

DRAFT MINUTES

CITY OF CHARLOTTESVILLE

PLANNING COMMISSION

TUESDAY, 14 OCTOBER, 2008 -- 5:30 P.M.

CITY COUNCIL CHAMBERS

Commissioners present: Commissioners Not Present:

Mr. Jason Pearson (Chairman) Mr. Michael Osteen

Mr. Michael Farruggio (Vice-Chairman)

Ms. Cheri Lewis

Ms. Genevieve Keller

Mr. Dan Rosensweig

Mr. Bill Emory

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

Staff Present:

Mr. Jim Tolbert, AICP, Director NDS

Ms. Missy Creasy, AICP

Mr. Brian Haluska, AICP

Ms. Ebony Walden

City Council Members Present:

Mr. Dave Norris, Mayor

Mr. Julian Taliaferro, Vice Mayor

Ms. Holly Edwards

Mr. Satyendra Huja

Also Present:

Mr. Richard Harris, Deputy City Attorney

II. REGULAR MEETING

Mr. Pearson convened the meeting at 5:32 p.m.

A. COMMISSIONERS' REPORTS

Mr. Emory stated the Capital Improvement Plan Ranking Committee had met twice in the past month. He encouraged the citizens of Charlottesville to go to the City website and search Budget 101.

Ms. Lewis stated the Housing Advisory Committee would be meeting on 16 October to review the Joint Task on Affordable Housing report. Ms. Lewis noted the Downtown Parking Study had been completed and was available on the City website.

Mr. Farruggio was unable to attend his committee meetings due to being out of town. He stated he had read the report prepared by the Downtown Parking Study and he also encouraged people to study it.

Mr. Rosensweig stated the MPO Technical Committee was finishing up making recommendations for projects to be included on the UnJAM 2030 project list. He noted he had recommended a host of pedestrian and bicycle oriented initiatives including a bridge over the Rivanna linking Woolen Mills to Pantops and numerous pedestrian crossings up and down Route 29. Mr. Rosensweig noted he had been invited to give a City perspective at the regular meeting of the committee studying Transfer of Development Rights.

Ms. Keller had met with the Community Development Block Grant Task Force which would be meeting in December to begin reviewing the applications from organizations wishing to submit full applications.

Mr. Neuman stated the Planning and Coordinating Council would be meeting on 16 October at 3 p.m. at UVa at Newcomb Hall. He also noted the University's Master Planning Council would have its first meeting in November to talk about area plans and updates for the West Grounds.

B. CHAIR'S REPORT

Mr. Pearson stated the Thomas Jefferson Planning District Commission had met but he was only able to attend half the meeting. The TJPDC was in the final stages of interviewing finalist candidates for a new executive director. Mr. Pearson noted that City Council had forwarded to the Planning Commission a recommendation that would alter the nature of the CPC meetings; less time would be spent on individual site plan applications and more time on the Zoning Code and ways to improve it.

C. DEPARTMENT OF NDS/STAFF REPORTS

Ms. Creasy stated the Commission would discuss some of the details about the meeting process change at the October work session. She stated there would be a joint meeting with the Albemarle Planning Commission on 28 October to discuss the housing study from the Joint Task Force. She asked the Commissioners to consider comments on the proffer policy and the Planning Commission priorities that have been chosen as these were due 21 October.

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

Mr. Peter Kleeman, of 407 Hedge Street, spoke about the proffer policy. He thought there was an opportunity to clarify the relationship between someone proposing proffers and the city review boards. Applicants should be asked to identify the impacts of their proposal and the mitigation the proffers would provide. He thought it would be better for the Commission to discuss whether the analysis of the mitigation is appropriate and whether the residual impacts which would be happening as a result of that rezoning was too significant rather than discussing the proffers.

Ms. Carla Mullen, of 621 St. Charles Avenue, expressed concern about the current ordinance which addresses exterior accessory apartments. She was especially concerned about what would happen with the Martha Jefferson hospital site as to the loss of green space and the scale of the project. She expressed concern about the accessory apartment being built behind her due to its scale which was over scale for the neighborhood. She cited the ordinance: Accessory apartments are only allowed when clearly subordinate to a single family detached dwelling. She provided photographs of the project behind her. She felt there should be more than just administrative review of accessory apartments.

