

**MINUTES
PLANNING COMMISION MEETING
July 8, 2014 - 5:30 P.M.
CITY COUNCIL CHAMBERS**

Planning Commissioners Present

Mr. Dan Rosensweig, Chair
Mr. Kurt Keesecker
Ms. Genevieve Keller
Mr. John Santoski
Ms. Lisa Green
Mr. Michael Osteen

Staff Present

Ms. Missy Creasy, Planning Manager
Mr. Brian Haluska, Senior Planner
Ms. Mary Joy Scala, Preservation Planner
Mr. Dave Neuman

Ms. Lisa Robertson, Chief Deputy City Attorney

The meeting was called to order by Chairman, Dan Rosensweig at 5:30 pm.

Mr. Rosensweig opened the meeting with a tribute to Ms. Jane Foster who passed away this week. She was a 90 year old Charlottesville legend, peace activist, teacher, and gardener. Mr. Rosensweig asked for a moment of silence to reflect on her multiple contributions and condolences to her family.

Ms. Green asked to add Mr. Smith to be recognized during the moments of silence.

Ms. Keller stated that she has always admired the work of Jane and Eugene Foster as such good role models. She entertained a motion for the Planning Commission to rename the Annual Citizen Planner of the Year Award to the Jane and Eugene Foster Citizen Planner of the Year Award. The motion was seconded by Ms. Green, and passed (6-0).

A. Commissioner's Report

Ms. Keller, Mr. Keesecker and Mr. Santoski had no reports.

Mr. Osteen – He attended the BAR meeting.

Ms. Green – The TJPDC technical meeting is scheduled for Tue, July 15th at 10:00, at the Water Street Center office conference room to discuss the revision to the long range transportation plan; and also the CHART meeting is July 9th at 7:00.

Mr. Neuman – PACC Tech will meet July 17th at 3:00 at UVA, likely in the special collections library. He stated that the topics for discussion are Route 29 solutions, western bypass, the city reporting on recent housing studies, UVA reporting on the Bike share program, and all three agencies reporting on recent planning related to entrance corridors. This meeting is 3:00 Thursday, July 17th.

B. Chairman's Report

Mr. Rosensweig said the Housing Advisory Committee and sub-committees will meet with a focus on an update of housing policy #1 concerning the appropriate uses of Charlottesville affordable housing funds. The Housing Advisory Committee will meet on Wednesday, July 16th in the NDS conference room in hopes that the committee will make recommendations to Council; and that Council will take the recommendation to their work session on Thurs July 17th 5-7 at City Space.

Mr. Rosensweig said the Planning Commission met for a work session on June 24th to get an update on some of the ongoing planning initiatives in the community and to agree on the details on a letter to the MPO planning board concerning the long range transportation plan (LRTP). The Planning Commissions input will be useful if included sooner in the LRTP process to help align the goals as highlighted in the Comprehensive plan.

He also stated the work session was a briefing on some planning initiatives: the Multimodal plan, bike and pedestrian plan update, green infrastructure plan, and the code regulatory audit. Mr. Rosensweig said on behalf of the Planning Commission, a lot of good work is being done and the staff is performing well, reaching out to stakeholders. He said he was impressed with the presentation from the Toole Design Group who has been helpful with the Multi-Modal plan.

Mr. Rosensweig stated he and Mr. Keesecker are representatives for the Planning Commission on a joint subcommittee with the PLACE design Task Force to make a recommendation to Council about how to direct funding for the next small area plans. He said the consensus is to have a three tiered with the Hydraulic Road area as an area of major urgency for a full small area master plan. He said the next level of priority is Cherry Avenue, Preston Avenue, Harris & Allied Street, and the Rivianna River Area. The others will be looked at more broadly.

Ms. Keller said this initial look would include a very broad look at the entire city and to look at the identified small area plans in the overall city context initially so we would not lose any opportunities for connectivity and the primary plans would be done in that context

Ms. Keller said there is a sub-committee from PLACE and a sub-committee from the planning commission; and the two sub-committees meet jointly.

Ms. Green stated she would like to have a brief discussion at the next work session to understand the process of the small area plan.

C. Department of Neighborhood Development Services

Ms. Creasy reported that Council has received quite a few candidates for the Planning Commission openings and will be scheduling interviews with candidates in the next couple of weeks.

