr. Lucy called for a motion to approve the consent agenda. **Mr. Farruggio so moved. Mr. Pearson seconded the motion. Ms. Lewis stated she had some changes to the minutes which she would send to staff. The motion carried unanimously.**

G. SITE PLAN

1. Grove Square -- Roosevelt Brown Boulevard and Grove Street

Ms. Walden gave the staff report. This is a preliminary site plan approval. A steep slope waiver for this property had been approved at the December meeting. The site currently contains a surface parking lot and an office building. The current site plan proposes to demolish the building and the surface lot to construct a 113,500 square foot office building and parking garage with 928 spaces. The prevailing issues of the application are the height, scale and massing. However, this is a by right development. The curb cut width will need to be addressed and redesigned. Staff recommends approval.

QUESTIONS FOR STAFF:

Mr. Farruggio wanted to know if any changes had been made based on the concerns and comments that had been passed on by the Planning Commission. Ms. Walden did not know of any.

Ms. Keller wanted to know if the neighbors had expressed any concern about the lighting and the effects on the night sky. Ms. Walden stated most of the concerns had been about the height and scale of the building.

Ms. Lewis commended Staff for working with the applicant on this complex project.

Mr. Lucy recognized the applicant.

Ms. Valerie Long, Esquire, of WilliamsMullen, was present on behalf of the applicant. Ms. Long explained that the final site plan would address the concerns and comments of the Commissioners. She stated they would be happy to reduce the curb cuts to 35 feet. Any curb cuts which were not used would be restored to standard city sidewalks.

QUESTIONS FOR THE APPLICANT:

There were no questions for the applicant.

COMMENTS FROM THE COMMISSIONERS:

Mr. Osteen stated this was a very significant structure on the street. He thought it was important the applicant do everything they could to negate the issues to the adjoining neighbors. Mr. Osteen expressed concern about seeing only this phase of the project. He felt the Commissioners should see the larger plan. Mr. Osteen thought the pattern of one way streets in the neighborhood was problematic as to access for the site.

Ms. Keller appreciated the concern that went into the project given it was a by right use. She expressed concern that part of the parcel fell in the corridor and part did not. She suggested the Commission work with the City Attorney to come up with some language so that any site in which a portion of it is contained within a corridor or historic district that the entire parcel be treated as such. She was concerned about having a 900 space parking garage across from two-story residential buildings.

Mr. Farruggio expressed concern about the traffic.

Ms. Lewis expressed her shock that this parcel had two different zoning designations. She asked that Staff provide the Commission with a list of other parcels in the City which had this same issue.

Mr. Farruggio moved to approve the preliminary site plan for Grove Square -- Roosevelt Brown Boulevard and Grove Street. Ms. Keller seconded the motion. Ms. Lewis wanted to know if the Commission should place any conditions on the motion. Ms. Creasy stated they had the option of placing the conditions they had discussed on the motion. Mr. Farruggio stated he had no interest in adding conditions; however, anyone who wanted to, could. Ms. Creasy called the roll. The motion carried unanimously.

Mr. Lucy explained the Commission would move Item I ahead of Item H.

I. SPECIAL PRESENTATION

Mr. Lucy asked Mr. Jon Fink to come forward.

Mr. Farruggio read a proclamation, signed by the Mayor, honoring Mr. Fink for his service from August, 2003 to October, 2007.

Mr. Fink expressed his appreciation for the honor.

H. STEEP SLOPE WAIVER

1. Greenleaf Center -- Northwest corner of Rose Hill Drive and Amherst Street

Mr. Rogers gave the staff report. The proposed project includes demolition of existing office buildings at the corner of Amherst and Rose Hill and the construction of a three-story office building. There would also be structured parking with entrances at Rose Hill Drive and on Amherst Drive as well. Site design would impact critical slopes at the rear of the property. Staff recommends approval conditioned on an analysis by a licensed, third-party arborist.

QUESTIONS FOR STAFF:

Mr. Farruggio wanted to know if there had been any discussion of increasing the size of the buffer? Mr. Rogers stated there had been no discussion of that with the applicant.

Ms. Lewis commended staff on the excellent report. She stated it was the best report the Commission had gotten on a steep slope waiver.

Ms. Keller wanted to know if there had been any provisions considered for replacement of any plant material which did not survive. Mr. Rogers stated there had been some discussion of the matter with the applicant; the applicant had supported staff's recommendation to supplement plantings should that eventuality occur.

Mr. Lucy recognized the applicant.

Mr. Doug Lowe stated they wanted to keep the tree buffer. He stated they would be open to the analysis by a third-party arborist.

QUESTIONS FOR THE APPLICANT:

Mr. Osteen wanted to know if the applicant would be attempting to get LEED certification on the building. Mr. Lowe stated they were trying to.