CONSENT AGENDA

1. Site Plan and Subdivision approval list

2. Minutes -- July 22, 2008 -- Regular Meeting

3. Minutes -- August 12, 2008 -- Regular meeting

4. Minutes -- September 9, 2008 -- Pre-meeting

5. Minutes -- September 9, 2008 -- Regular meeting

6. Minutes -- September 23, 2008 -- Work Session

7. Request for Deferral -- ZT-08-06-12 Telecommunications Facilities -- to include delay of October Work Session item and Public Hearing

8. Request for initiation of zoning text and map amendments -- The purpose of initiating these amendments is to allow formal consideration of the applications. These items will be scheduled for future public hearings if initiated:

a. Density and Bedroom limitations in UMD, UHD and R-3

b. Re-adoption of zoning district map

Mr. Pearson noted that Items 2, 3, and 4 were only ready late in the process and not all Commissioners had a chance to review them; these would be deferred to the next meeting. Mr. Pearson stated that Item 8(a) was completed at their last meeting and was being removed from the agenda as already completed.

Ms. Creasy stated she had a list of corrections to minutes for clarification.

Ms. Lewis moved to approve the Consent Agenda which would be: Item 1, the site plans and subdivisions approved administratively; Item 4, the minutes from the September 9th pre-meeting; 6, the minutes from the September 23rd, 2008, work session; 7, the request for deferral on ZT-08-06-12 Telecommunications Facilities; and 8(b), request for initiation of zoning text and map amendments, re-adoption of our zoning district map. Mr. Rosensweig seconded the motion. Mr. Pearson called the vote by voice acclamation; the motion carried unanimously.

E. SITE PLANS

1. Grove Square Phase II

Ms. Walden gave the staff report. This site plan is for preliminary approval for the second phase of the Grove Square project which will develop the Cherry Avenue mixed use portion of 999 Grove Street. The plan proposes to demolish the existing building and construct a four story, mixed use building which will have retail on the bottom, office and residential at the top three floors. Once complete, the project will have four residential units, about 26,000 square feet of office space and a little over 8,000 square feet of commercial space. The applicant was granted a Special Use Permit for increased commercial space and increased side yard setbacks. The site plan meets the general requirements set out in the zoning ordinance for preliminary site plan approval. No public comment has been received. There are no remaining comments from staff. Staff recommends preliminary approval.

Ms. Valerie Long, Esquire, of 1716 Yorktown Drive, was present to answer questions on behalf of the applicant, Grove Street Properties.

There were no questions for Staff or the applicant.

Mr. Pearson called for discussion.

Mr. Rosensweig commended the applicant for the 15 percent tree cover on the property.

Ms. Lewis moved to approve the Grove Square Phase II site plan as presented. Mr. Rosensweig seconded the motion. Ms. Creasy called the roll. The motion carried unanimously.

2. Grove Square Phase III

Ms. Walden gave the staff report. Phase III was six parcels at the corner of King Street, Grove Street, and Roosevelt Brown Boulevard. The site currently contains vacant land and a parking lot. The plan proposes a four story mixed use building. The applicant has been granted a Special Use Permit for increased commercial space, increased parking square footage, and increased yard setbacks. Providing bicycle storage facilities for 20-40 bikes was a condition of approval; the applicant has provided 470 square feet of space for those facilities which should accommodate approximately 25 bikes. The site plan meets the general requirement set out in the zoning ordinance for preliminary approval. No public comment has been received at this time. As there are no remaining comments by staff, staff recommends preliminary approval.

Mr. Pearson called for questions of staff.

Mr. Pearson expressed his recollection that the discussion of the bicycle storage facility was connected to interest in the building's location in a central location. He remembered discussions of a bicycle storage facility that would be in proximity to the parking garage at ground level with one single room with racks. He wanted to know whether the rooms on separate floors would be conducive to commuter use versus recreational use of bicycles. He also wanted to know how the applicant saw the storage rooms on different floors working practically. Ms. Walden stated the discussion by the Commission was initially that the bike facilities could be placed in an unexcavated area in the basement. She felt it would be more conducive to daily use if the bikes were in the parking area.

Ms. Valerie Long, Esquire, present on behalf of the applicant, stated that in speaking with the architect, there had been discussion of using the unexcavated space; however, when the architects looked into it, the ceiling height would not be sufficiently tall to make it a convenient, accessible location for the bikes. The architects felt the current proposal would be more secure.

