

DRAFT MINUTES

CITY OF CHARLOTTESVILLE

PLANNING COMMISSION

TUESDAY, 12 MAY, 2009 -- 5:30 P.M.

CITY COUNCIL CHAMBERS

Commissioners present: Commissioners Not Present:

Mr. Jason Pearson (Chairman) Ms. Cheri Lewis

Mr. Michael Farruggio (Vice-Chairman)

Mr. Michael Osteen

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

Mr. Brian Haluska

Mr. Neil Currie, Planning Intern

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 convened the meeting at 5:33 p.m.

A. COMMISSIONERS' REPORTS

Mr Emory stated that the Planning Commission is discussing the allotment of additional time in the upcoming Comprehensive Plan review cycle to address land use planning, the land use map and land use issues.

Mr. Osteen stated two recent BAR projects were on the evening's agenda.

Mr. Farruggio stated the Parks and Recreation Advisory Board had met and discussed the 2009 summer camps. Groundbreaking for the Smith Aquatic Center would be in June. Mr. Farruggio also noted his term as a Commissioner would expire in August and he would not seek reappointment.

Mr. Rosensweig stated there had been no MPO Technical meeting. He expressed his concerns about SROs not eliminating the homeless problem and that emergency shelters would still be necessary. Mr. Rosensweig noted that VDOT was removing trees and brush in spots near highway ramps that have served as ad hoc shelters and tent cities for the homeless; this was one of the reported reasons for the defoliation of a hillside at the ramp to 250 from Barracks Road. He urged his fellow Commissioners to appeal to City Council to issue a statement of censure to VDOT for their actions and request VDOT to change its defoliation policy.

Ms. Keller had no report. She suggested the Commission look to see if the City had a defoliation practice to eliminate homeless shelters.

Mr. Neuman stated there was an upcoming Planning and Coordinating council meeting on 21 May at 2 p.m.

#### B. CHAIR'S REPORT

Mr. Pearson thanked staff for including in members' packets the item City Council Action on Items with Planning Commission Recommendation. Mr. Pearson noted Mr. Farruggio and Ms. Lewis would be leaving the Commission in the next few months. He noted he had been unable to attend the Thomas Jefferson Planning District Commission meeting.

#### C. DEPARTMENT OF NDS/STAFF REPORTS

Ms. Creasy stated the Council updates would be included in the packets. The next work session would deal with the Urban Parking Zone. There would also be some memo updates on some of the Planning Commission priority committees.

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

Ms. Colette Hall, of 101 Robertson Lane and president of the NDRA Board, stated the house number listed on the realtor's flyer she had provided the Commission at the April meeting was wrong; the correct address is 412 Altamont Street. She stated the Neighborhood Association was still interested in the appliance of the street slope ordinance to this property.

Mr. Darren Young, of Lexington Avenue, asked that the Commission consider more strict regulations on accessory dwellings from the style to the scale. Mr. Farruggio thanked Mr. Young for bringing this to their attention and asked that he follow up with an E-mail or letter.

#### E. CONSENT AGENDA

1. Site Plan and Subdivision approval list

2. Minutes - March 10, 2009 – Pre-meeting
3. Minutes – March 24, 2009 – Work Session
4. Minutes - April 14, 2009 – Pre-meeting
5. Minutes - April 14, 2009 – Regular meeting
6. Minutes – April 28, 2009 – Work Session
7. Sidewalk Waiver – Lankford Avenue
8. Site Plan – 17th and Gordon

Mr. Emory asked that the sidewalk waiver and the March 24th minutes be pulled.

Ms. Keller stated she had some written comments on the minutes of April 28.

Mr. Pearson noted he had also provided written comments.

With no other changes suggested, Mr. Pearson stated he would entertain a motion on items 1, 2, 4, 5, 6, and 8 of the Consent Agenda as listed on the agenda. Mr. Farruggio so moved. Mr. Osteen seconded the motion. The motion carried unanimously.

Mr. Farruggio asked if he could address Mr. Rosensweig's earlier comment before the Commission moved to the next item on the agenda. Mr. Pearson stated he could.

Mr. Farruggio noted they were citizen planners and not activists. Mr. Farruggio felt "defoliate" was the wrong word to use as it meant to remove all the vegetation when all that had been done was trim back the shrubberies. Mr. Farruggio urged the Commission to find more information and to research something and not urge them to go to City Council and tell them they did the wrong thing. Mr. Farruggio noted there were crimes being committed in the area and other laws being broken; it was a dangerous situation. Mr. Farruggio urged the Commissioners to look into it further rather than urging City Council to take a strong action against VDOT.