Ebony Walden is leaving the department at the end of the month, having taken a position in Richmond. She will be greatly missed.

D. Consent Agenda

(Items removed from the consent agenda will be considered at the end of the regular agenda)

1. Minutes - June 10, 2014 – Pre meeting
2. Minutes - June 10, 2014 – Regular meeting
3. Minutes - June 24, 2014 – Work Session
4. Zoning Initiation - Rugby Road Historic Conservation District

On motion by Ms. Keller, seconded by Mr. Keesecker, which carried by a vote of 6-0, the Commission voted to approve the consent agenda.

Rosensweig	Yes
Osteen	Yes
Keesecker	Yes
Santoski	Yes
Green	Yes
Keller	Yes

III. JOINT PUBLIC HEARINGS (Beginning at 6:00 P.M.)

E. JOINT PUBLIC HEARINGS

1. ZT-14-07-03 Rugby Road Historic Conservation District
2. ZM-14-07-04 Rugby Road Historic Conservation District

Mary Joy Scala stated the applicant Venable Neighborhood Association is seeking a rezoning and map amendment to add a Historic Conservation overlay district to thirty-seven parcels located along Rugby Road, which are currently zoned R1-U and R-3 Residential. The Planning Commission is being asked to make a recommendation to City Council regarding the proposed designation.

Thirty of the thirty-five primary structures are proposed to be designated "contributing;" and five primary structures are proposed to be designated "non-contributing," including one 1961 multi-family dwelling, two 1951 dwellings, one 2010 dwelling, and one dwelling currently under construction. In addition, certain outbuildings and structures are proposed to be designated "contributing" or "non-contributing."

The intent of the Historic Conservation Overlay District is to (1) identify and preserve buildings, structures and areas; (2) to protect a neighborhood's scale and character; and (3) to document and promote an understanding of a neighborhood's social history.

The effect of the proposed overlay district would make certain exterior changes subject to review by the BAR, including:

- Demolitions and partial demolitions of contributing structures require BAR approval; except, a rear demolition (that is less than 33% of the total gross floor area of the building), or removal/replacement of windows and doors do not require BAR approval;
- All new structures require design review by the Board of Architectural Review (BAR); and
- Most additions require BAR approval, except for a rear addition (that is less than 50% total gross floor area of the building and not exceeding the height or width of existing building, and not on a corner lot).

The Venable Neighborhood Association is the second neighborhood association (Martha Jefferson was the first in 2010) to request this type of historic designation for a portion of the neighborhood.

Rachel Lloyd, 810 Tunlaw Place; spoke on behalf of the Venable Neighborhood Association. She said the Venable area is a beautiful, diverse historic neighborhood with significant buildings both big and small, mature tree and graceful streets and residents who are devoted stewards of both Venable and Charlottesville at large. The Venable Neighborhood Association exists to promote the values of the full time residents in the neighborhood and believes that effective planning will help to achieve its goals and to preserve the character, livability, and sustainability of our community. The Venable community has advocated for conservation within our neighborhood for decades including supporting the identification of notable historical districts areas such as the corner, university circle and Preston place. She stated in this work, Venable's efforts are aligned with the city's comprehensive planning goals to cherish and interpret its historic resources and heritage. She commented that last year the Association responded to a grass root concern from residents who were troubled that the neighborhood's character and livability would be threatened by increasing re-development pressure. Neighbors have worked hard and collectively to resist the threat of historic building demolition, the removal of historical trees and the construction of large incompatible new buildings and associated parking lots specifically along Rugby Road. Rugby Road is one of Venable's most prominent and public thoroughfares, an important gateway into the neighborhood and to the university. Thousands of people from around the country, who visit Charlottesville travel on Rugby. Venable has been fortunate that many of those who live a

