

DRAFT MINUTES

CITY OF CHARLOTTESVILLE

PLANNING COMMISSION

TUESDAY, 9 JUNE, 2009 -- 5:30 P.M.

CITY COUNCIL CHAMBERS

Commissioners present: Commissioners Not Present:

Mr. Michael Farruggio (Vice-Chairman) Mr. Jason Pearson (Chairman)

Ms. Cheri Lewis Mr. Dan Rosensweig

Mr. Michael Osteen

Ms. Genevieve Keller

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. Nick Rogers

Ms. Mary Joy Scala

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

In the absence of Mr. Pearson, Mr. Farruggio convened the meeting at 5:35 p.m.

A. COMMISSIONERS' REPORTS

Mr. Emory had no report.

Ms. Lewis had no report.

Mr. Osteen stated the BAR had held its normally scheduled meeting but there was nothing he needed to report out on.

Ms. Keller attended the UVa Master Planning Council and was pleased with the enhancements she saw for the West Main Street area. She thought these were compatible with the Commission's rezoning initiatives.

B. UNIVERSITY REPORT

Mr. Neuman stated the Master Planning Council was developing a study on the Health Systems Area Plan Update. The focus has been on creating a more campus-like environment.

C. CHAIR'S REPORT

Mr. Farruggio had attended the Parks & Recreation Advisory Board meeting which had on site visitation of the new Meade pool. He thought it was fantastic and would be a real benefit for everybody that wanted to use it.

D. DEPARTMENT OF NDS/STAFF REPORTS

Ms. Creasy stated the June work session would be on the CIP.

Mr. Farruggio noted for the public that the City was under a severe storm warning and the power had gone out once already. He stated if the power went out again, the meeting may need to be postponed. He added for the benefit of those present that if the storm picked up, the room they were in was designated a safe room.

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

There were no matters from the public.

F. CONSENT AGENDA

1. Site Plan and Subdivision approval list
2. Minutes - April 14, 2009 – Regular Meeting
3. Minutes – May 12, 2009 – Pre-meeting
4. Minutes - May 12, 2009 – Regular Meeting
5. Minutes - May 26, 2009 – Work Session

Mr. Farruggio stated the Minutes from April 14 and May 12 had not been received and would not be included in the consent agenda.

Ms. Keller stated her packet had included minutes from an April 28 Work Session. Mr. Emory noted those were included in regard to the SRO materials.

Ms. Lewis moved to approve the consent agenda including the Site Plan and Subdivisions approved during the month of May, minutes from the May 12th Pre-meeting and minutes from the May 26th Work Session. Ms. Keller seconded the motion. The motion carried unanimously.

G. MARCH 24, 2009 WORK SESSION MINUTES

Mr. Farruggio noted these had been pulled from a previous consent agenda for discussion.

Ms. Lewis wanted to know why this had not been included in the Consent Agenda. Ms. Creasy noted it had been pulled for discussion on previous Consent Agendas and she thought there would likely be discussion, so time was scheduled for the matter instead.

Mr. Emory noted one sentence of concern to him had been included. He noted he had also submitted to Ms. Creasy another sentence to substitute.

Ms. Creasy stated the clarity Mr. Emory had provided met the intent of what was reviewed.

Ms. Keller sought clarification that Mr. Emory had listened to a tape recording of the meeting to make his clarifications. Mr. Emory stated he had.

Ms. Lewis moved to approve the minutes from March 24th, 2009 Work Session as revised. Mr. Osteen seconded the motion. The motion carried unanimously.

H. ENTRANCE CORRIDOR REVIEW

Whole Foods

Mr. Farruggio removed the meeting from the Planning Commission to the Entrance Corridor Review Board.