Mr. Rosensweig felt there were two issues with regard to the action that was taken: eliminating or removing trees for visibility and traffic issues; the other was to remove it because there is a homeless camp located there. Mr. Rosensweig had no problem with the first issue if it had been judged by engineers and safety officials to be an appropriate course of action. He stated he was reacting to the quote by the VDOT spokesman who said it had to do in part with the homeless living in that area. Mr. Rosensweig wanted to know if that was policy and stated he would like to understand that policy better. He stated he would not agree with that policy and would stand behind his recommendation that the Commission discuss it with Council as a reason for censure of that action.

Mr. Pearson suggested this discussion continue later in the meeting to allow Mr. Tolbert to make his presentation.

#### F. Single Room Occupancy Discussion

Mr. Tolbert gave the staff report. Council wants the CPC to come up with an ordinance to regulate the development of an SRO, looking at the definition, zoning districts where it would be allowed, density

standards, minimum/maximum number of units, parking standards, operational concerns, and any other items the Commission found relevant.

Mr. Tolbert stated that one issue with SRO text amendment regards the definition of an SRO. The City attorney likes to refer to SRO as single room occupancy. Mr. Tolbert stated that most of the literature on the subject call it single resident occupancy. Mr. Tolbert stated that he had deferred to the City Attorney. Staff has defined Single Room Occupancy Facility as a residential building or buildings that include multiple single-room dwelling units occupied by one person, each unit having a minimum floor area of 200 square feet and a maximum of 450 square feet which may contain food preparation or sanitary facilities, or both. The facility must provide counseling and training for social, behavioral, and job seeking/training skills for residents. Parking requirements are one space for every three single room units and one space per employee. Staff recommends that SROs be allowed in any of the districts that currently allow multi-family dwellings with the exception of Neighborhood Commercial and Highway Commercial. Staff recommended density not be set since these are allowed by Special Use Permit.

Ms. Keller, noting the Supportive Housing staff had not thought SROs worked well with residential conversions, wanted to know why there was no suggested minimum based on their experience. Mr. Tolbert explained that if an applicant could present a workable financial plan with 30 units, he did not want to preclude them.

Ms. Keller also wanted to know why they would need to be concerned with permitted furnishings which would seem to be an interior issue. Mr. Tolbert stated he did not know since that language had been taken from the model.

Mr. Rosensweig wanted to know why Highway Commercial wasn't considered in light of 29 North and the southern end of Carlton. Mr. Tolbert stated those areas were designed to be high traffic and intense commercial areas. Mr. Rosensweig wanted to know about the minimum distance specification between SRO facilities. Mr. Tolbert stated that the distance was based on HUD requirements, that HUD will not allow concentrations of poverty.

Mr. Emory wanted to know if there could be 15 percent of the SROs designated for old people who were in temporary need of affordable housing but didn't necessarily fit the definition of homeless. Mr. Tolbert stated that would depend on the definition of homeless. Mr. Tolbert thought there would be a mixture in the population of the SROs.

Ms. Keller requested that staff provide a written discussion of the reasons in support of designating specific zoning districts as appropriate locations for SRO housing.

Mr. Pearson stated the Commission would continue discussing this item after the Joint Public Hearings.

### III. JOINT PUBLIC HEARINGS

#### G. JOINT PUBLIC HEARINGS

1. ZM-09-03-03 -- (814 Hinton Avenue) A petition to rezone from R-1S Residential to Neighborhood Commercial Corridor, the property at 814 Hinton Avenue. The application is to allow for the establishment of a restaurant and catering business. Proffers proposed include landscaping provisions, use and hour restrictions, and restrictions on the design of the site. This property is further identified on City Real Property Tax Map Number 58 as parcels 263 having approximately 60 feet of frontage on

Hinton Avenue and containing approximately 7580 square feet of land or 0.174 acres. The general uses called for in the Land Use Plan of the Comprehensive Plan are for Single Family Residential.