long Rugby have been dedicated preservationist and have lovingly maintained their historic housing for their benefit and for posterity. We owe them gratitude for their conscious work. She stated only a portion of the road is currently protected by preservation zoning and BAR oversight. Many neighbors have expressed a strong concern that the incremental but deleterious effects of tear downs and incapable new development would slowly erode a strong sense of place that we have worked so hard to maintain at Venable and would eventually compromise our incredible architectural character that represents an economic and cultural asset for the entire city. This process to request rezoning protection for the Rugby Road corridor started over a year ago. As a response to neighbor's concerns about a property that faced some potentially incapable re-development, neighbors on or adjacent to Rugby Road had extensive discussions about the best ways to protect our most significant historic buildings and landscapes. Since so many are not already afforded the protection of the architectural design control district regulations. After extensive informal discussion with neighbors, the Venable Neighborhood Association Board proposed to pursue a more formal decision making process for a potential re-zoning using the historic Conservation Overlay district framework. We chose to use the Historic Conservation Overlay option because many in the neighborhood and on the board were concerned that the ADC district option would not be palatable for neighbors because of its more restrictive guidelines and intensive oversight. The Historic Conservation District option seemed to create the ideal balance between effective preservation and a real friendliness for neighbors. The VNA engaged property owners along the corridor in the initiative through a letter writing campaign, an informational meeting at the Gordon Avenue Library, and an open invitation to ask questions and seek additional information about the re-zoning process and an invitation to vote on the rezoning. The process was somewhat complicated by the large number of non-residence owners within the studying area, but none the less almost half of the property owners within the proposed zoning area responded with a vote and of those, over 70% supported the initiative. Over the last year nearly half of the potentially effective property owners also reached out to me for additional information about the initiative and I undertook extensive emailing back and forth, phone calls, and face to face meetings with many of our neighbors as part of the public engagement process. Although support for the rezoning initiative is not unanimous, a majority of neighbors who have voice an opinion to continue to register support for the preservation protection of the corridor and certainly this initiative would not have been possible without financial donations of the time and money from those living along the corridor. Many of those who have opposed initiative have expressed an opinion that the current zoning codes are adequate to protect the character of the neighborhood. She said a greater number of people have found that an increasing level of public vigilance and effort is desired to push back against some of new big mansions some of which are being built to operate as rental properties to the detriment of the historic character and sense of community within the neighborhood. Therefore, based on this the neighbors called to action on this issue and the VNA proceeded with the architectural survey of the study area which was made possible by the generous donations of a neighbor on the corridor. The professional architectural survey undertaken this year shared the conclusions of earlier surveying work from decades ago that suggested that the corridor contains an exceptional representation of late Victorian and colonial residential of ecclesiastical architecture including designs by prominent local architects. The board of architectural review recommended that the Rugby Road corridor be considered for historic conservation district rezoning and even suggested during discussions that the study area was likely worthy of ADC protection based on the very high architectural merit local historic significance of the buildings. Although it appears the architectural significant and integrity of the Rugby Road corridor study area may make it eligible for inclusion in the National Register of Historic Places, the VNA did not pursue application at this time but focused instead on re-zoning as a reliable legal basis for continued protection of the historic buildings and landscapes in the neighborhood. We hope that the Planning Commission will support this initiative to and institute preservation protection for this important section of Charlottesville and help maintain the sense of Place and community with the excellent planning that we have come to expect in Charlottesville.

Mr. Santoski asked Ms. Lloyd how many surveys were sent out.

Ms. Lloyd said she sent out letters to all of the property owners, about a 1/2 of the property owners live outside of Charlottesville and invited everyone (31) to an informational meeting. She said she also sent

another letter inviting the property owners to vote. She stated that four (4) of the property owners were not supportive and 10 were in favor while 17 did not respond.

Mr. Santoski asked why the boundaries didn't extend further into the Venable neighborhood.

Ms. Lloyd said because they were working with volunteers, limited funds and the inability to study the entire extended area.

Ms. Green asked Ms. Scala would the commission be able to look at this boundary or would anything else have to go through there would have to be brought before us.

Ms. Scala stated that is correct for the rezoning you can only consider what has been advertised. She said you can do less than but cannot do more because than you would have to start over with advertising and notification.

Mr. Rosensweig stated to Ms. Green another option is to vote for the district and to consider building by building what may be considered noncontributing.

Ms. Scala said since the contributing and noncontributing map is in the guidelines and is not on the zoning map, you can change it without it impacting the rezoning.

Ms. Keller said prior to the meeting she did check the code of Virginia because she was aware that the state legislation changed in 2012-2013 and required historical research and inventory. She said she feels really comfortable that application meets code but she does not feel comfortable that the commission could add to it tonight because the back-up information would not be present and it is not just a case of city policy, it is state law.