Ms. Scala gave the staff report. Before the Board was a request for an Entrance Corridor Certificate of Appropriateness for a revised smaller Whole Foods grocery store. Preliminary site plan approval had been granted for Phase II and Phase III. The grocery store is mostly brick with a cultured stone base on the parking lot side and split face block foundation along Hydraulic Road. The building puts its best front to the parking lot in the rear with a welcoming patio area on Hillsdale Drive. The property adjoins residential property. Street trees have been located between the city sidewalk and the curb. The proposal appropriately brings the structure to the street. The landscaping within the parking lot meets the ordinance. No public comments have been received by staff. Staff recommends approval with the following conditions: all the Phase II approvals are a condition of this approval; all mechanical equipment must be screened from view; all areas indicated as brick shall be real brick; the signage must comply with signage regulations but may be approved administratively; the corner pedestrian entrance at the intersection of Hydraulic and Hillsdale must allow the public access to the grocery store; and any major changes occasioned by the site plan review would be subject to EC approval.

Mr. Farruggio recognized the applicant.

Mr. Dan Tucker introduced the design and consultant team. Mr. Tucker provided an overview of the changes that were different than what had been provided in the members' packets.

Mr. Neuman wanted to know if the parking lot landscape islands were bioswales. Mr. Tucker stated they were not. He explained they were using an underground system with a storm filter.

Mr. Farruggio sought clarification of the use of the ramp which was originally slated for trucks. Mr. Tucker stated that road was currently an emergency exit.

Mr. Farruggio called for discussion.

Ms. Lewis stated this design was so much more compatible with the Entrance Corridor Design Guidelines than the previous iteration. She did still have questions about how pedestrian friendly the design would be. She noted there had been an attempt to address all the comments made by the ECRB. She thanked the applicant for all the work put into the proposal as well as for meeting with the Commissioners and for listening to them and incorporating their comments.

Mr. Emory appreciated the care the applicant was taking regarding Meadowcreek.

Ms. Keller dittoed Ms. Lewis' comments. She appreciated the care the applicant was taking in making this an exemplary example of Whole Foods.

Mr. Osteen also appreciated the applicant's attention to the Commissioners' concerns. He felt the big ideas of how this building fronts the entrance corridor have been addressed. However, Mr. Osteen was concerned about mechanical equipment located right outside the lower doors. He thought the applicant had done a great job of breaking up a large building.

Mr. Farruggio expressed support for the Staff recommendations. He expressed concern about the pedestrian access.

Ms. Keller stated Mr. Osteen and Mr. Farruggio had raised some good points about pedestrian circulation; she hoped these good be addressed in the motion.

Ms. Lewis moved to approve Phase III Entrance Corridor Application for this project with the following conditions -- that any Phase II approvals are also a condition of this approval; that any mechanical equipment on site, whether it's on the roof or elsewhere, is screened as required from public view; that the signage has to comply with signage regulations of our City but may be administratively approved by Staff; that the corner entrance at Hillsdale and Hydraulic be available to public access and open during store hours; that any changes that are occasioned by site plan review come back to the ECRB for further Entrance Corridor review if they impact the Entrance Corridor Guidelines in any way. Ms. Lewis encouraged the applicant to review the vehicular and, especially, pedestrian circulation and entrances on the site during the site plan review process pursuant to some of her colleagues comments. Mr. Osteen seconded the motion. Mr. Farruggio offered a friendly amendment that they include that all areas indicated to be brick be real brick. Ms. Lewis stated she was convinced because of the applicant's presentation that they showed brick to the members. Mr. Farruggio asked that they say real brick. Ms. Keller stated she would feel more comfortable with this if they added Staff's condition that the brick be real brick rather than a veneer. Mr. Farruggio suggested they say whole brick. Ms. Lewis accepted the friendly amendment that there be whole brick instead of veneer used on the exterior. Mr. Osteen accepted the friendly amendment. Mr. Farruggio offered a friendly amendment that the corner at the west end of Hydraulic, that the alleyway needed to have real windows and entrance that face Hydraulic and not the alley access. Ms. Lewis thought that was apparent on the elevations they had seen, especially SKA-1. Ms. Keller thought that was a detail which could be lost in the development of the site plan, so it would be good for emphasis to include it in the motion. Ms. Lewis accepted the friendly amendment. Ms. Keller offered a friendly amendment that

the stone detailing of the facade be reviewed with Ms. Scala for a final approval. Ms. Lewis accepted the friendly amendment. The motion carried unanimously.

Mr. Farruggio closed the ECRB and reconvened the Planning Commission.