Mr. Farruggio wanted to know why the room could not be excavated. Ms. Long did not know why an appropriate ceiling height could not be reached.

Ms. Lewis stated they had known that it might not be suitable. She also noted they had discussed whether the bikes should be located where other parking spaces were.

Mr. Pearson called for discussion.

Ms. Lewis wished Mr. Pearson could enlighten the Commission on parking as he did commute by bicycle. Mr. Pearson stated he had not expected the proposed solution. He added the proposal was possible, and done in other areas, but was not as convenient as ground level storage. He stated the proposal was not in line with the intent of the conversation held with the architects, but was in line with the language of the Special Use Permit as it was drafted.

Ms. Lewis sought clarification of how far a resident would have to go to get out of the building if they took their bike out of storage to the elevator. Ms. Long stated it was very close to the garage. Ms. Long also pointed out on the lower level parking plan there was a set of racks there which would hold a minimum of five bikes. The applicant was also looking at placing a double rack which would allow for ten bikes.

Mr. Farruggio expressed disappointment in the current proposal as he felt it would hamper commuter use of bicycles.

Ms. Keller stated she had no problem with the proposal. She did feel that having ten bikes in the parking area and units on each floor was a good solution.

Ms. Keller moved approval of the preliminary site plan for Phase III of the Grove Square project at 910-916 Grove Street and 909-911 King Street. Mr. Rosensweig seconded the motion. Ms. Lewis wanted to know what the motion, the action, had been taken on the Special Use Permit at the last meeting since she knew minutes don't always reflect exactly what they said in a motion and maybe what their conversation was, but she wondered in this case whether they should not have granted the Special Use Permit and said, no, bring the final site plan back and we'll consider both at the same time. She thought they seemed a little bit hamstrung. Ms. Walden read from the motion: "Mr. Farruggio moved to recommend the approval of [the] Special Use Permit application" at the address "for increase in the allowable retail space" . . . "with the following conditions" . . . "Planning Commission Approval of the Preliminary Site Plan; b, increase in the King Street side yard from 5 feet to" 11.4; "c, reduction of the rear yard" . . . "and, d, inclusion of a bicycle storage facility securing a minimum of 20" bikes "and other mechanisms to encourage alternative means of travel." She stated that was then amended to include between 20 to 40 bicycles so it would read in the ordinance: "The inclusion of bicycle storage facilities to accommodate between 20 and 40 bicycles.

Mr. Farruggio wanted to know if it was facilities or facility. Ms. Walden stated it said facility there. She noted the exact language from the ordinance was on the site plan.

Mr. Rosensweig stated they had set the parameters of 20 to 40 as a condition and with the additional ten in the basement, they were up towards the upper end. He felt this proposal brought them closer to the upper end of what had been conditioned which was why he would be favorably inclined toward it.

Ms. Long explained the architects had thought they were helping the commuters by keeping the bikes closer to the owners and in a space with a smaller number of people having access to them. Ms. Long stated she would charge the architects with figuring out how to fit at least ten bikes on the lower level.

Mr. Farruggio stated the spirit of what they were going for and had been discussing was one large facility in the basement for which he was more inclined to stay with the lower number for one facility. He felt the proposal coming back with facilities was not following the spirit of the agreement. Mr. Farruggio wanted to know why one facility would not work. Ms. Long explained she had been told that because of its location under retail space that it would require a significant amount of excavation under the ground, much more significant than had been anticipated in order to get appropriate ceiling height so that it would be a functional space.

Ms. Keller asked if this could be deferred until later in the meeting's agenda so Ms. Long could have an opportunity to see if she could reach the architects by phone and ascertain the nature of that closet on the lower level so that the Commission could resolve it this evening. Mr. Pearson stated they could.

Mr. Pearson sought clarification from Mr. Harris of the boundaries of review and the language which had been used. Mr. Harris stated he did not remember the exact wording of the SUP when it was granted but stated he would go by the records which Ms. Walden had. He stated that if it did say "facility" he would imagine that meant one. He concurred with Mr. Farruggio that they could not put down the spirit in an SUP, Mr. Harris did believe that facility, singular, did say what the spirit was. He stated the Commission was expecting one. He added that if there was a problem that came up where it simply, physically could not be done, he understood why the Commission might want to make an exception, but he did not yet know that was the case.