Mr. Haluska gave the staff report. The application had been deferred by the applicant at the April meeting. The previous application did not address issues related to buffering between commercial and residential uses in such a manner as to recommend approval. Staff has received a lot of public comment since the last public hearing; however, the applicant has offered proffers to mitigate some of the concerns of the neighborhood. One proffer would provide a buffer between low density residentially zoned property and the property at 814 Hinton Avenue. A second proffer would restrict the use of the property to a restaurant and catering facility or a use permitted in both the R-1S and NCC zone. The final proffer would prohibit amplified music on the property; the applicant would like to retain the right to hire a pianist, violinist, or acoustic guitar player. The chief issue Staff has identified as a point of contention in the area is the noise generated by the restaurant with live musical acts and the noise of patrons leaving establishments late at night. Residents had also mentioned the increased demand for on street parking as a result of the conversion of business properties to restaurants. Staff finds the arguments on both sides to be compelling.

Mr. Farruggio wanted to know the square footage of the buffer area. Mr. Osteen stated it would be 1,710 square feet from the back. Mr. Haluska yielded to Mr. Osteen's answer.

Mr. Pearson recognized the applicant.

Mr. Andrew Ewell stated they had attempted to reduce the impact of their project. They looked forward to using this transition as a first step towards resolving some of Belmont's issues. He stated they would not have music except in rare instances such as a wedding rehearsal. No access will be allowed via the rear alley. He asked that those people in support of the application stand.

Mr. Pearson opened the public hearing, telling those present that if someone ahead of them had said what they wanted to, they could simply say ditto.

Ms. Colette Hall, of 101 Robertson Lane and president of NDRA, stated the Board felt they did not have enough information to comment, but was very interested in the dialog between Belmont residents and the applicant. She stated she had brought this application to the attention of the Alliance of Neighborhood Board who agreed that changing residential zoning to commercial is a concern. She noted that North Downtown is a Federal Highways Administration Consulting Property and in a recent meeting with the Army Corps of Engineers, VDOT stated vegetation was not considered a noise buffer.

Mr. Jim Hensley, of 719-A Graves Street, encouraged the Planning Commission to vote favorably on this application. He thought the plans were drawn up very carefully and struck a balance between the interests of the neighborhood and preserving some degree of residential tranquility with the reality that this was an area which is devoted to commercial use.

Ms. Janet Hatcher, of 431 Monticello Road, read a prepared statement in opposition to the application. Another restaurant, even though neighborhood friendly, would not benefit the neighborhood. She suggested the Belmont neighborhood and City planners work together to fix the current troubles.

Ms. Shirley Shotwell, of 228 Douglas, dittoed Ms. Hatcher. She also expressed concern about the noise and traffic.

Ms. Annette Wilcox, of 1400 Monticello Road, expressed concern about heavy traffic and noise.

Mr. Derek Van der Linde, of 711 Palatine Avenue, thought this would be a great business. He liked the restoration which would keep a residential look to the building.

Ms. Lisa Green, of 216 Chestnut Street, stated she had met with the applicants and, while empathizing with them, she still opposed the rezoning. She also expressed concern about the parking. She stated the rezoning would affect adjacent properties, public services, and facilities. Ms. Green did not believe this rezoning met any of the required criteria.

Ms. Kimber Hawkey, of 709 Belmont Avenue, stated there were plans and reality; plans often sound wonderful. However, the reality of living in Belmont and dealing with these issues was very different. She noted vegetation was not a buffer. She expressed concern about traffic and parking.

Ms. Jennifer Braverman, of 226 Douglas Avenue, expressed concern about the noise.

Ms. Eleanor Biasioli, of 622 Evergreen Avenue, stated she had E-mailed the Commission to express her concerns. She expressed concern about the wording of the proffer.

Mr. Adam Frazier, of 707 Graves Street, stated the benefits provided to the community by restaurants: employment opportunities, tax revenue, repair and renovation of properties.

Ms. Dorothy Collier stated this was a nice place for people who couldn't drive to go. She stated there was plenty of parking for the restaurants.

Mr. Brad Maricks, of 230 Douglas Avenue, expressed concern about the noise based on the noise caused by existing restaurants.

Ms. Allison Ruffner, of 735 Graves Street, felt the applicant was looking at the community as they tried to develop a business model that fit with the small commercial segment there. She expressed concerns about noise, parking, and the fact that this would be the seventh restaurant in the neighborhood.

Mr. Stanton Braverman, of 226 Douglas Avenue, expressed concern about the noise. He stated there was plenty of space on the corridor which was already zoned for development.

Mr. Ian Day, of 814 Hinton Avenue, stated he had spoken with the adjacent neighbor who asked that he express their support since they could not come to the meeting. The neighbors are Jack and Carolyn Marrs.