III. JOINT PUBLIC HEARINGS

I. JOINT PUBLIC HEARINGS

1. ZT-09-05-08

Mr. Brodhead gave the staff report. He had been before the Commission with a first draft of an ordinance to limit the height, to increase the setback for accessory dwelling units, and to set a maximum size for accessory dwelling units to 900 square feet or 40 percent of the gross floor area of the primary dwelling on the property.

Ms. Keller expressed concern that they did not have a good working definition of principle dwelling. She asked Mr. Brodhead to clarify when this term would apply when the adjacency was an apartment building, a row of townhouses, or a duplex. Mr. Brodhead stated a duplex would be taken into account.

Mr. Farruggio opened the public hearing.

Ms. Carla Mullen, of 621 St. Charles Avenue, expressed her understanding of Staff's report. She expressed concern about the possibly disruptive nature of the setback. She agreed the definitions were confusing. She suggested applications have a list of definitions.

Mr. Brodhead noted he had received two E-mails at 4 p.m. concerning this ordinance. Mr. Jason Halbert, chairman of the Charlottesville Redevelopment and Housing Authority, was opposed to increasing limitations on homeowners' ability to increase density with their property. Mr. Mark Watson, of Livable for Lifetime, had written on behalf of members Billy Campbell, Gordon Walker, Chris Murray, Bob West, and Karen Refenberger; the 30 percent limitation of the rear yard would inadvertently but directly discriminate against individuals who own small residential lots.

Mr. Walt Johnson, of 621 St. Charles Avenue, expressed support for the 40 percent average option.

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

Mr. Osteen expressed concern about the percentage being based on the aggregate of neighbors. He thought outbuildings should respond to the house and lot.

Ms. Keller stated she shared some of the same concerns.

Mr. Farruggio thought it would be easier to say 40 percent of the primary dwelling on the lot.

Ms. Lewis was not convinced that 25 feet was randomly chosen. She felt it did not relate to the primary residence.

Ms. Keller thought there could be a different standard for structures that are going to face a city street and that those could be the height of the adjacent buildings and not exceed the height of any adjacent building.

Mr. Farruggio stated he was less tolerant of any reason to try to increase it because he wanted these to be clearly subordinate.

Mr. Osteen moved to recommend approval of this Zoning Text amendment request to amend Article 9, Division 6, Section 1171 and Section 1105 to allow accessory dwelling units and accessory structures to be a height such that the eaves of the accessory structure is no higher than the eaves of the primary structure or 25 feet in height, whichever is less, and that the footprint of the exterior dwelling may not exceed 40 percent of the footprint of the primary dwelling on the property on the basis that the changes would serve the interest of public necessity, convenience, general public welfare and good zoning practice. Ms. Lewis seconded the motion. Ms. Keller noted she had asked in the pre-meeting if they could also look at other language in the section. She offered a friendly amendment to Section 34-1171 (b)(1) referring specifically to the sentence which says no exterior stairs providing access to the accessory apartment shall be visible to public street; she suggested revision to no rise or fall of more than four stairs shall be visible from any public street. Mr. Harris stated this issue had not been advertised. Ms. Keller withdrew her friendly amendment. Mr. Harris expressed concern that the motion had been reworded from the provided motion; he was unsure that every roof had an eave. Mr. Farruggio offered a friendly amendment to include a maximum height of 25 feet below the highest point of the primary dwelling. Mr. Osteen accepted the friendly amendment as did Ms. Lewis. Ms. Lewis thanked Mr. Brodhead for his work on this. Mr. Osteen thanked Mr. Harris for his work on the matter also. The motion carried unanimously.

2. ZT-09-05-09

Ms. Walden gave the staff report. This zoning text amendment regarding single room occupancy housing was initiated by City Council on April 20th. This was a zoning tool to allow for affordable housing options for very low income persons. Criteria for review is proximity to transit and other services, the massing and scale of the project, and the operational policies and guidelines. Density would be considered case by case. Comments had been received from the Albemarle County Housing Committee, Virginia Supportive Housing, and North Downtown; these were included in the members' packets.