Ms. Santoski asked Ms. Scala how large is the Martha Jefferson Conservation District; is it larger than Rugby Road.

Ms. Scala answered it's larger but she did not have the numbers.

Mr. Santoski asked why it is larger.

Ms. Scala stated the consultant they chose has a certain area in mind and went through a process of figuring out the boundaries. She said the consultant forms a thesis on the area that makes these buildings hang together.

Mr. Rosensweig opened the public hearing.

Sally Taylor, 318 Kenwood Lane; Ms. Taylor said she is the president for the board of trustees of the Thomas Jefferson Memorial Church Unitarian Universalists on 717 Rugby Road. She said they are a congregation of 446 voting members. We are opposed to the formation of the historic conservation district designation. We have two properties, the church built in 1952 and the Summit house which is a 130 year renovated farm house we used for our congregation for religious education purposes for our children. It is inadequate for our needs. It needs tremendous renovation which we have planned to do including exterior and interior. We also have planned a landscaping change with a connecting walk way between the two buildings so that our children don't have walk in the rain. This destination will mean additional time and additional money for the church and we have limited amounts of both. We have a dream of a new energy efficient sanctuary, and a suitable classroom facility for our children in the future. She said she is afraid that this designation will prohibit that dream from coming through on our present location. It could affect our ability to carry out our mission of our church. We have monthly food pantry, Sunday soup kitchen at the haven, we host pot luck, participate in IMPACT and we are very active in the community. We are very concerned about that. The neighborhood has mostly single family home accept for the church and the adjoining building. Our buildings are neither historic nor architectural significant, especially summit house is not architecturally significant. We urge you to vote against the

designation of this neighborhood as a historic conservation district. The presence of Liberal Church with an active social justice program is valuable to Charlottesville and should be preserved. She said at the least they are asking that you exempt Summit from consideration as part of this district. It is our hope for the future of our church on our grounds.

Marlene Jones; 103 Elkhoun Road, She said she was on the board of TJMC, and found the whole process incredibly undemocratic. I think the fact that the commission can continue to move forward without a majority of the homeowners positively identifying that they want to a part of this process, is just absolutely wrong. The whole process of mailing things to people is another problem we have been having. We have not been notified of some of this type. We had to be notified by neighbors that something was going on. We never received the original application stuff. The process should require proof of notification that these were received by the homeowners. She also stated that the commissioner's did not know whether the homeowners received the letters or not. There should be a better process by which the actual homeowners can also petition before the application gets to the city staff. She stated she felt that this process is in need of a review.

Jean Hyatt; 1534 Rugby Ave; She said she is asking the commission to strongly support the historic conservation district.

Make a special effort to preserve the historic nature and beauty of the streets. My question is how are we protecting and supporting the beautiful buildings such as the Rotunda, and streets around our world heritage site. These buildings are irreplaceable and Rugby Road is a community treasure. We need to think seriously about this so please support the plan for the historic conservation district.

Melody Miller; 528 Locust Avenue; She said she would like to encourage the Planning Commission to support the conservation district. I agree with many other comments that this certainly qualifies to be a full ADC district. At Martha Jefferson we worked with the state and the state helped us select our boundaries using the initial plat from 1893. She said in her opinion the planning commission should change the process back to the way it was and make it less confusing.

Ann Depux; 921 Rugby Road; Ms. Depux stated that everybody says Rugby Road is a beautiful entrance to Charlottesville. She said she has lived in her house since 1965 can't name one house along that corridor that has been knocked down to build something. She said the church has an old house that has been restored back to its original condition and she knows a building is going up there and that is why the people are upset. I don't think is fair that certain people are picked out and other rentals can do anything and are not held to these guidelines does not enhance the value of your property. Ms. Depux stated that people do not like to buy in an historic district so in her opinion "to say it will enhance your value is certainly not true because of the guidelines you are held to. I am against it.