Mr. Clive Pappianis stated the property was a walking destination point due to the density of population of downtown Charlottesville.

Mr. Greg Jackson, of 631 Belmont Avenue, stated the property seemed feasible to be part of the cohesiveness of a business district.

Mr. Evan Mook, of 1000 Linden Avenue, said ditto for everything in favor of the applicant.

Ms. Gloria Gibb Kozura, of 341 Monticello Road, stated the area seemed safer because of the increased foot traffic and businesses. She stated Charlottesville needed another restaurant.

Ms. Anna Townes stated she would endorse what Greg Jackson said.

Mr. Jesse Fisk, of 800 Elliott Avenue and president of the Belmont Neighborhood Association, stated this was a small zone that had gotten out of hand. He expressed concern about what would happen if this restaurant failed.

Mr. Tomas Rahal, of 501 Monticello Road, provided the Commission with a written statement. He also noted he was in agreement with many things that had been said. He expressed concern for the development that had happened in such a small amount of time in such a small place. He voiced support for restraint and sustainable strategies for development in the neighborhood.

Mr. Will Yancey, of 226 South Street, was present in support of the application.

Ms. Hannah Petard, of 814 Hinton Avenue, cited a New Jersey Forest Service study which shows that trees act as a sound barrier up to ten decibels. She stated there would only be a restaurant or catering in the location.

Mr. Rob Wolman, of 2006 Greenbrier Drive, stated he had never had a problem with finding parking in the area. He stated the frustration the neighborhood had with existing businesses was being aimed at these applicants. He did not think refusing this application would solve the problem.

Mr. Jeff Snyder, of 800 Druid Avenue, suggested there be a car free area around Belmont to ease the traffic and parking concerns.

Mr. Michael Keveny, of 1812 Augusta Street, expressed support for the application as long as they went about their business with respect for the neighborhood as he planned to do with his restaurant, Paolo.

Ms. Julia Williams, of 751 Belmont Avenue, expressed concern about the noise, traffic, and parking. She stated six or seven restaurants in the neighborhood made it look like a nightlife place. She expressed concern that this would not be considered the stopping point. She did not support the rezoning.

Mr. Ed Housley agreed with most of the opinions expressed previously.

Ms. Mary Hunter, operator of Alexander House Inn, stated they had been in some of the same quandary with the neighbors for rezoning. She stated she empathized with both sides. She suggested the restaurants that come to the neighborhood should side with other establishments that were the big dog that got problems dealt with that were being caused by one owner.

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

Mr. Osteen stated he had been very open to the proposal at the previous meeting. However, this meeting had been very instructional; the neighborhood was zoned Neighborhood Commercial Corridor which could have a variety of businesses supporting the neighborhood. He did not feel the proffers rose to a level which would mitigate the neighborhood concerns to a satisfactory level.

Mr. Farruggio understood the need for growth, but when he looked at how this would affect the neighborhood, he did not find the mitigation offered addressed the problem.

Ms. Keller stated this area had appeared to reach its capacity.

Mr. Rosensweig felt there were compelling arguments on both sides. He felt safety had been improved by the presence of businesses in Belmont. He felt rezoning with proffers was reasonable.

Mr. Pearson stated he was in favor of this application at this point. He dittoed the favorable reasons supplied by his colleagues. Mr. Pearson did not think approval of this application would negatively affect the neighborhood. He thought the existing zoning was not reasonable and the proposed zoning was.

Mr. Emory stated that the NCC district had become a monoculture, a restaurant district in the center of a neighborhood which placed intense pressure on that neighborhood. He found the current residential zoning of 814 Hinton Avenue reasonable.

Mr. Osteen stated he did not feel it was in the long term best interest of this neighborhood to have a different restaurant in that building.

Ms. Keller felt if the current zoning was reasonable, she had to say it was. She thought rezoning in the middle of the block was not the best zoning practice. She felt rezoning was too much of a risk when there was a fragile balance in a neighborhood that had gone so far in one extreme and was now such a positive in coming back.