Ms. Lewis wanted to know why SROs were not being considered for the University area. Ms. Walden stated there was no particular need for affordable housing in that area. Ms. Lewis stated there was nothing in the zoning ordinance for University districts that required that be student housing.

Mr. Huja wanted to know if the ordinance would allow for two individuals to share a unit. Ms. Walden stated it did not.

Mr. Farruggio opened the public hearing.

Ms. Colette Hall, president of the North Downtown Neighborhood Association, read a prepared statement stressing four points: a Special Use Permit is a necessity for each individual building, accompanied by a public hearing; the building should have a resident director; each unit should have its own bathroom; Charlottesville residents should be the first for occupancy.

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

Mr. Osteen asked that they go through the matter issue by issue.

Whether there should be more than one person:

Mr. Emory felt there was wisdom in having only one person per each.

Ms. Lewis stated discriminating on the basis of marital status was a violation of federal law. She did not see the public purpose in requiring a person to live alone.

Mr. Osteen agreed with Ms. Lewis. He thought the idea that this could accommodate singles and couples was very appropriate. He felt, at a minimum, 15 percent of the units should be accommodating of two people.

Ms. Keller saw advantages to both ways. However, she was tending towards one occupant.

Mr. Farruggio thought the one person model was the way to go.

Requiring kitchens and bathrooms in each unit:

Mr. Emory liked the idea of an efficiency apartment where each person could have a place of their own.

Ms. Lewis did not have any objection to the 450 square feet maximum. She recommended they look at "the unit may contain food preparation and sanitary facilities." She expressed concern that there may be opportunities where the units could not be retrofitted to have kitchens within them.

Mr. Osteen agreed with that concept as well.

Ms. Keller stated her understanding that this was trying to encourage self sufficiency and independent living. She felt these should be efficiency units with individual bathrooms and kitchens. She thought kitchens and bathrooms were essential if they were going to make this model successful.

Mr. Farruggio agreed with Ms. Keller. He noted that in his line of work he often saw problems when kitchens and bathrooms were shared communally. He supported having bathrooms and kitchens in every unit.

Zoning in which corridors:

Mr. Emory felt these units should be acceptable in University medium density and high density. His only concern was about removing B1, B2, and B3 because of proximity to R-1 neighborhoods.

Ms. Lewis concurred with Mr. Emory. She stated she would add University districts since they were on transit and were centrally located.

Mr. Harris stated they could not add in University now since it had not been advertised.

Mr. Osteen was open to all the proposed districts.

Ms. Keller believed it was in the City's best interest to promote the vitality and intensity of the business and commercial zones, she could only see this housing in B1, B2, and B3 as part of true mixed use developments.

Mr. Farruggio thought UVa would be appropriate and thought when this was re-advertised for City Council, they should consider that. However, he agreed highway and mixed use should be pulled out.

Proximity to bus stops -- one-quarter or one-eighth mile -- and whether there should be a separation between facilities:

Mr. Emory was happy to stick with the one-quarter mile.

Ms. Lewis noted the proximity of facilities to each other was not in the draft regulation which was advertised. Ms. Creasy stated it was considered in Special Use application guidelines. Mr. Harris stated it could be added to the motion.

Mr. Emory stated how many feet were between facilities did not sound like a good idea.

Ms. Lewis did not know if the limitation of one every quarter mile was enforceable. However, she did agree each facility should be located within one-quarter mile of a bus stop.

Mr. Osteen felt an eighth or a quarter of a mile was appropriate for bus stops. He did not think it made any sense to exclude small facilities from being next to each other.

Ms. Keller agreed with Mr. Osteen. She would not favor a restriction on location since this was a necessary housing type. She did not like tying the location of the facility to the location of the bus stop.

Mr. Farruggio felt having it within a quarter mile of the bus stop was a good idea although he did prefer one-eighth of a mile. He thought there should be a proximity rule of one-quarter mile to respect the neighborhoods of the City.

Mr. Neuman thought using the term transit was the right thing to do since a system like JAUNT could supplement the public "bus."

Whether the collocation of a shelter care facility should be precluded in districts where both are allowed:

Mr. Emory did not think this was an issue if both were allowed by law.

Ms. Lewis agreed with Mr. Emory.