Lynn Heath; 2103 Tarleton; Ms. Heath stated that she is a member of the church on Rugby Road. She questioned the process by which a property is designated a contributing and noncontributing property? She said she asked the question because the two properties that are noncontributing properties are the two properties that have been fairly controversial in the neighborhood. Her other concern is regarding the houses beyond Rugby Road that are very much a part of the neighborhood, they are a part architecturally homes, they are the same kind of homes, so it appears to her that if the homes along Rugby Road need to be protected, that rest of the neighborhood needs to be protected. She stated that she agreed with the comment made that there is a lot of burden put on the property owners in the neighborhood to come with some kind of plan that really should be a Charlottesville city plan. She said she cares about Charlottesville as a whole. She said it does seem to her that the process is efficiently flawed naming those 30 properties into a district is pre-mature by this committee.

Eric Milford, 1806 Rugby Place; Mr. Milford said he has been a neighbor of church for 31 years. This issue erupted in the neighborhood when the property called U-house came up for sale in the subdivision in a way that the neighborhood found surprising and shocking. He said the significant house that use to

be called the Dabney House or the Summit House, is 1900 century architecture is the kind of house Rugby Road should be preserving. He said to tear down the summit house and put up a school house is certainly out of character for rugby road.

Public hearing ended at 7:00

Mr. Osteen said he represents the BAR and is in support of this application. Mr. Osteen stated that these historical houses are very significant and a tremendous asset for any community to have.

Ms. Keller stated she also served on the BAR as well. She said she has only seen property values rise in historic districts.

Ms. Green reminded everyone that Woodrow Wilson stayed at the Summit house. Ms. Green stated these are irreplaceable structures, and she is in favor of the application.

Mr. Neuman said the issue regarding subdivisions is something to be concerned about. He said it is adjacent to the Venable district and is the entry to the district from the north which argues for sympathy for what is being proposed. He said the sense of place along Rugby Road is only broken in a few instances and those have been by recent developments or by some fraternity houses that are not in the best condition. Mr. Neuman stated he is in favor of the application but clearly emphasize that he is not representing the University but representing himself as an architect and a planner.

Mr. Santoski stated that he agrees with the historic significant of Rugby Road but asked if the application had asked for a rezoning of the underlying zoning from RIU to something else, would this be something the city would be comfortable with rezoning. He said there is a restriction on private property which often comes up with rezoning.

Ms. Robertson stated that this application is a rezoning proposal under-taken by the city. She said the Planning Commission job is to look at the criteria, the boundaries of the district, decide whether you think that the properties included are appropriate to be included and to take a look at which buildings and structures have been designated as contributing or noncontributing.

Mr. Rosensweig said he is not particularly in favor of creating this zoning overlay as he was not in favor of the ordinance for Martha Jefferson particular because of land use. He stated that he would be in favor based on the strong objection of the property owners if designating the Summit house could be designated as noncontributing.

On motion by Ms. Green, seconded by Mr. Osteen, which carried by a vote of 6-0, the Commission voted to approve ZT-14-07-03 Rugby Road Historic Conservation District and ZM-14-07-04 Rugby Road Historic Conservation District; the ordinance to amend and re-ordain the text of the City's Zoning Ordinance, Section 34-337 of the Code of the City of Charlottesville, 1990, as amended (Conservation Districts) to establish a new zoning overlay district; the Zoning District Map adopted and incorporated as part of the City's Zoning Ordinance pursuant to Section 34-1: a conservation district to be named the "Rugby Road Historic Conservation District."

Rosensweig	Yes
Osteen	Yes
Keesecker	Yes
Santoski	Yes
Green	Yes
Keller	Yes

ZM-14-07-05 – (County Office Building Rezoning - 401 McIntire Road) - A petition to rezone the property located at 401 McIntire Road from McIntire-5th Residential District to B-3 Commercial District. The property is

further identified on City Real Property Tax Map #35 as parcel 134 having approximately 425 feet of road frontage on Preston Avenue and 1,700 feet of road frontage on McIntire Road and containing approximately 637,065 square feet of land or 14.625 acres. The general uses called for in the Land Use Plan of the Comprehensive Plan are for Public or Semi-Public. **Report prepared by Brian Haluska, Senior Planner.**

Ms. Green recused herself and left the room

Mr. Haluska stated on June 16, 2014, City Council directed the City's Planning Commission to study "potential amendments to the City Zoning District Map that would rezone the above-referenced property currently zoned M-R to an appropriate zoning classification. However, the County has communicated its position that this property must be rezoned to the B-3 zoning district classification; therefore, that is the classification that has been advertised for a public hearing.

