

MINUTES

CITY OF CHARLOTTESVILLE

PLANNING COMMISSION

TUESDAY, JUNE 8, 2010 -- 5:30 P.M.

CITY COUNCIL CHAMBERS

Commissioners Present:

Mr. Jason Pearson (Chairman)

Ms. Genevieve Keller (Vice-Chairman)

Mr. Michael Osteen

Mr. Dan Rosensweig

Mr. Kurt Keesecker

Mr. John Santoski

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

Staff Present:

Mr. Jim Tolbert, AICP, Director NDS

Ms. Missy Creasy, AICP, Planning Manager

Mr. Nick Rogers, AICP, Neighborhood Planner

Ms. Mary Joy Scala, AICP

Mr. Brian Haluska, AICP, Neighborhood Planner

City Council Members Present:

Mr. Dave Norris, Mayor

Mr. Satyendra Huja

Ms. Kristin Szakos

Also Present:

Mr. Richard Harris, Deputy City Attorney

## **II. REGULAR MEETING**

Mr. Pearson convened the meeting.

### **A. COMMISSIONERS' REPORT**

Commissioners gave their reports.

### **B. UNIVERSITY REPORT**

Mr. Neuman gave his report.

### **C. CHAIR'S REPORT**

Mr. Pearson announced that Bill Emory has resigned and read a statement about him.

### **D. DEPARTMENT OF NDS/STAFF REPORTS/WORK PLAN UPDATES**

Ms. Creasy informed the Planning Commission that the critical slopes ordinance was discussed at City Council last night and Council will be invited to participate in a work session. Ms. McCoy who takes minutes has resigned. She gave an update on the work plan items including critical slopes and commercial matrix.

Mr. Rosensweig asked if staff intended to bring back a study of dividing the Neighborhood Commercial District into two separate zoning districts. Ms. Creasy indicated that it would be scheduled in the work plan when possible.

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

Mr. Thomas Oliver, Sierra Club, discussed the principles for consideration in the steep slope ordinance brought forward by SELC. He stated that the Sierra Club supported these principles.

Ms. Colette Hall, 101 Robinson Hall – Ms. Hall raised questions about the steep slope ordinance. She was concerned about a waiver granted and that a neighborhood had folded due to disillusionment. She stated we need green space and trees. She agrees with the SELC.

Mr. John Shepherd, 112 Village Court, spoke about the need for sidewalks on Shamrock Road and the danger on the road. He specifically spoke about the railroad crossing. He presented a letter and petition

Ms. Catarina Krizkncic of Nalle Street spoke to support the initiation of the Townhouse Regulation change.

Ms. Kay Slaughter, 1501 Short 18<sup>th</sup> Street, SELC. She is concerned that the Planning Commission is intending to weaken the steep slopes ordinance by removing concerns about visual appearance and changing the purpose of the ordinance. She advocates protection of stream buffers, steep slopes and hillsides. She also requested that the Planning Commission ban building on slopes over 40% and near rivers and streams. She asked that they act quickly.

Mr. Peter McIntosh of 624 Davis Avenue spoke to support the steep slopes ordinance and stated he agreed with the SELC. He said he felt citizen input was critical. He disagrees with SELC that no administrative waiver should be granted.

Mr. Bruce Williams, 1100 Park Street, agrees with the previous speakers and feels that the Planning Commission should consider each of the requests.

Mr. Tim Mohr of 1112 Park Street, spoke to support the comments of the previous speakers.

Mr. Robin Haynes of 1709 Market Street spoke to the steep slopes ordinance. She stated that she agrees with the requests of the SELC. She advocated density, but not at the expense of the green space.

Mr. Huja spoke that he felt that the steep slope standard should be 25% not 40%. He said not every site should be built upon and that there were some very bad examples of development on steep slopes.

## **F. CONSENT AGENDA**

1. Site Plan and Subdivision approval list
2. Minutes - April 12, 2010 – Regular meeting
3. Minutes - May 11, 2010 – Regular meeting
4. Minutes - May 11, 2010 – Pre meeting
5. Minutes – May 25, 2010 – Work session
6. Request for initiation of zoning text and map amendments - The purpose of initiating these amendments is to allow formal consideration of the applications. These items will be scheduled for future public hearings if initiated:

Conservation District – Martha Jefferson Neighborhood

## Townhouse Regulations

Items 3 and 5 were withdrawn. Mr. Rosensweig asked that the two initiations be pulled.

Ms. Keller moved to approve items 1, 2 and 4. Mr. Rosenweig seconded the motion. All approved.