Mr. Pearson stated they would defer further discussion on this item until later in the meeting when Ms. Long had an opportunity to speak with some of the rest of the team.

Mr. Pearson noted they had completed the regular meeting items with the exception of this item and stated they would recess for five minutes while awaiting a quorum of Councilors. The meeting stood at recess at 6:32 p.m.

Mr. Pearson reconvened the meeting at 6:40 p.m. He noted that further discussion of Grove Square Phase III had been deferred until after the joint public hearings. He added that Ms. Walden had informed him that the resolution passed by Council regarding the Special Use Permit requested bicycle storage facilities, in the plural, for 20 to 40 bicycles. Mr. Farruggio wanted to know how it had been changed from facility to facilities. Ms. Walden stated they had to hold the applicant to the resolution.

III. JOINT PUBLIC HEARINGS

F. JOINT PUBLIC HEARINGS

1. ZT-08-09-34 -- Theater Use in Mixed Use Districts -- An ordinance to amend and reordain Section 34-796 of the Code of The City of Charlottesville, 1990, as amended (Zoning Ordinance), to allow theaters in all mixed use districts of the City. Theater is defined as a building or portion thereof used for dramatic, operatic, motion picture, or other performances.

Mr. Haluska gave the staff report. He stated this had been initiated at the September meeting due to theater uses not being permitted in mixed use zones under the 2003 zoning ordinance. This creates an

issue with several theaters in the downtown area: Vinegar Hill Movie Theater, the Jefferson Theater, the old Michie Theater, the Paramount Theater, some elements of Live Arts. All of these were nonconforming uses which are legal as of right now, but no new theaters could be started anywhere except the Cherry Avenue corridor by Special Use Permit. Staff felt there were certain areas where a neighborhood theater might fit in while a larger theater would not. The matrix amendment before the Commission had two categories: up to 300 seats, and 300 seats and above. Staff had identified areas in The Corner and the Central City where smaller theaters may be able to fit; staff recommended the Special Use Permit process be retained for those districts. For Downtown and Downtown Extended, West Main, Northwest Main, South and the Water Street District, staff recommended maximum capacity of less than 300 persons be by right with anything greater be by Special Use Permit.

Mr. Rosensweig wanted to know why staff did not think it would be appropriate to allow theaters in Highway Corridor, Downtown North, and High Street. Mr. Haluska stated he saw Downtown North as office as it transitions into residential and as a quieter zone. He stated small theaters may be able to work there. He added that Highway Corridor had three separate zones and did not seem to be an attraction area; cineplexes were allowed in Highway Corridor. The High Street area was not well suited for a lot of traffic.

Mr. Huja wanted to know if this new change would keep Jefferson and the Paramount nonconforming. Mr. Haluska stated it would not.

Ms. Lewis wanted to know if this would be a good opportunity for the Commission to look at the definition of Theater in the ordinance. Mr. Haluska felt determining where these uses should be located was a good step and the nomenclature and definitions could be looked at at a later date.

Ms. Lewis wanted to know why a movie theater was defined differently than theater. Mr. Pearson stated that if this was substantive to the decision before the Commission, further research may be necessary.

Mr. Pearson opened the public hearing. With no one wishing to speak to the matter, Mr. Pearson closed the public hearing and called for discussion from the Commissioners.

Mr. Farruggio thought the Staff report had good research and good interpretation. He agreed with almost everything Mr. Haluska had written. He suggested adding Highway Corridor as a Special Use Permit. Mr. Farruggio did not think it should be added to Downtown North or to High Street.

Mr. Rosensweig agreed with the first part of Mr. Farruggio's statement. He disagreed about the High Street Corridor as residents were wanting destinations they could walk to. He thought the vibrancy of a community relied on walkable things to do arterially located.

Ms. Keller appreciated the amount of research and thoughtfulness Mr. Haluska had gone into and stated she was reluctant to expand it beyond his suggestion. She expressed concern about devoting more areas to surface parking due to a single story building with large parking needs. She was concerned about Fifth Street and Monticello Road because there were opportunities there for more retail development. She felt they needed to be protective of what the Downtown area had become and felt a better zoning approach would be to make these by right uses in the way Mr. Haluska recommended.