Ms. Keller moved to recommend denial of this application to rezone property from R-1S to NCC on the basis that to approve it would not be in the public welfare nor would it be good zoning practice. Mr. Emory seconded the motion. Mr. Pearson agreed rezoning in the middle of the block was not the best practice, but he also thought it was relatively poor zoning practice to have different uses on opposite sides of the street. Mr. Pearson felt that ideally you would match uses across the street if you could. He thought the rezoning would be an improvement on that basis. Mr. Pearson was uncomfortable with the idea that the reason for denial was there were already enough restaurants in that area. Mr. Pearson stated whether or not this application was approved, the intensity of commercial activity would increase in the neighborhood. Ms. Keller encouraged the neighborhood to work for enforcement of the noise ordinance no matter how this application went to make sure this area was an asset and did not affect their quality of life so negatively. Mr. Rosensweig felt the largest problem here was the mid-block zoning and that this would be a missed opportunity if they did not rezone and accept the proffers. Mr. Farruggio wanted to know how this missed a chance for a clear buffer. Mr. Pearson thought this application made the entire property a buffer. Ms. Keller stated she did not understand why they would want to take one more building out of the housing inventory when they had worked so hard to increase density. Mr. Emory stated that the property, with its current R1 zoning, was a more effective buffer than the same property, with NCC zoning, which would then serve to draw more traffic and more customers to the neighborhood. Mr. Farruggio wanted to know Ms. Keller's view for the future of this house since it would have no buffer. Ms. Keller did not see why it could not remain in residential use. Ms. Creasy called the roll. The motion passed, 4-2; Mr. Rosensweig and Mr. Pearson voted against.

Mr. Pearson called for a brief recess. The meeting stood recessed at 8:45 p.m.

Mr. Pearson reconvened the meeting at 8:55 p.m.

2. SP-09-04-07 -- (135 Madison Lane) An application for a special use permit for the property at 135 Madison Lane. This is a request to allow a 16 bedroom fraternity house within the R-3 Residential District with Historic Overlay. This property is further identified on City Real Property Tax Map Number 9 as parcel 148 having approximately 80 feet of frontage on Madison Lane and containing approximately 10,000 square feet of land or 0.230 acres. The zoning of this property is currently R-3 Residential District



with Historic Overlay and general uses called for in the Land Use Plan of the Comprehensive Plan are for Multi-Family.

Mr. Neil Currie gave the staff report. Staff recommends approval of the Special Use Permit. To mitigate the anticipated impacts of the proposed use, Staff has suggested three conditions for approval: the provision of a bike rack to accommodate at least four bicycles; the provision of an enclosure for trash receptacles -- the receptacles should be completely screened from view from the street or alley by an enclosure with a minimum height of one foot taller than the trash receptacles; the property owner providing to the City's property maintenance office the contact information of a local representative who shall be responsible for addressing property maintenance issues and violations identified by City staff and the contact information must be updated on an annual basis, for as long as the Special Use Permit is in effect.

Mr. Rosensweig wanted to know if condition C was enforceable. Mr. Currie believed it was due to the University's funding of a maintenance inspector for the University area. That staff person would maintain the contact information.

Mr. Farruggio stated there were generally more cars than there were spaces for and wanted to know if there was any plan to prohibit cars from parking on sidewalks or the yard. Mr. Currie did not know and felt the applicant would be better able to answer that.

Mr. Ben Thompson, of Daggett & Grigg Architects, was present with Clark Gathright, also of Daggett & Grigg, and the applicant, Tommy Everett. Mr. Thompson stated the project was currently undergoing design modifications.

Mr. Pearson asked Mr. Thompson to address Mr. Farruggio's question about parking on the front yard. Mr. Thompson stated they were in a parking exempt area and have provided parking to the rear, adjacent to the alley. There had been no thought given to preventing cars from parking on the yard, but Mr. Thompson did not believe anyone would try based on tree in the front.

Ms. Keller wanted to know if there were provisions for recycling. Mr. Thompson stated there were not, but there could be.

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. Farruggio thought this was wholly appropriate and expressed his support for the application. However, he suggested the applicant consider additional measures to prevent parking on the yard or plaza.

Ms. Keller wondered if there was adequate protection for the two sycamores along the property line. Mr. Osteen stated they knew nothing about any kind of protection measures they may have and he did not think it was part of their purview.

Mr. Farruggio moved to recommend approval of the Special Use Permit application SP-09-04-07 with the following conditions, exceptions and/or modifications: the provision of a bike rack to accommodate at least four bicycles; the provision of an enclosure for trash receptacles -- the trash receptacles should

be completely screened from view from the street or alley by an enclosure with a minimum height of one foot taller than the trash receptacles; the property owner providing the City's property maintenance office with contact information of a local representative -- the representative shall be responsible for addressing property maintenance issues and violations identified by City staff and the representative's contact information must be updated on an annual basis, for as long as the Special Use Permit is in effect -- and he did this on the basis that the proposal would serve the interests of the general public welfare and good zoning practice. Ms. Keller seconded the application. Ms. Creasy called the roll. The motion carried unanimously.