Conservation District – Mr. Rosensweig asked if the boundary could be decreased. Ms. Scala stated that you can decrease the boundaries but not expand. Mr. Keesecker asked that in the report that Ms. Scala include a discussion of overlapping jurisdiction of the Entrance Corridors and Conservation Districts.

Ms. Keller moved to initiate the text amendment. Mr. Osteen seconded the motion. All approved.

Mr. Pearson abstained from the Townhouse discussion. Mr. Rosensweig asked if the study should be expanded to give greater study to other aspects of the ordinance. Mr. Haluska stated since the request came from an applicant he would be reluctant to delay this request.

Mr. Rosensweig asked that the entire section of the code be studied but that recommendations be brought back in two phases.

Dan Rosenweig moved to initiate the study of Article 3, Division 4 of the Code of the City of Charlottesville, Townhouse Regulation, seconded by Mr. Santoski. Mr. Pearson called the question:

Mr. Santoski Yes

Mr. Osteen Yes

Ms. Keller Yes

Mr. Rosensweig Yes

Mr. Keesecker Yes

### III. JOINT PUBLIC HEARINGS

#### G. JOINT PUBLIC HEARINGS

1. **SP-10-04-09** – (1147 Rose Hill Drive) An application for a special use permit for the property at 1147 Rose Hill Drive. This request is for a technology based business and a health clinic exceeding 10,000 square feet in B-1. The property is further identified on City Real Property Tax Map 37 Parcel 80.3 having frontage on Amherst Street and Rose Hill Drive. The site is zoned B-1 Business and is approximately 0.699 acres or 30,450 square feet. The Land Use Plan generally calls for Office. **Report prepared by Nick Rogers, Neighborhood Planner.**

Mr. Rogers gave the staff report. He also spoke to additional concerns raised by the public which include traffic concerns, parking, depreciation of home values, and light pollution.

Several questions were discussed by the staff and commission.

Doug Lowe of 1930 E. Market St., the applicant and a representative of the business, spoke to the application. Mr. Lowe asked for a deferral on the health clinic because of concerns of the public. The Commission accepted the deferral of the health clinic request.

Mr. Rosensweig asked if there were two uses, could the parking areas be separated and have the underground parking be for the technology business and other uses utilize the upper parking? The applicant stated that this will be a condominium and that might be difficult. Mr. Rosensweig asked that they look to a creative solution.

Mr. Keesecker asked what the space distribution would be in the building? The applicant stated they would need 10,000 to 15,000 square feet total and that the majority would be lab space. Office space will be about 30% of the total. He also asked about venting and that was discussed.

Ms. Keller asked about traffic flow and hours of operation and number of visitors. The applicant stated that they have sixteen employees who work 8 a.m. to 6 p.m. There is very little weekend use. UPS and Fed Ex serve for pickup and delivery. They have very few visitors.

Commissioners asked questions for clarity.

Mr. Pearson opened the public hearing.

Ms. Carole Hatcher of 1506 Amherst Street spoke to her concerns about traffic and parking and issues at the intersection of Rose Hill Drive and Amherst Road. She also spoke to concerns about long term impacts of approval of the SUP.

Ms. Ruth Barolsky of 1206 Augusta Street spoke to present a petition against the project but that primary concerns were with the health clinic. She was concerned about noise and light pollution and loss of green space.

Ms. Susie Hoffman of 1203 Augusta Street talked about the City Code and the Comprehensive Plan. She stated that she was concerned about buffering and use of the property. She also spoke to concerns about removal of trees and access to parking. She asked that no one be able to work from 6 p.m. to 8 a.m. and on weekends.

Mr. Tom Bowe of 1211 Augusta Street stated that he had fought this encroachment in the past. He asked that the Planning Commission protect the area.

Ms. Lynn Levine of 1213 Augusta Street spoke against the SUP. She was concerned about the impact of the building and possible impacts to the environment.

Mr. Paul Barolsky of 1206 Augusta Street stated that he was concerned about the noise generated by the heat pumps.

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

Ms. Keller moved to recommend approval of this application for special use permit to operate a technology-based business at 1147 Rose Hill Drive, otherwise known as Tax Map 37, Parcel 80.3."

The motion is conditioned on the following:

- No deliveries or trash collection between 6 p.m. and 8 a.m.
- That air handling equipment and exhaust fans be located on the roof with appropriate screening per code.

- Odor or vibration from the use would not be perceptible from the use.
- That all lab waste and hazardous materials delivery and removal will originate from the interior of the structure
- That there will be no shift change between the hours of 6 p.m. and 6 a.m.