Ms. Lewis expressed a desire to see the Downtown North and Highway Corridors added. She felt they shouldn't just look at the current built environment but look at how they saw these corridors developing.

Mr. Emory agreed with Ms. Lewis that Fifth Street Extended would be a fabulous location for a theater.

Mr. Pearson clarified Mr. Rosensweig's suggestion that the Planning Commission, through a Special Use Permit process, might be in a position to respond to proposals and restrict size.

Ms. Keller sought clarification from Mr. Harris that they would not be opening themselves to some contentious issues in terms of the First Amendment if they were to have large areas where theaters are special use. Mr. Harris explained his concern was doing everything by SUP. He added he had no problem with having SUPs in some areas as long as there were areas where theater use was by right.

Mr. Haluska suggested they take into account the parking exempt zone within the city.

Mr. Farruggio stated it might be more encouraging to make the smaller theaters for under 300 people a by right use in Highway Corridor.

Mr. Farruggio moved to recommend approval of the zoning text amendment, to amend and reordain 34-796 of the Charlottesville City Code (1990) as amended (Zoning Ordinance) to make changes to the permitted uses in the mixed-use corridor districts on the basis that the changes would serve the interests of the general public welfare and good zoning practice with the change of making Downtown North, smaller theaters, special use, High Street, smaller theaters, special use, and Highway district by right. Ms. Lewis seconded the motion. Ms. Keller expressed concern that it was too much too soon. Ms. Keller did not think there was enough staff research of what the impact of having theaters would be in these other areas. Mr. Farruggio felt that after listening to all the discussion, having the SUP process allowing the Commission to have control over the two areas he was most concerned about, the Commission could control and mitigate any development that does come along in those two areas. Ms. Keller felt there were other uses that had a higher intensity of use that would be used more during the week and during daylight hours. Mr. Rosensweig wanted to know if Mr. Farruggio purposefully left out larger theaters. Mr. Farruggio stated his initial reaction was to leave it with the smaller theaters. Ms. Creasy called the roll. The motion passed, 5-1; Ms. Keller voted against.

2. ZT-08-09-35 -- Definition of Bed and Breakfast -- An ordinance to amend and reordain Section 34-1200 of the Code of The City of Charlottesville, 1990, as amended (Zoning Ordinance), to revise the definition of Bed and Breakfast to include the number of allowable guest rooms and to address the parameters of food service therein.

Ms. Walden gave the staff report. This text amendment was initiated by the Planning Commission in September in order to change the definition of a bed and breakfast. The current definition of Bed and breakfast as defined in the zoning ordinance is a temporary lodging facility in the nature of an inn, which facility serves as the innkeeper's principal residence and wherein breakfast is the only meal provided to guests. This definition was found to be ineffective and did not provide distinction between a bed and breakfast and a hotel. Issues to be discussed include: the number of guest rooms, the types of units the bed and breakfast could be in, owner occupancy, and food service. Staff recommends between five and eight guest rooms and no more than 15. Staff felt bed and breakfasts should be limited to single family residences. Staff felt it was appropriate to have the owner reside and manage the property. Staff

recommends light fare breakfasts to guests only. Staff felt the Commission should specify a room limit. Staff recommends the following definition: a temporary lodging facility operated within a single family residence; which is owner occupied and managed; having no more than eight (8) guest rooms; and wherein food service shall be limited to breakfast and light fare for guests only. Public comment had been received from Bill Chapman who thought it would be appropriate to have more rooms by Special Use Permit and that having the owner reside on the site was more burdensome than appropriate.

Mr. Farruggio wanted to know Staff's opinion of having three definitions of a small, medium, and large. Ms. Walden felt that would be appropriate if bed and breakfasts were to be in low density areas. She stated they were only allowed in R-3 and above.

Mr. Rosensweig wanted to know if there were places within R-1 and R-2 that would be appropriate to have small bed and breakfasts. Ms. Walden could not think of any off the top of her head.

Mr. Pearson wanted to know why staff's recommendation was for a single cap on bedrooms. Ms. Walden explained bed and breakfast's were only allowed in R-3 and above. She felt a bedroom limit could be established without having a tier definition. She felt a bedroom limit would make sure it was of a residential nature.