Mr. Farruggio wanted to know if they had considered a 30 foot buffer. Mr. Lowe stated they had not considered that.

Ms. Keller wanted to know if they would consider having professional documentation of the existing building before it was demolished. Mr. Lowe stated he had no problem with that.

Ms. Lewis moved to approve the steep slope waiver for Tax Map 37, Parcels 80.2, 80.3, 80.6, and 80.4 on the grounds that they meet findings 1 and 2 of our steep slope ordinance, with the following condition: that a licensed, third-party arborist review the plans and submit a letter to Staff with their analysis of the applicant's plans for tree preservation; and also that subject to oversight by Staff that such expert's recommendations be followed by the applicant and implemented in their tree preservation plan. Mr. Mitchell seconded the motion. Ms. Keller offered a friendly amendment that the existing structure be professionally documented and that every effort would be made to reuse material on site or to offer it for reuse to others. Ms. Lewis did not know if the Commission had the discretion in a steep slope waiver request to add that to a motion. Mr. Lowe stated they would accept that condition. Ms. Lewis and Mr. Mitchell accepted the friendly amendment. Mr. Farruggio wanted to discuss the idea of having a 30 foot undisturbed buffer to protect the neighborhood. Ms. Lewis wanted to know if that was a site plan issue rather than a steep slope waiver issue. Ms. Creasy stated it would come up at the site plan. Mr. David Collins, of John McNair & Associates, expressed his understanding that a ten foot buffer was all that was required. Mr. Rogers stated the required buffer

was one foot of buffer space for every two feet of building height with a minimum of ten feet. Mr. Collins stated they had tried to follow the ordinance requirements and stated they had surpassed the ordinance in many cases. Mr. Collins stated they were allowing more green space than required. Mr. Farruggio stated the extra ten feet would be a benefit to the project for the neighborhood and the City. Mr. Farruggio offered a friendly amendment that an extra ten feet in buffer be required. Ms. Lewis did not accept the friendly amendment and asked that the Chair call the question. Ms. Creasy called the roll. The motion passed, 6-1; Mr. Farruggio voted against.

2. Davis Avenue Residential Development -- Off Marshall Court right of way

This item was deferred by the applicant.

III. JOINT PUBLIC HEARINGS

J. JOINT PUBLIC HEARINGS

1. ZT-07-10-25: (Sign Ordinance) An ordinance to amend and re-ordain §§ 34-1020 through 1069 of the Code of The City of Charlottesville, 1990, as amended (Zoning Ordinance), to allow for revisions to the regulations regarding signage. In addition to amendments previously recommended for approval, further amendments include limiting temporary sign postings, allowing changeable copy signs, and authorizing added enforcement against illegally placed signs.

Mr. Brodhead gave the staff report. After the 13 November, 2007, CPC meeting, staff found an error in the language that would affect the use of changeable copy signs. Language was also changed in the temporary sign ordinance per concerns expressed by Ms. Keller. Also addressed was the problem of signs being left in the public right of way.

QUESTIONS FOR STAFF:

Ms. Lewis thanked Mr. Brodhead and Ms. Scala for their hard work on this matter.

Mayor Norris wanted to know if any consideration had been given to allowing the City to recoup the cost of removing illegally placed signs. Assistant City Attorney Harris stated it had not been considered, but could be looked into.

Ms. Lewis noted that page 26 of the Proposed Changes to Sign Regulations showed a change of 24 square feet to 32 square feet. She stated she could not support such a change. Mr. Lucy wanted to know about the increase. Mr. Brodhead stated it had been 20 square feet and the change would be consistent with the 32 square feet allowed in Albemarle County.

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

COMMENTS FROM THE COMMISSIONERS:

Ms. Lewis thought 32 feet was too large. She thought it should be reduced to 24 square feet.

Mr. Farruggio was not sure reducing the signage was the right thing to do.

Ms. Lewis moved adoption of the sign ordinance regulations dated December 14, 2007, that has been submitted this evening with the following additions: that §34-1027(1) regarding real estate signs be

amended to not exceed four square feet in area, reduced from six square feet in the text that has been submitted; that §34-1027(5) signs denoting engineer, architect, or contractor when placed at a construction site not to exceed 16 square feet, a change from the text that has been submitted that says 32 square feet; that §34-1044(d)(4)(b) be revised from the text received to state that no monument sign shall exceed an area of 24 square feet; in §34-1044(c) from the text received be reduced to 24 square feet per face in monument signs. Mr. Osteen seconded the motion. Ms. Creasy called the roll. The motion carried unanimously.

