

**DRAFT MINUTES
CITY OF CHARLOTTESVILLE
PLANNING COMMISSION
TUESDAY, 08 APRIL, 2008 -- 5:30 P.M.
CITY COUNCIL CHAMBERS**

Commissioners present:

Mr. Jason Pearson (Chairman)
Ms. Cheri Lewis
Mr. Hosea Mitchell
Mr. Michael Osteen
Ms. Genevieve Keller
Mr. Dan Rosensweig
Mr. David Neuman, Ex-officio, UVa Office of the Architect

Commissioners Not Present:

Mr. Michael Farruggio (Vice-Chairman)

Staff Present:

Mr. Jim Tolbert, AICP, Director NDS
Ms. Missy Creasy
Mr. Brian Haluska
Mr. Nick Rogers

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. Pearson called the meeting to order at 5:32 p.m.

A. COMMISSIONERS' REPORTS

None of the Commissioners had reports to give.

B. CHAIR'S REPORT

Mr. Pearson had nothing to report.

C. DEPARTMENT OF NDS/STAFF REPORTS

Ms. Creasy stated the City currently did not have a Grants Coordinator but had done some interviews.

E. CONSENT AGENDA

- 1. List of site plans and subdivisions approved administratively**
- 2. Minutes -- March 11, 2008 -- Pre-meeting**

- 3. Minutes -- March 11, 2008 -- Regular meeting**
- 4. Minutes -- March 18, 2008 -- Work session**
- 5. Minutes -- March 25, 2008 -- Work session**

Mr. Pearson stated minor modifications to the minutes had already been provided to staff.

Ms. Lewis moved to approve the minutes from March 11th, pre-meeting, and March 11th, regular meeting, the minutes from March 18th, work session, and the minutes of the March 25th work session along with the site plans and subdivisions approved administratively February 28th through March 26th, 2008. Ms. Keller seconded the motion. Mr. Osteen noted he had not attended the March 11th meetings or the March 18th work session and would abstain from voting on those. Ms. Keller noted she had been absent on 11th as well. Ms. Lewis stated she had been absent on the 18th. Ms. Creasy called the roll. The motion carried unanimously.

F. STEEP SLOPE WAIVER

1. 901 River Road -- A.G. Dillard Site

Mr. Rogers gave the staff report. Staff recommends approval of the steep slope waiver.

Mr. Neuman entered the meeting at 5:39 p.m.

Mr. Kurt Gloeckner, of Gloeckner Engineering, was present on behalf of the property owner to answer questions. Mr. William Nitchman, the property owner, was also present.

Concerns expressed by the Commissioners included: the limits of construction were shown below a very steep slope which was currently eroding badly and undermining the adjacent property line; and the proposal did not improve the problems on the site; the 1:1 slope. The commission also discussed the fact that this was the first application for a steep slope waiver that was not presented with a plan of development.

Ms. Lewis moved to approve the steep slope waiver for Tax Map 49 Parcel 98, 901 River Road, on the grounds that it meets Finding 1 -- a strict application of requirements would not forward the purposes and intent of the critical slopes provisions. Mr. Mitchell seconded the motion. Mr. Osteen offered a friendly amendment that the maximum new slopes on the area to be graded on the site would be 3:1 and that the limits of construction be moved to the back property line to address the existing 1:1 slope across the full extent of the back property line. Mr. Pearson clarified that the back property line was the northwest property line. Ms. Lewis and Mr. Mitchell accepted the friendly amendment. Ms. Creasy called the roll. The motion carried unanimously.

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

There were no matters from the public.

Mr. Pearson called for a brief recess. The meeting stood at recess at 6:26 p.m. Mr. Pearson reconvened the meeting at 6:33 p.m.

III. JOINT PUBLIC HEARINGS (Beginning at 6:30 P.M.)

G. JOINT PUBLIC HEARINGS

1. 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. Report prepared by Brian Haluska, Neighborhood Planner.

Mr. Haluska gave the staff report. Mr. Haluska stated the applicant had proposed 13 units, not 12 as was written in the staff report. Based on the environmental issues that surround this concept, staff recommends the application be denied.

Mr. Chris Murray was present on behalf of JABA. The engineer and developer were out of the state and country.

Concerns expressed by Commissioners and Councilors included: the density being too high; that proffer 2 was not really a proffer; and the impact of parking.

Public Hearing:

Thirteen members of the public spoke in opposition of the proposal:

Mr. Peter Hedlund, 204 Todd Avenue;

Ms. Andrea K. Wieder, 2331 Highland Avenue;

Mr. Charles King, 2307 Highland Avenue;

Ms. Adrienne Dent, 104 Todd Avenue, who also presented the Commission with a petition against the proposal;

Ms. Kerry Hannon, 2308 Highland Avenue;

Mr. Franklin Whitten, 2521 Woodland Drive;

Mr. Morgan McLeod, 303 Robertson Avenue;

Ms. Lena Rubin, Center Avenue;

Mr. Michael Wenrich, 400 Robertson Avenue;

Mr. Michael Petrus, 209 Todd Avenue;

Mr. David Timmerman, 401 Robertson Avenue;

Mr. Joseph Mooney, 201 Sunset Avenue; and

Mr. Jack Gwynn, 2503 Brunswick Road.

No members of the public spoke in favor of the proposal.

The public hearing was closed.