He said staff advertised a potential rezoning to B-3 as it is the classification that the County contends should be applied, and it is the was the highest intensity zoning staff could contemplate for the property. A rezoning to B-3 on this property, however, raises several concerns.

Mr. Haluska stated a mixed-use zoning would be appropriate along the Preston Avenue frontage, but the large size of the property coupled with the length of the McIntire Road frontage makes either mixed-use zone (Downtown or Central City) less appropriate as one approaches the northern boundary of the property and a potential future rezoning of the property focus on maintaining the residential zoning on the north end of the property, transitioning to Central City Corridor along the Preston Avenue frontage. Staff further suggests that the appropriate portion of the property that could be rezoned to Central City be 250 feet from the frontage along Preston Avenue. This would put the rear line of the Central City portion of the property roughly in line with Dale Avenue to the west, which serves as the boundary of the Central City Corridor along Preston.

It is recommended that you proceed in this case in two (2) steps. First, since Council asked you to study this matter, you should identify all of the zoning district classifications that you find to be reasonable and appropriate at the present time. The Planning Commission should find and determine that each of the following zoning district classifications is reasonable and appropriate for the property located at 401 McIntire Road and would serve the interests of the public necessity, convenience, general public welfare and good zoning practice:

- a. McIntire/5th Residential (M-R), with EC overlay
- b. Central City Mixed Use Corridor (CC), with EC overlay
- c. Downtown Mixed Use Corridor (D), with EC overlay
- d. B-3, B-1

After identifying each of the zoning district classification(s) recommended as being reasonable and appropriate for this property, then it is recommended that you make a second motion containing a specific recommendation of one of those districts to City Council to rezone the property located at 401 McIntire Road, based on a finding that the "blank" zoning district, with EC overlay, is the most reasonable and most appropriate for the property and will best serve the interests of the public necessity, convenience, general public welfare and good zoning practice.

Mr. Santoski stated the present zoning is McIntire/5th St. residential so going to Central City Mixed Use Corridor actually allows for more use than it currently has.

Mr. Haluska said yes the Central City Mixed Use Corridor would introduce a number of retail and office, mixed used corridors envisions multi story buildings with residential on top and commercial activity below.

Mr. Keesecker asked Mr. Haluska if Downtown North was considered as an alternative.

Mr. Haluska said Downtown North is not across from Preston, downtown is across from Preston. Downtown North was not considered because Downtown North is intended to be office space, not a lot of retail is permitted

in there and the desire in the city's vision is to activate that corridor to serve as another link between the student-oriented housing over on 10th & Page St. and providing serves to that community and adjacent communities. The Downtown North uses typically shut down at 5:00.

Ms. Keller asked why we wouldn't want this type character for this particular site type use. She said Downtown North has a non-conforming use and that could present difficulties for any sort of expansion on site. She said it is not being motivated because they are anticipating retail uses or after hour uses except for their customary public meetings so what Mr. Keesecker has suggested might be even more appropriate.

Mr. Haluska said the property is non-conforming in two different ways. 1) The use of the property, 2) the setbacks of the property, McIntire/5th has a maximum 10 foot setback.

Mr. Rosensweig stated that under downtown multi-family dwellings are labeled as "M" and under central city labeled "B" (by right). He understands this to say you can do multi-family without any commercial activity at all if were rezoned central city but you would have to have a mixed use component if this were downtown.

Mr. Haluska said correct, downtown does not permit residential uses to front on primary streets which is one of the reasons why it is mixed use.

Mr. Rosensweig opened the Public Hearing

Colette Hall, 101 Robertson Lane; Roberson Lane is located just off McIntire Road., i.e., EAST of the property in question, an area zoned from R1 – R3, in other words a residential area. When I moved to Robertson Lane 16 years ago there was one child, a teenager, living within in a 360-degree circumference from my home. Now in that same area are 19 children from the age of one year to 10 years old. At this point, we are not aware of the total extent to which the 250 Interchange and an un-obstructive traffic flow from the Hydraulic Intersection to Free Bridge will impact our residential area, but we can be fairly certain there will be increased traffic, noise and air pollution. I have searched every map I can find on the City web site and this building and land is not a historically protected property. In fact, it is not anything special in that regards other than along an entrance corridor.