Mr. Pearson closed the public hearing portion of the meeting to return to earlier items in the meeting.

## II. REGULAR MEETING -- (Continued)

### E. Consent Agenda

#### 7. Sidewalk Waiver -- Lankford Avenue

Mr. Pearson noted this had been pulled from the consent agenda by Mr. Emory and asked him for his reasons for requesting that.

Mr. Emory stated he and Commissioner Keller visited the area on Saturday and he went back again on the 11th to examine the road. He stated a resident saw him and spoke with him about the history of that stretch of Lankford and her desire for a place to walk rather than in the street. Mr. Emory stated that traffic calming was a long standing issue on this portion of Lankford. He advocated the possibility of narrowing the street to accommodate the width of the sidewalk.

Mr. Farruggio stated there was a reason why City Code says a sidewalk has to be put in when you build a new house; this was so the network of sidewalks could be created. He stated this was the perfect opportunity to start creating that sidewalk.

Mr. Haluska gave the staff report. The City Code states that the Director may waive the sidewalk in this situation if it is deemed unnecessary or low priority. When NDS receives a waiver request, they ask the engineering department to look at the sidewalk and make an assessment. Waivers are usually granted in cost prohibitive situations such as rock outcroppings or topography challenges. Staff recommends approval of the waiver because of the sidewalk on the other side and because of the cost involved in connecting this up.

Mr. Farruggio wanted to know if there was anything other than anecdotal evidence that says this would be a difficult project. Mr. Haluska stated the engineers had inspected the site and he trusted their expertise on this. Mr. Tolbert stated CDBG money had been used to put in a sidewalk a block away which, due to the same rock and slope conditions, had cost three-quarters of a million dollars to build.

Mr. Bill Jobes stated he was not trying to sidestep his civic or municipal responsibility. He stated there was a substantial, sunlit sidewalk on the other side of the street.

Mr. Farruggio stressed the importance of sidewalks in the city and stated he was willing to work out something that would not be cost prohibitive to Mr. Jobes but at the same time would allow the needed connectivity.

Mr. Osteen stated he had been open to the idea of compromise. He stated there were some urban cores that need sidewalks on both sides of the road while there were other areas that were served by one sidewalk. Mr. Osteen stated he had driven past the area and thought the stone boulder was an attractive feature that said a lot about the neighborhood and ripping that out to put in a precast modular retaining wall was not an improvement.

Ms. Keller agreed with Mr. Osteen that the rock outcropping was part of the natural topography of the neighborhood and an interesting feature.

Mr. Rosensweig stated he was willing to give staff a week or so to investigate to see if there was a low cost solution to get sidewalks on both sides of the street that wouldn't cost the applicant the ability to build something they could afford, and that provides a benefit to the City.

Mr. Emory thought they needed to come up with clarity on the rock outcropping. He stated his idea had not been to incur a lot of expense for Mr. Jobes, but was to put a sidewalk in the street due to the width of the street at that point. He stated if that could not be done, he would be happy to drop it.

Mr. Farruggio moved to have Neighborhood Development Services work with the applicant to see if it's possible to build the sidewalk in front of the property that does not provide undue cost or become cost prohibitive but to try to work in a sidewalk and in the event that that cannot be done, then to approve the sidewalk waiver for the north side of Lankford Avenue for property located at 229 Lankford. Mr. Osteen seconded the motion. The motion carried unanimously.

### 3. Minutes -- March 24, 2009 -- Work Session

Mr. Emory stated the Bylaws said the Secretary of the Planning Commission takes the minutes at the work sessions; if that person was not there, the Chairman appoints someone to take minutes. He stated the problem was the planners were helping the Commissioners in the inquiry and discussion phase of the Work Session. He stated it was very hard to take minutes and participate in the discussion. He thought that was too much to ask of staff. He noted that in April he had introduced the concept of compression in the recording of minutes. Mr. Emory stated his definition of compression was the number of words that are used to describe a discussion divided into the number of words that are actually used in the discussion. He provided the Commissioners with a compression ratio for the 3/24/09 Work Session presentation by Mr. Haluska on land use and the ensuing discussion; the compression ratio was 30.72. As an example, Mr. Emory noted the description of the first public hearing was 109 words long and stated applying a 31 factor compression ratio to that would have a paragraph of three words. Mr. Emory suggested they lift the burden from staff. He did not think it was reasonable to expect them to participate in the discussion and take minutes. He knew there was a process for submitting corrections and amplifications, but he felt that all of the time they committed to preparation for this job, it was asking a lot of the Commissioners to go back and look at the minutes and clarify whether they felt they adequately represent the meetings. He suggested either making a recording and letting staff later on take notes from the recording. Specifically regarding the minutes of that meeting, he noted he had submitted a transcript that could be added on as an appendix or addendum to the minutes. If this was unacceptable to the other Commissioners, he asked that they wait for another month to vote on these minutes so he could submit corrections to the minutes in a more acceptable form.

