

MINUTES
CITY OF CHARLOTTESVILLE
PLANNING COMMISSION
TUESDAY, AUGUST 10, 2010 -- 5:30 P.M.
CITY COUNCIL CHAMBERS

Commissioners Present:

Mr. Jason Pearson (Chairman)

Ms. Genevieve Keller (Vice-Chairman)

Mr. Dan Rosensweig

Mr. Kurt Keesecker

Mr. John Santoski

David Neuman, Ex-Officio, UVA Office of Architect

Staff Present:

Mr. Jim Tolbert, AICP, Director NDS

Ms. Missy Creasy, AICP, Planning Manager

Mr. Nick Rogers, AICP, Neighborhood Planner

Mr. Brian Haluska, AICP, Neighborhood Planner

Mr. Michael Smith, Planning Assistant

Also Present:

Mr. Richard Harris, Deputy City Attorney

II. REGULAR MEETING

Mr. Pearson convened the meeting

A. COMMISSIONERS' REPORT

- Mr. Santoski had no report.
- Ms. Keller discussed the City Council transportation workshop she attended.
- Mr. Rosensweig informed commissioners that the HAC met on Wednesday, July 21st. HAC co-chairs resigned so the HAC is currently looking for replacements.
- Mr. Keesecker informed Commissioners that the MPO Tech committee met on July 20th. The committee introduced the long-range demand plan developed through the rideshare program. Also, discussion occurred for merging the Community Mobility committee and the MPO Tech committee.

B. UNIVERSITY REPORT

Mr. Neuman discussed the new president of UVA, Teresa Sullivan. He updated commissioners on completed projects around the University.

C. CHAIR'S REPORT

- Mr. Pearson was unable to attend the TJPDC meeting. Ms. Keller, however, did attend the meeting and provided a brief report.

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

Ms. Creasy discussed the critical slopes tour scheduled for the August 24th Planning Commission work session. She also informed commissioners on what to expect for the work session meetings in the upcoming months.

Mr. Pearson noted Mr. Keesecker and Mr. Osteen had been appointed to the nominating committee to nominate chair and vice-chair for Planning Commission.

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

No one spoke.

F. CONSENT AGENDA

1. Site Plan and Subdivision approval list
2. Minutes - May 11, 2010 – Regular meeting
3. Minutes - May 25, 2010 – Work session
4. Minutes – July 13, 2010 – Regular meeting
5. Minutes – July 13, 2010 – Pre Meeting

6. Minutes-July 27, 2010- Work Session

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

- a. Administrative and Definition Clarifications for Conservation Districts
- b. Development bonding requirements.

Mr. Rosensweig and Ms. Keller provided amendments to the May 25th work session minutes.

Mr. Pearson requested during the study of bonding requirements that damage to existing trees be included in the study.

Ms. Keller moved for approval.

Mr. Santoski seconded.

All in favor. Consent agenda passed.

Mr. Pearson suggested that Commissioners address regular meeting items because the meeting was ahead of schedule.

III. REGULAR MEETING ITEMS

H. Longwood Drive PUD

- a. Critical Slopes
- b. Site Plan

Critical Slopes

Mr. Haluska presented the staff report. Staff recommends the Commission approve the waiver based on engineering staff's recommendation of criteria #1.

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

Longwood Planned Unit Development located at Tax Map 21A, Parcels 130, 131,

132, 146, and 145; and Tax Map 20, Parcels 272, 271, 270, 269, 268, 267 and 266.1,

property located on Longwood Drive on finding that

- *A strict application of requirements would not forward the purposes and intent of these critical slopes provisions.*

Mr. Keesecker seconded.

Mr. Pearson called the question:

Santoski Yes

Keller Yes

Rosensweig Yes

Keesecker Yes

Pearson Yes

Waiver passed.

Site Plan

Mr. Haluska presented his staff report.

Mr. Santoski moved to approve the preliminary site plan for Tax Map 21A, Parcels 130, 131, 132, 146, and 145; and Tax Map 20, Parcels 272, 271, 270, 269, 268, 267 and 266.1, property located on Longwood Drive, with the following conditions:

a. All remaining staff comments from the preliminary site plan review must be satisfied during the final site plan review.

Mr. Keesecker seconded.

Mr. Pearson called the question:

Santoski Yes

Keller Yes

Rosensweig Yes

Keesecker Yes

Pearson Yes

Site Plan approved.