Mr. Keesecker seconded.

Mr. Pearson called the question:

Santoski Yes

Osteen Yes

Keller No

Rosensweig Yes

Keesecker Yes

Pearson Yes

2. **SP-10-04-10** – (1111 Wellford Street) An application for a special use permit for the property at 1111 Wellford Street. This request is for a family day home with up to eight children. The property is further identified on City Real Property Tax Map 38 Parcel 117 having frontage on Wellford Street. The site is zoned R-1 Single Family and is approximately 0.317 acres or 13,808 square feet. The Land Use Plan generally calls for Single Family. **Report prepared by Nick Rogers, Neighborhood Planner.**

Mr. Rogers presented the staff report. He also addressed the public comment which has come in since the staff report was completed. In summary many of those concerns were negative and included issues such as noise, number of children, decline of property values, traffic, and parking issues.

Mr. Pearson called for comments from the petitioner.

Ms. Julie Carroll, the applicant, explained why she desired to grow her business. She operates an organic holistic day care business for parents who desire to raise their children in more natural ways. She wants to operate now with 8 children with the possibility to grow to 12 in the future.

Mr. Pearson opened the public hearing:

Mr. Pat Punch of 1608 Oxford Road spoke against the application. He is concerned about primarily traffic and also noise.

Ms. Lucinda Ewing of 1107 Wellford St., spoke in opposition to the proposed day care facility. She is concerned about the expansion of the number of children from five to twelve. Her concerns are related to noise and traffic. She also wants to limit, if approved, to no more than 8 children due to letters that went to neighbors.

Ms. Cathy Crosby of 101 Key West Drive, spoke in favor of day care but against the application. She is concerned about parking and traffic in the neighborhood.

Ms. Jillian Galle of 338 Monticello Road, spoke in favor of the application. Her child is cared for by Ms. Carroll and she believes that this is an appropriate use. She felt that the road was wide enough for easy parking.

Mr. Pearson closed the public hearing.

The Planning Commission asked several questions for clarification, and then discussed the appropriateness of the application.

Mr. Osteen moved to recommend approval of this application for a special use permit to operate a family day care home of up to 8 children at 1111 Wellford Street, otherwise known as Tax Map 38, Parcel 117, with the following conditions:

- No commercial signage
- All children's play equipment will be limited to the fenced, rear yard
- Customary hours of operation be limited from 7 a.m. to 6 p.m. Monday through Friday
- Children be limited to age 4 and under with staffing including the owner limited to no more than the minimum required by state licensure.
- The applicant obtains a license for a family day care home from the Virginia Department of Social Services.
- The applicant submits payments of \$100 month, at a deadline to be negotiated with and decided upon the staff, until the balance of the application fee has been paid in full.

Mr. Santoski seconded the motion.

Mr. Pearson called the questions:

Santoski Yes

Osteen Yes

Keller No

Rosensweig Yes

Keesecker Yes

Pearson Yes

An additional mailing noting the outcome of this meeting and next steps in the process will be sent prior to City Council.

#### **IV. REGULAR MEETING ITEMS (Continued)**

H. Critical Slopes

a. Jefferson School

Mr. Rogers gave the staff report.

L. J. Lopez spoke on behalf of the applicant, Jefferson School Partners.

Mr. Rosensweig moved to approve the request for waiver of the requirements of the critical slopes provisions listed in §34-1120(b) of the Charlottesville City Code for the proposed Jefferson School redevelopment project located at Tax Map 32, Parcel 89, otherwise known as 233 4<sup>th</sup> Street, NW on finding that: A strict application of requirements would not forward the purposes and intent of these critical slope provisions. This motion is conditioned on the following:

The applicant must provide staff with information showing that the proposed disturbance of contaminated soil on the adjacent property would not have negative environmental impacts on other properties, or that said impacts can be mitigated. Such information must be provided prior to the issuance of a land disturbance permit.

Mr. Osteen seconded the motion.

Mr. Pearson called the question:

Santoski Yes

Osteen Yes

Rosensweig Yes

Keesecker Yes

Pearson Yes

## **I. Work Plan Discussion**

### **1. Commercial Zoning Matrix**

Mr. Rogers gave the staff report.

Mr. Rosensweig asked if we might look at the two IC District areas and determine if they should be two distinct zoning classifications due to different characteristics.

The Commission discussed the process for moving forward with the review of the mixed use and commercial matrices and decided to move them concurrently initially.

Ms. Keller moved that the Planning Commission adjourn until the second Tuesday in July. Mr. Pearson declared the meeting adjourned.