Mr. Osteen sought clarification if Mr. Emory meant this for all minutes and all meetings going forward. Mr. Emory stated he meant more the work sessions. He stated he had not yet gone to the trouble of counting words from one of their sessions and dividing it by the regular meeting minutes.

Mr. Emory stated once they voted on minutes, that became reality or a condensed version of reality. He thought some of their best work was done when they were involved in the inquiry and discussion of work sessions.

Mr. Pearson clarified that Mr. Emory requested that either he would submit his own transcripts to be appended or in lieu of that the Commission defer approval of these minutes so that Mr. Emory would have a chance to comment upon them. Mr. Emory confirmed this.

Mr. Emory stated he thought the transcript was helpful and valuable and in 20 years would provide a great point of historic interest. He stated he would respect the opinions of Staff and if that was not a good way to clarify issues from that meeting, he wanted to do whatever Staff and his colleagues feel is proper.

Mr. Pearson stated they could make a motion to defer approval of those minutes until Mr. Emory had a chance to look at those. Mr. Farruggio so moved. Mr. Osteen seconded the motion. The motion carried unanimously.

Mr. Pearson then asked the Commissioners how many of them shared the concern about the compression ratio.

Mr. Farruggio stated he did, but he did not know what a solution was. He did not want to increase the workload on Staff.

Ms. Creasy sought clarification whether the concern was that the main points of discussion were not being hit or that a numerical factor is not being addressed.

Mr. Emory stated it was hard to quantify and that he had sent his document for comparison. He stated the minutes are pretty good, but you could not compress information that much and not lose a lot of information.

Ms. Creasy noted that work session was a report given by Mr. Haluska, of which the spoken words were addressed, but were part of the materials in the packet which goes in the record for the meeting. She further explained that in the statement in the minutes that said "Brian provided an overview of the land use as part of the orientation presentation," the orientation presentation in the land use information was included in the packet that goes with the record.

Mr. Emory felt that Mr. Haluska's verbal presentation was the result of a lot of effort on his Mr. Haluska's part and was more complete than the information Mr. Haluska had written and submitted. Mr. Emory stated it was hard to take a thousand words and divide it by a factor of 30 and still preserve the intent, the feeling, and the reasoning of those who were speaking. He stated writing excellent minutes is an art form which is why he was slavish in copying it out because he wasn't really able to summarize.

Mr. Pearson stated he wanted to get a sense of how many Commissioners share the concern. He noted Mr. Farruggio shared the concern but did not want to put a burden on staff.

Mr. Osteen stated he could use an executive summary and if it was compressed more, that would be helpful. He stated when he was looking back at minutes, he was looking for a succinct conclusion of what was drawn from that and not every word.

Mr. Rosensweig stated he could not list this on his list of top ten concerns. He sympathized with the passion Mr. Emory had shown for this.

Ms. Keller stated she had no passion for this, but she thought Mr. Emory had raised some important points and concerns. She found that minutes are selective and subjective. She stated she would err on having less in the minutes if there was a mechanism for archiving the verbatim transcript that exists in audio or videotapes or DVDs because that would then be there as the permanent record. She stated for the work sessions, the important business is what affects the legal record: who made the motion, who seconded, the outcome of the vote, and if there was any information that was going to be passed on to Council. She thought the minutes of these meetings could be shortened, which would be less work for Staff. Ms. Keller did not find the work session minutes useful. She suggested the Commission be given a list of topics discussed or action items would be more useful for review. She stated less is more.

Mr. Tolbert stated the Commission was governed by Robert's Rules of Order. The definition of minutes provided by Robert's Rules of Order say they are a record of motions made and votes taken. He stated they had a lot more in their minutes than necessary. He stated work sessions had not had minutes until a few years ago because there were no motions made or votes taken. However, the City Attorney's Office suggested having a record of what was talked about with no detail, just a record of who was there and what issues were discussed. He noted archiving them might be a great alternative.