Ms. Keller felt the ordinance should be shelter neutral. She thought there was potential to confuse shelters and SROs in the public mind.

Mr. Farruggio reiterated the discussion. Mr. Osteen and Ms. Keller said there should not be a proximity ruling; Ms. Lewis and Mr. Emory had passed at first but Ms. Lewis now said she did not want to have any hesitation to proximity. Mr. Farruggio felt there should be proximity, but the since the majority did not consider it, they should go in that direction.

Regarding corridors, the majority was leaning towards taking highway use out; Mr. Osteen was the only Commissioner who wanted to include it.

Regarding number of persons allowed, Mr. Emory, Ms. Keller, and Mr. Farruggio felt only one person should be allowed. Ms. Lewis and Mr. Osteen felt two people should be allowed. Mr. Emory stated he wished to change his opinion on this and felt it should reflect the homeless population percentages. Mr. Farruggio suggested allowing 15 percent of units be available for two adults.

Regarding bathrooms and kitchens, Mr. Emory, Ms. Keller, and Mr. Farruggio preferred each unit be required to have its own bathroom and kitchen. Ms. Lewis and Mr. Osteen preferred to say each unit may. Mr. Farruggio suggested they allow a percentage of communal units. Ms. Keller stated the units for two people should be required to have housekeeping and sanitary facilities. Ms. Keller felt they should

steer away from the communal. Mr. Farruggio suggested they word it that every unit must have its own bathroom, but the units may share kitchens. Ms. Lewis stated she could accept that.

Ms. Keller moved to recommend approval of the zoning text amendment to create Section 34-936, and amend and reordain Sections 34-420, 34-480, 34-796, and 34-1200 of the Code of the City of Charlottesville, 1990, as amended, to create regulations for Single Room Occupancy (SRO) facilities, create a definition for Single Room Occupancy (SRO) and change the zoning use matrices to include Single Room Occupancy (SROs) on the basis that the changes would serve the interests of public necessity, convenience, general public welfare, and good zoning practice, with the following additions and modifications: that a transit stop be located within one-quarter mile of the SRO; that a maximum of 15 percent of the units be for double occupancy; that each unit must have bathroom and kitchen facilities; and that the applicant for each SRO shall also provide an outline of operational policies and regulations for the facility and a description of the supportive services that will provided for residents. Ms. Lewis wanted to know if that final language was being substituted out for the draft version the Commission had, 34-936 (a) one through six. Ms. Keller agreed it was. Mr. Emory seconded the motion. Ms. Lewis thanked Ms. Walden for all of her work as she had done a superlative job of getting a lot of information to the Commissioners. Ms. Lewis acknowledged Mr. Neuman for his contributions since he had been talking about SROs for at least three or four years. Ms. Lewis stated she was an advocate for this model but could not vote for this ordinance because she was not pleased with elements that were included. Mr. Osteen thanked Mr. Farruggio for trying to find compromise. He also could not support the motion as presented. Mr. Osteen thought this needed to be a very broadly defined guidance to allow the greatest success and utilization in the community. Ms. Creasy called the roll. The motion passed, 3-2; Ms. Lewis and Mr. Osteen voted against.

Mr. Emory asked if the Commission could take a five minute break. Ms. Lewis publicly stated the group had been meeting and discussing since 4:30 this afternoon with no dinner or dinner break. She stated a break would be helpful to everyone's mental health as well as the discussion of this important subject. Mr. Farruggio called for a brief recess at 9:44 p.m.

Mr. Farruggio reconvened the meeting at 9:52 p.m.

3. ZT-09-05-10

Mr. Brodhead gave the staff report. Under the current sign ordinance, one sandwich board is permitted per tax map parcel for businesses that front on the Downtown Mall. The proposal would allow side street businesses to have sandwich board signs under the same size restrictions due to the fact the City has done away with the wayfinding signs. Staff also seeks to add cafe signs which would be permitted to be three square feet in area and up to five feet tall. Staff is proposing that one temporary sandwich board sign be placed on each intersection of the Mall to give businesses who can't have a sandwich board sign because they don't have enough space on the sidewalk.