Mr. Pearson suggested removing the room limit to allow the physical size of the single family residence to spatially limit the number of rooms that could be allowed.

Mr. Pearson opened the public hearing. With no one wishing to speak to the matter, Mr. Pearson closed the public hearing and called for discussion among the Commissioners.

Mr. Emory stated if a larger bed and breakfast was wanted, it should be called a rooming house or hotel.

Mr. Farruggio stated this was an excellent opportunity for historic preservation. He also felt this was a home business opportunity. It was an economic opportunity for the city. He stated they should stay away from the SUPs. More housing opportunities like this may be needed in the future. Mr. Farruggio expressed a preference for three definitions: homestay; bed and breakfast; and bed and breakfast inn. He felt the boarding house definition should be discussed later.

Mr. Rosensweig felt three definitions would be helpful and larger bed and breakfasts could be appropriate. He felt breakfast and light fare should be available to more than just the guests in general due to comments from the Gildersleeve Wood residents.

Ms. Keller expressed agreement with much of what had been said but was concerned about the owner occupation requirement and about expanding this to R-1 and R-2 zoning.

Ms. Lewis stated she agreed with the three tier approach. She felt this would be an opportunity to revisit the boarding house definition.

Mr. Farruggio moved to table the Special Use Permits and the matrix until the Commission initiated that.

Mr. Pearson stated there had been some consensus on a three tier definition. He thought a lot of work had gone into this. Mr. Pearson stated he was uncomfortable with how the conversation had expanded beyond the scope of the research.

Mr. Emory thought it would be nice to have some regulation on it. He felt more than eight rooms was no longer a bed and breakfast.

Ms. Keller agreed with Mr. Emory. She did not understand why they would want to dilute the intensity and concentrations of commercial uses by extending them into residential areas.

Ms. Lewis stated she would advocate a bed and breakfast with two tiers: a homestay and a B&B. She did not want the definition of bed and breakfast to be what she called an inn. She noted that nothing in R-3 was a single family residence. Ms. Lewis felt this should have been part of a work session before coming before them as a public hearing.

Mr. Harris stated the best course of action would be to defer this public hearing, set it down for a work session for all of the changes, initiate a new process for the matrix changes, bringing them both back on the same date after the work session. Mr. Farruggio thought that sounded good.

Mr. Farruggio read his proposed Bed & Breakfast-Inn definition: a temporary lodging facility operated within a single family residence which is owner occupied or managed, or has a resident manager, having up to 15 rooms, where food service shall be limited to breakfast and light fare available to guests only. Mr. Farruggio added that Mr. Rosensweig would like to see the food service include guests of guests or neighbors. Bed & Breakfast-Homestay would be a temporary lodging facility operated as a single family residence which is owner occupied and managed having no more than one to three bedrooms where food service is limited to breakfasts to guests only. Bed & Breakfast would be a temporary lodging facility operated within a single family residence which is owner occupied and managed; having no more than eight guest rooms and wherein food service shall be limited to breakfast and light fare for guests only. Mr. Farruggio noted concern had been expressed about possibly making that for resident managers as well.

Mr. Farruggio moved to defer. Mr. Rosensweig seconded. Mr. Pearson called a vote by affirmation. The motion carried unanimously.

3. ZT-08-09-36 -- Density matrix edits and additions to enumerations of zoning districts -- An ordinance to amend and reordain Section 34-216 and 34-796 of the Code of The City of Charlottesville, 1990, as amended (Zoning Ordinance), to reflect the previous creation of three new zoning districts: the Water Street Corridor District ("WSD"), the South Street Corridor District ("SS"), and the Corner District ("CD") and to edit the Use Matrix to accurately reflect the density changes recently adopted.

Ms. Creasy gave the staff report. During a review of the ordinance due to the changes that came through the density changes, there were some housekeeping items that needed to be taken care of. The three newly created districts needed to be added.

Mr. Pearson opened the public hearing. With no one wishing to speak to the matter, Mr. Pearson closed the public hearing and called for discussion from the Commissioners.

Ms. Lewis wanted to know if the hard copies of the zoning ordinance were changed since the website was reviewed constantly. Ms. Creasy stated there was a delay in the changes on the web as well as in the municipal code section. The code would be reprinted at the first of the year.