Ms. Keller stated she was very moved by the neighborhood and shared their concerns. She questioned the appropriateness of this site for a development of this character.

Mr. Mitchell stated he had been moved by Ms. Rubin's comment that the site was not meant for this level of density.

Ms. Lewis concurred with her colleagues. She expressed concerns about the slopes, the lack of connectivity, and the density.

Mr. Rosensweig commended Staff. He also commended JABA for trying to get involved in the project. He expressed concern about the density.

Mr. Osteen agreed with his colleagues.

Mr. Murray stated they would like to defer the application.

Mr. Pearson called for a recess at 8:02 p.m. Mr. Pearson reconvened the meeting at 8:11 p.m.

2. ZT-07-12-29: (Zoning Ordinance) An ordinance to amend and re-ordain Article VI, §§34-540 through 34-799 of the Code of The City of Charlottesville, 1990, as amended (Zoning Ordinance), to

(h) divide the current Downtown Corridor ("DC") into three (3) separate zoning districts known as the DC, the Water Street Corridor ("WS") and the South Street Corridor ("SS");

(i) reduce the by-right height in the Downtown Corridor and Water Street Corridors from 101 feet to 70 feet, allow a special use permit height of up to 101 feet with stepback requirements, increase the minimum height to 40 feet, and reduce the allowable density from 87 Dwelling Units Per Acre ("DUA") to 43 DUA;

(j) reduce the by-right height in the South Street District from 101 feet to 45 feet, and reduce the allowable density from 87 DUA to 21 DUA;

(a) increase the stepback requirements in the Downtown Corridor from 10 feet to 25 feet and impose a 5 foot stepback on numbered streets within this district between Ridge Street and 10th Street, East;

(b) divide the West Main North Corridor's ("WMN") into two (2) separate zoning districts known as the West Main North Corridor and the Corner District ("CD");

(c) allow a special use permit height of up to 70 feet in the WMN and CD, increase the minimum streetwall requirement from 35 feet to 40 feet, and establish a 25 foot stepback requirement on Main Street;

(d) increase the by-right height in the West Main South Corridor from 60 feet to 70 feet, increase the height allowed by special use permit from 80 feet to 101 feet with stepback requirements, reduce the required stepback on Main Street from 15 feet to 10 feet, and reduce the mixed use residential density from 64 DUA to 43 DUA;

(e) reduce the allowable density in mixed use buildings in the Downtown Extended Corridor from 87 DUA to 43 DUA, allow up to 200 DUA by special use permit, and eliminate business to residential ratio restrictions;

(f) reduce the allowable density for mixed use buildings in the Central City Corridor from 64 DUA to 43 DUA and in residential buildings from 43 DUA to 21 DUA;

(g) change building height references in the above-referenced Article from stories to linear feet.

Continuation of Hearing from December 11, 2007. Report prepared by Jim Tolbert, NDS Director.

Ms. Lewis moved that the Planning Commission initiate a proposed amendment to the City Zoning District regulations, to wit: Amending §§34-540 through 34-799 concerning the downtown area district regulations. Mr. Rosensweig seconded the motion. Mr. Pearson called for a vote by acclamation. The motion carried unanimously.

Mr. Tolbert gave the staff report. Mr. Tolbert recommended approval.

Public Hearing:

Four members of the public spoke in opposition of the proposal:

Mr. Bud Treakle;

Ms. Mary Gilliam, 218 West South Street;

Mr. Gate Pratt;

Mr. Keith Woodard, 224 Fourteenth Street NW.

Five members of the public spoke in favor of the proposal:

Mr. Ivo Romenesko, 117 Bollingwood Road;

Mr. John Mathews, 300 Twin Sycamores Lane;

Ms. Kay Slaughter, Southern Environmental Law Center;

Mr. Brian Hogg, 2611 Jefferson Park Circle;

Ms. Ashley Cooper, 304 Seventh Street SW.

The public hearing was closed.

Ms. Lewis expressed concern about the difference between West Main North and South; she felt height should be added to West Main North.

Ms. Keller stated she would have to disagree with the proposal to increase the height on the north side of the street. She was also concerned about 60 foot maximum height street wall.

Mr. Osteen found that the public necessity, general welfare, and good zoning practice require that the proposed revisions of the Zoning Ordinance be enacted; based upon these criteria, moved to recommend that City Council approve and enact the proposed changes to the Zoning Ordinance developed by the Downtown Zoning Committee and modified by the Planning Commission in subsequent work sessions, referencing ZT-07-12-29 as received from Staff which deviates from the noticed list in the agenda. Mr. Mitchell seconded the motion. Ms. Keller offered a friendly amendment that the street wall height on both sides of West Main Street would be at 50 feet. Mr. Osteen accepted the friendly amendment as did Mr. Mitchell. Ms. Lewis stated she appreciated the work that had gone into this, but she could not vote in favor of the motion before the Commission. Mr. Pearson recognized Mr. Matthews who noted concerns with the change in the streetwall. Mr Tolbert suggested an alternative. Ms. Keller withdrew her friendly amendment because of the potential effect of Mr. Tolbert's compromise on the North side where more historic structures exist. Ms. Creasy called the roll. The motion passed, 5-1; Ms. Lewis voted against.

Ms. Lewis moved to adjourn to the second Tuesday in May. Mr. Mitchell seconded the motion. The motion carried unanimously whereupon the meeting stood adjourned at 9:56 p.m.