Mr. Osteen wanted to know the status of the kiosk project. Mr. Brodhead stated it had been put out for bids.

Mr. Huja wanted to know the reason behind the two different sizes for sandwich boards and cafe signs. Mr. Brodhead stated the sandwich board signs were used by other businesses besides restaurants. He

added the smaller size cafe signs were proposed because they did not need a sandwich board sized sign to display a small menu.

Mr. Farruggio opened the public hearing.

Ms. Norah Aiella was present on behalf of Antics, 103 Fifth Street, SE. She stated there were many issues with the signs. She thought clarification that there would be a communal sandwich board sign. She asked that the name of the cross street be added to the top of each sign. She was in favor of having sandwich boards where they fit without obstructing pedestrian traffic. She was not in favor of replacing the old wayfinding signs with the advertising kiosks. She stated none of the Downtown merchants had any idea what the kiosks were and expressed concern that they would not be updated promptly in light of signage on the parking garage which listed businesses which had not been in business for over ten years.

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

Ms. Lewis wanted to know if Staff had been working with the Downtown Business Association Council on the new kiosks and if they had seen this proposal. Mr. Brodhead stated Mr. Tolbert had been. Mr. Tolbert explained the wayfinding program was designed to have kiosks at each intersection that shows all businesses with a map. He explained this was designed to replace the signs which hung down off the posts. Mr. Tolbert noted Staff had been working with the DBAC.

Ms. Lewis expressed concern about deleting Section 34-1046 without knowing what the rest of the wayfinding package was. Mr. Tolbert stated the old signs were not going back up.

Ms. Keller stated she had no problem eliminating 34-1046 because it was policy rather than regulation.

Ms. Keller moved to recommend approval of ZT-09-05-10, Sign Ordinance, to amend and reordain Sections 34-1027, 34-1038, 34-1046, and 34-1200 of the Code of the City of Charlottesville, 1990, as amended to allow businesses on numbered side streets between Market Street and Water Street to display either a sandwich board sign or a cafe sign, but not both and to remove the Downtown Mall wayfinding sign regulations. Mr. Osteen seconded the motion. Mr. Brodhead asked that the motion clarify the definition of cafe sign. Ms. Keller withdrew her motion.

Ms. Lewis moved to recommend approval of ZT-09-05-10, Sign Ordinance, to amend and reordain Section 34-1027, 34-1038, 34-1046, and 34-1200 of the Code of the City of Charlottesville, to revise Section 34-1038 to permit businesses on side streets to display sandwich board signs, to create a new category of cafe signs, which may be used on outdoor cafes in the Downtown area and give them an option of having a cafe sign or sandwich board, but not both, and to remove the current Downtown wayfinding sign regulations contained in Section 34-1046. Mr. Osteen seconded the motion. The motion carried unanimously.

DCR Stormwater Presentation

Mr. Farruggio stated this matter would be postponed because information from TJ Soil and Conservation Group and the Department of Conservation and Recreation did not arrive in time.

Ms. Lewis moved to adjourn this meeting until the second Tuesday of July.

Ms. Keller noted she had an item of new business. Ms. Keller wondered if there was a way for someone with a computer with PowerPoint or keynote capability to display motions which were being crafted and revised from the prepared motions. Ms. Lewis thought it was a great idea. Mr. Farruggio agreed it would be wonderful. Mr. Tolbert noted they could possibly come up with a method of tweaking motions in a few months.

Mr. Farruggio expressed concern about the length of meetings and commissioners not having a chance to eat. Ms. Lewis agreed with Mr. Farruggio. She noted her blood sugar gets low and she felt they could not be of service to the members of the public who need the Commission to be attentive, to Council who need the Commission to ask questions and carefully consider things. Ms. Lewis asked if the budget could include some food. Ms. Keller did not think the City had any obligation to feed the Commissioners since they received a stipend. However, she did think it would make sense to institutionalize breaks so they were never going more than four hours without a break. Mr. Tolbert stated the new budget year would be starting soon and he would see what could be done.

Ms. Lewis moved to adjourn until the second Tuesday of July. Ms. Keller seconded the motion. The motion carried unanimously whereupon the meeting stood adjourned at 10:39 p.m.