2. ZM—07-09-23: (Hill & Center PUD) A petition to rezone from R-2 Residential to Planned Unit Development (PUD), with proffers, the property along Hill Street and Center Avenue. The application is to allow for reduced lot size and setbacks and variation of road standards. Proffers include the donation of one lot to an affordable housing provider and extension of off site public infrastructure. These properties are further identified on City Real Property Tax Map Number 21 as parcels 9 and 9A and Tax Map Number 22 parcel 101 having approximately 200 feet of frontage on both Hill Street and Center Avenue and containing approximately 107,158 square feet of land or 2.46 acres. The general uses called for in the Land Use Plan of the Comprehensive Plan are for Two Family Residential.

This matter was deferred.

3. CP—08-01-01: Amendment to the Comprehensive Plan, Appendix One, Neighborhood Plans to add language to the North Downtown Neighborhood Plan reflecting a neighborhood desire to prohibit vehicle access from the First Baptist Church to 2nd Street N.E. in the future.

Ms. Lewis recused herself as she owns property in this neighborhood.

Ms. Creasy gave the staff report. The President of the North Downtown Neighborhood, Colette Hall, submitted a request to the City for this additional information in the North Downtown Neighborhood Plan. This language had been in the 2001 Comprehensive Plan and the Neighborhood Plan but was not part of the document that was set forth in 2005. The current site plan for the church does not indicate a connection to Second Street NE and none is planned at this time.

QUESTIONS FOR STAFF:

Mr. Pearson wanted to know if there was any information on how this was dropped from the 2005 process. Ms. Creasy was not sure why it did not make it into the formal document.

Mr. Lucy opened the public hearing.

Ms. Colette Hall, of 101 Roberson Lane, read a prepared statement to the Commission in support of the proposal.

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

COMMENTS FROM THE COMMISSIONERS:

Mr. Pearson stated the neighborhood plan should represent the interests of the neighborhood.

Mr. Pearson moved to modify the Comprehensive Plan to add the following clause to the North Downtown Neighborhood Plan: "Prohibit vehicle access from First Baptist Church to 2nd Street NE."

Mr. Farruggio seconded the motion. Ms. Creasy called the roll. The motion passed, 6-0-1; Ms. Lewis abstained from voting. Mr. Pearson commended Ms. Hall for bringing this forward.

Mr. Lucy called for a brief recess whereupon the meeting stood in recess at 7:36 p.m. Mr. Lucy reconvened the meeting at 7:41 p.m.

IV. REGULAR MEETING ITEMS (Continued)

K. 1801 Hydraulic Road -- Road Extension Project

Mr. Rogers gave the staff report. This is a large and complex project. Most of the topography is man-made slopes created during the construction of the K-Mart and Gold's Gym development. Some evergreen trees will be removed. The applicant proposes several preventative measures to mitigate the impact of the disturbance to the slopes: temporary seeding to prevent erosion; silt fencing; sediment basin; and a biofilter. The man-made slopes serve little purpose environmentally and aesthetically, and their preservation is unnecessary. Staff recommends approval of the waiver.

Mr. Tolbert informed the Commission that according to the City Attorney the Commissioners did not have to do anything. The site plan was not being called up by the ordinance but by custom of the Commission. After all bonds were posted and all ENS plans were approved, the applicant could begin grading for the Hillsdale Drive and pad site. The steep slope waiver does require a vote, but there was no requirement to vote on the site work.

Mr. Farruggio wanted an opportunity to have a work session where the Commission could look at the site plan.

Mr. Lucy recognized the applicant.

Mr. Nick Hahn, of 5610 Laurel Ridge Road, stated some work had begun on site with the demolition of the theater and car wash with LEED Certification.

Mr. Eric Wooley, of the Cox Company, stated the site had been broken into three phases. The demolition was Phase 1; the proposal before the Commission was Phase 2.

COMMENTS FROM THE COMMISSIONERS:

Mr. Farruggio stated he had no concerns or problems with the steep slope waiver.

Ms. Lewis stated she could not remember any other steep slope application which had not included a schematic site plan.

Mr. Farruggio moved to approve the steep slope waiver for Tax Map 41B, Parcel 2 on the grounds that the applicant meets the criteria for the waiver of finding 1 and finding 2 and finding 4. Mr. Pearson seconded the motion. Ms. Creasy called the roll. The motion carried unanimously.

Mr. Farruggio expressed his concern about the traffic flow on Hydraulic Road. Mr. Pearson agreed with Mr. Farruggio.

L. OTHER ITEMS

Mr. Pearson stated the next TJPD discussion would be on affordable housing and asked Commissioners to let him know of any issues they wanted him to bring forward.

Ms. Keller asked that parking decks and industrial and commercial uses adjacent to residential properties be addressed at a future meeting or work session.

Mr. Farruggio moved to adjourn. Mr. Pearson seconded the motion. The motion carried unanimously whereupon the meeting stood a