So technically speaking it is not protected from demolition except by the general Code that applies to any property that requests to be demolished in the City. The present use of the property, that is, the County Office Bldg., was once Lane High School. I believe the Lane baseball diamond was also part of the high school.

Looking at the City zoning map – a B3 designation is almost nonexistent in Charlottesville. Reading the notes prepared by City Staff, B-3 zoning can include: Automobile sales and rental, tradesmen shops, hospitals, hotels, outdoor storage, towing services, greenhouses, home improvement centers, industrial equipment repair, janitorial companies, moving companies, wholesale establishments and retail STORES LARGER THAN 20,000 SQUARE FEET. Additionally, parking can be in front of any of these structures as there are no setback requirements in B-3.

It is unfortunate that this Public Hearing is occurring in July when North Downtown residents are out of town, on vacation and have redirected their thoughts to leisure issues.

I am certain that a majority of the residents who live EAST of the property in question would not want a B-3 zoning if they were aware of the list I have just enumerated.

Mr. Rosensweig Closed the Public Hearing

Mr. Rosensweig asked for clarification of the current zoning matrix.

Mr. Keesecker stated the Preston Avenue frontage is not the most important part of this site and feels something different needs to happen.

Ms. Keller agrees with Mr. Keesecker that the area has been a subject of the Planning Commission before and she feels the existing zoning is appropriate for the area because it closely relates to the residences on the other side of the street but will not support B-3 zoning.

Mr. Osteen agrees with Ms. Keller and Mr. Keesecker.

Mr. Santoski said he is in favor of rezoning the entire property.

Mr. Rosensweig stated there is consensus the current zoning is not appropriate at least not on the corner parcel.

Ms. Keller stated she would like to recommend to Council that a zoning category be developed that is primarily office that may have some other components to it that would be complimentary such as food service etc.

Mr. Santoski said Downtown North is a better use for the property but would be leaning to delaying it to see if there's a better classification to rezone part of that area.

Mr. Rosensweig supports Downtown North because it cannot be all residential and he would not like to see it rezoned, parceled off and without a commercial component.

On motion by Mr. Santoski, seconded by Mr. Keesecker, which carried by a vote of 4-2, to recommend to City Council to rezone the property located at 401 McIntire Road from McIntire-5th Residential District to Downtown North Commercial District based on the finding that the Downtown North zoning district is the most reasonable, most appropriate for the property and will best serve the interest of the public necessity, convenience, general public welfare, and good zoning practice.

Rosensweig	No
Osteen	No
Keesecker	Yes
Santoski	Yes
Green	Yes
Keller	Yes

IV. REGULAR MEETING – (continued)

Ms. Green returned to the meeting. Mr. Keesecker recused himself.

- I. **ZM-13-01-01 (Lyman Street):** A petition to rezone the property located on Lyman Street from R-1 Single Family Residential District and Planned Unit Development (PUD) to Downtown Extended (DE) with proffers.

This application was deferred at the June 10, 2014 by the Planning Commission to give staff time to research some issues regarding the application. One of the issues is the open space in the PUD and the removal of the portion in 358E, to make it nonconforming but the staff looked at the site and found that are currently over an acre of open space on the Belmont loft property which makes up 37.8% of the total site and that is not including the parcel we are discussing today.

Mr. Haluska stated that staff has found a clear reason to rezone Parcel 358E to Downtown Extended on the grounds that the current zoning of R-1 is not reasonable. The parcel is too small to permit development under the R-1 zoning guidelines and the surrounding properties are all zoned for a higher intensity of uses.

He said this leaves the question of Parcel 289.2. The proposal is the parcel of roughly 3,000 square feet is removed from the Belmont Lofts PUD. Based on the documentation available regarding the Lofts project, Parcel 289.2 was at most considered a portion of the PUD's open space. Removing the parcel from the PUD would not cause the Belmont Lofts project to become a non-conforming use due to a reduction of the available open space. In terms of the parcels potential as open space the parcel could possibly serve two functions. It could be landscaped to provide a visual barrier between existing development and the railroad tracks. This could also be accomplished by a building on the property. The property could also be used for recreational purposes, although its proximity to Lyman Street and small size makes this unlikely. Several items in the standard of review support a rezoning of Parcel 289.2.