Mr. Emory stated Mr. Tolbert was right. He also agreed with Ms. Keller that shorter was fine in order to free staff up to participate in the discussion but have an audio record that was archived should there be a need to go back. He thought they would be better served by something closer to the state definition and then a record that could be accessed in the future if it was necessary.

Mr. Tolbert stated he would look into a way to archive work sessions to free up staff.

Mr. Pearson stated his understanding that the written minutes for work sessions to be short and to the point as long as there is some way to get back to the verbatim record if necessary; Mr. Tolbert would look into that.

Ms. Keller suggested it would be nice to have PowerPoint presentations as a digital record. She stated she would appreciate being as paperless as they could. She thought a digital record would be much easier.

#### A. COMMISSIONERS' REPORTS (Continued)

Mr. Pearson stated Mr. Rosensweig had raised the issue of defoliation and a comment made by a VDOT representative that suggested clearing out the homeless population was an appropriate factor in deciding to remove foliage and that Mr. Rosensweig was asking the Planning Commission to make a formal comment to Counsel. Mr. Pearson noted Mr. Farruggio's concern that they may be jumping a little too quickly before having adequate facts about why decisions might have been made. Mr. Pearson stated there were two courses of action: learning more so they could talk about this, or they could

hypothetically say if someone was to say that clearing out the homeless population was a legitimate reason to remove foliage, the Commission would find that to be inappropriate.

Ms. Keller stated she wanted to find out the City's policy.

Mr. Farruggio stated that he knew through CPTED, a method of preventing crime through design, that often you specifically select trees and limb them up to seven feet. He also stated that coming in afterwards and trying to retrofit trees would be appropriate based on his training and occupation. Mr. Farruggio stated it was not being emotionally detached or not caring or prejudiced against the homeless, it was looking at a holistic approach that was good for the entire city.

Mr. Pearson suggested that if they wanted to talk about details of the actual case, then they should have the facts before them before they have the conversation. He stated he hadn't heard about this.

Mr. Farruggio thought it was not a prudent course of action for the Planning Commission to endorse what Mr. Rosensweig was saying and push it off to City Council.

Mr. Tolbert stated the City had removed homeless camps from public properties based on complaints received from the public.

Mr. Farruggio cited two examples of limbing up he knew of to clear problems with people going to drink and cause problems.

Mr. Rosensweig wanted to know where the homeless population went when those areas were no longer available. Mr. Farruggio did not know. Mr. Rosensweig thought that was a Planning Commission issue.

Mr. Farruggio agreed it was a planning issue.

Mr. Neuman thought there could have been a more sensitive way of dealing with the problem in an Entrance Corridor.

Mr. Farruggio suggested they ask Parks & Recreation what the City policy was for this issue.

Mr. Pearson did not feel like they had enough information. He suggested Mr. Rosensweig provide sufficient information to the Commission or Staff to merit the Commission having an informed conversation. Mr. Rosensweig stated he would be happy to.

#### F. Single Room Occupancy Discussion (Continued)

Mr. Pearson wanted to know if there were specific topics which merited further discussion.

Mr. Farruggio felt strongly that each unit should have a kitchen and a bathroom. He also thought it was good idea for two-thirds of the development to have no parking.

Ms. Keller wanted to know if a bicycle provision could be included since it was being encouraged in other kinds of developments.

Mr. Farruggio wanted to know if they were looking for a room that people could secure their bikes in, or a simple bike rack out front. Ms. Keller stated she would leave that to those who know more about it.

Ms. Keller suggested they have Staff make a recommendation on it.

Mr. Neuman stated a quarter mile was too far for a transit stop since a number of these people had disabilities. He suggested they also consider the location to services and support systems.

Mr. Pearson sought the consensus of the Commission on appropriate zones and the removal of B-1, B-2, B-3. Ms. Keller stated she did want to have a discussion on why some zones were included and others weren't.

Ms. Keller wanted to know if they had the authority to assess the compatibility of the proposed building with nearby residential and commercial areas. Mr. Tolbert stated that was what the SUP did for them.

Mr. Pearson stated he would entertain a motion to adjourn. Mr. Osteen so moved. Mr. Emory seconded the motion. The motion carried unanimously, whereupon the meeting stood adjourned at 10:50 p.m.