Ms. Lewis moved to recommend approval of this zoning text amendment request to amend and reordain Section 34-216 and 34-796 of the Code of The City of Charlottesville, 1990, as amended, to

include three newly created districts: the Water Street Corridor District ("WSD"), the South Street Corridor District ("SS"), and the Corner District ("CD") and to edit the Use matrix to accurately reflect the density changes recently adopted on basis that the changes would serve the interests of the general public welfare and good zoning practice. Mr. Farruggio seconded the motion. Ms. Creasy called the roll. The motion carried unanimously.

4. T-08-08-33 -- Planting Strips and Tree planting in the Right of Way -- An ordinance to amend and reordain Section 34-870 of the Code of The City of Charlottesville, 1990, as amended (Zoning Ordinance), to allow for the planting of trees within a planting strip between the curbing and sidewalk on public and private streets. This provision would allow for this tree planting in the City right of way.

Mr. Haluska gave the staff report. This item was previously brought before the Commission in September and was deferred to allow Staff to work on some details on the maintenance of trees. Staff consulted with Parks & Recreation and the City Attorney's Office and has updated the draft under consideration with their suggestions.

Mr. Farruggio wanted to know if they could require that sidewalks be set back far enough that there would always be a strip of dirt between the sidewalk and the curb which the City could use to plant trees in. Mr. Haluska confirmed this.

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

Mr. Farruggio felt "require" was the key word for the dirt strip between the sidewalk and the curb and gutter.

Mr. Farruggio moved to recommend approval of this zoning text amendment, to amend and reordain 34-870 of the Charlottesville City Code (1990) as amended (Zoning Ordinance) to make changes to the regulations of Streetscape Trees on the basis that the changes would serve the interests of the general public welfare and good zoning practice. Ms. Lewis seconded the motion. Mr. Emory thanked Mr. Farruggio for his diligence on getting shade for the City of Charlottesville. Mr. Pearson stated Commissioners had brought many questions to Staff during the pre-meeting. Ms. Creasy called the roll. The motion carried unanimously.

Mr. Pearson closed the joint public hearings and returned to the deferred item.

E. SITE PLANS

2. Grove Square Phase III

Ms. Valerie Long, Esquire, stated she was able to reach Rosalyn Keese with Mitchell Matthews Architects. Ms. Keese was present but preferred not to speak due to illness. Ms. Long made use of the floor plans to attempt to answer the questions the Commission had posed earlier in the meeting. She also noted safety concerns for entering a dark parking garage.

Mr. Pearson sought clarification of how the difference occurred in "facility" as listed in the minutes for the meeting and "facilities" as in the resolution approved by Council. Ms. Walden thought the plural facilities came from her recommendation because storage facilities usually means bike locker or racks; she stated she was not thinking in terms of a storage room.

Mr. Farruggio wanted to know how many bikes could be in the basement. Ms. Long stated they were not certain until Ms. Keesee could sit down with the drawing and check the scale and measurements but Ms. Keesee was optimistic she could fit at least ten bicycles there in addition to the five already shown. Ms. Long stated there was a half closet that perhaps one more bike could be fit into.

Mr. Emory expressed concern about voting on the matter as he had not been present for the other times this had been before the Commission, especially in light of the facility/facilities concern.

Ms. Lewis stated she was in favor of voting to approve this if ten spaces could be added in the place that has been proposed in addition to the five current on the lower level.

Mr. Farruggio expressed concern that what had been an exciting plan for encouraging people to have a great facility to store bikes to ride around town to commute had become, with bike racks in the corner of the garage that wouldn't be used, was a completely different proposal.

Mr. Pearson agreed with Mr. Farruggio's comments.

Mr. Pearson noted that Ms. Keller's motion was still on the table. Ms. Lewis offered a friendly amendment to add ten bike rack spaces as the architect has proposed this evening on the King Street side of the lower level in addition to the current five bike rack spaces and retaining all the other bike rack spaces. Ms. Keller accepted the friendly amendment as did Mr. Rosensweig. Ms. Creasy called the roll. The motion passed, 5-0-1; Mr. Emory abstained from voting.

Mr. Farruggio made a motion to adjourn until the next meeting in November. Ms. Lewis seconded the motion. Mr. Pearson called a vote by affirmation. The motion carried unanimously whereupon the meeting stood adjourned at 9:18 p.m.