The second issue was the impact on the PUD that was originally approved. He said this property did not have a designated use as part of the PUD besides landscaping. He said recommendations regarding 358E are that this piece of property was not considered to be a contributing piece of this development, so it was not considered a part of the park, or landscaping. It is a piece that was left over after 44 units were constructed on the property.

Mr. Bruce Wardell found additional drawings from January 16, 2002 showing Lyman Street and the 4 unit lots that were platted out. It also shows the property on the north side of Lyman Street was not envisioned as part of the concept. Mr. Wardell said the plans give a clue to what the intentions were at the time of the development of the property. He said the PUD was approved for 42 units in the lofts and 4 units on Lyman Street for a total of 46 units. Mr. Wardell clarified by stating only 44 units of those were built. Mr. Wardell said if the present piece of property is rezoned out of the PUD it is still under the approved density of the original PUD.

Ms. Keller is not in favor and would like to have another hearing, inviting the public in order to amend the PUD.

Ms. Green said she agrees with Ms. Keller because it is not difficult to amend a proffer and a future owner might would just that.

Mr. Osteen stated that he is in favor of amending the PUD, however he would feel more comfortable if the public was included in changing the parcel to a different zone.

On motion by Mr. Osteen, seconded by Mr. Santoski, which carried by a vote of 3-2, the motion failed to approve the application to rezone the property on Lyman Street from R-1 Single Family Residential District and Planned Unit Development (PUD), from R1 and PUD to downtown extended with the proffers proposed business professional offices on the basis of the proposal which serve the interest of the general public welfare and good zoning practices.

Rosensweig	Yes
Osteen	Yes
Santoski	No
Green	No
Keller	No

Mr. Wardell stated that the main reason the downtown extended designation was requested was because of the setbacks. He said it is the only R2 setbacks that make this an unbuildable site. He said his strategy was to have it rezoned downtown extended, the adjacent rezoning and limit the uses so that it was consistent with what was happening across the street. He stated that he met with the Neighborhood Association and the neighbors twice and they all were aware of what was happening with this PUD.

On motion by Ms. Keller seconded by Ms. Green which carried by a vote of 2-3, the motion failed to approve to retain parcel 358E as PUD and to rezone parcel 289.2 to R2, located on Lyman Street from R-1 Single Family Residential District and Planned Unit Development (PUD).

Rosensweig	No
Osteen	No
Santoski	No
Green	Yes
Keller	Yes

On motion by Mr. Santoski, seconded by Ms. Green which carried by a vote of 3-2, the motion passed to rezone parcel 289.2 to downtown extended with proffers located on Lyman Street from R-1 Single Family Residential District and Planned Unit Development (PUD).

Rosensweig	Yes
Osteen	Yes
Santoski	Yes
Green	No
Keller	No

Mr. Wardell said as a working proposal he doesn't know what happens between the Planning Commission recommendations and City Council. He said this would make it a buildable parcel as was described in the original staff report that we intended to adjoin these properties and that was approved by the city but we have not recorded the plat. He said with the water line easement there it is really a minuscule amount of property and is still in the PUD and it basically means that our building sets back in or about 8-9 feet further from the street then it would which makes it a little bit inconsistent with what's happening across the street but if taking this space out of the PUD is giving everyone so much heart burn the downtown extended on the parcel X would be a reasonable compromise.

Ms. Keller said she would still like to see the applicant apply to amend the PUD which could happen independently. She also said with the current configuration extending business uses on that side of the tracks is not sustainable. Mr. Keller said we do not need more space for those types of uses, we have other areas that are zoned and ready to go. She said she will support residential uses but I can't support any additional uses that will generate traffic. She said she drove a fairly large car over there today and narrow streets, one way streets, pedestrians, fences and bicycles

Ms. Green said it seems that we are zoning this one section across the street when we have a entire neighborhood surrounding it

On motion by Ms. Green, seconded by Mr. Santoski which carried by a vote of 4-1, the motion passed to recommend to deny 358E from PUD to downtown extended on Lyman Street from R-1 Single Family Residential District and Planned Unit Development (PUD).

Rosensweig	No
Osteen	Yes
Santoski	Yes
Green	Yes
Keller	Yes

On motion by Ms. Keller the meeting was adjourned at 8:45 pm until the 2nd Tuesday in August.