Mr. Pearson called for recess.

H. JOINT PUBLIC HEARINGS

1. ZM-10-05-13 – (Jefferson School) A petition to rezone the property located at 233 4th Street NW from B-1 Business District to B-2 Business District. Proffers include agreeing to not use the property for certain by-right uses including: automobile-related uses and hotels of up to 100 guest rooms. This property is further identified on City Real Property Tax Map #32 as parcel 89 having approximately 507 feet of frontage on 4th Street NW and containing approximately 161,607 square feet of land (3.71 acres). The general uses called for in the Land Use Plan of the Comprehensive Plan are for Public/Semi-Public. **Report prepared by Nick Rogers, Neighborhood Planner.**

Ms. Keller and Mr. Keesecker recused themselves.

Mr. Rogers gave the staff report. Staff recommends approval of rezoning

Several questions were discussed by the staff and commission.

The applicant, LJ Lopez, representing Stonehaus, emphasized how this property is under review for historic preservation rehabilitation tax credits.

Mr. Rosensweig asked whether the applicant considered proffering elimination of laundromats and dry cleaners.

Mr. Lopez was under the impression that those uses would be subject to SUP, however, he had no objection to removing those uses.

Mr. Pearson opened the forum for a 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. Santoski was curious if the City was pursuing this property as an IPP.

Mr. Rogers confirmed that this was the intention of the City.

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

Mr. Rosensweig moved to recommend the approval of this petition to rezone the property known

as 233 4th Street NW, otherwise known as Tax Map 32, Parcel 89, from B-1 to B-2

as submitted, with proffers from the petitioner as described in submitted proffer statement adding laundromats and dry cleaners to the list of extinguished uses on the basis that the rezoning would serve the interests of public necessity, convenience, general welfare or good zoning practice.

Mr. Santoski seconded.

Mr. Pearson called the question:

Santoski Yes

Rosensweig Yes

Pearson Yes

Motion Passes.

2. **ZT-10-06-17** – (Commercial Zoning Matrix) - An ordinance to amend and reordain Section 34-216 & 34-480 of the Zoning Ordinance of the Code of the City of Charlottesville, 1990, as amended, to rename the R-1U(S)/R-1(S)U zoning district to the R-1SU zoning district and to comprehensively revise allowable uses in the commercial zoning use matrix. Categories in the commercial matrix for revision

include: Adult day care; Residential treatment facility; Clubs, private; Artistic Educational Facilities, Funeral homes (without crematory), Helipads, Museums, Other retail stores(non-specified). **Report prepared by Nick Rogers, Neighborhood Planner.**

Mr. Rogers presented the staff report.

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.

Several questions were discussed by the staff and Commission.

Mr. Rosensweig moved to recommend approval of this zoning text amendment to amend and reordain Sections 34-480 of the Code of The City of Charlottesville, 1990, as amended, to revise and adjust certain land uses allowed in commercial districts to wit: all recommendations in the staff report dated July 29, 2010 plus inclusion of private clubs by SUP in B-1 on the basis that the changes would serve the interests of public necessity, convenience, general public welfare and/or good zoning practice.

Ms. Keller seconded the motion

Mr. Pearson called the question:

Santoski Yes

Keller Yes

Rosensweig Yes

Keesecker Yes

Pearson Yes

Motion Passed.

3. **ZT-10-06-18** – (State Legislative Code updates) An ordinance to amend and reordain Section 34-27, 34-420, 34-480, 34-796, 34-1194 and 34-1200 of the Zoning Ordinance of the Code of the City of Charlottesville, 1990, as amended, to include a provision which allows City Council to independently prepare an amendment to the Comprehensive Plan for review; to revise the definition of “occupancy, residential” to include adult assisted living; to include in each zoning matrix “adult assisted living – 1-8 residents” and “temporary family health care structure” and to add a definition of and regulations (under temporary use permits) for “temporary family health care structure.” **Report prepared by Missy Creasy, Planning Manager.**

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Ms. Creasy presented the staff report.

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. Santoski moved to recommend approval of this zoning text amendment to amend and re-ordain Sections 34-27, 34-420, 34-480, 34-796, 34-1194 and 34-1200 of the Zoning Ordinance of the Code of the City of Charlottesville, 1990, as amended, to include a provision which allows City Council to independently prepare an amendment to the Comprehensive Plan for review; to revise the definition of “occupancy, residential” to include adult assisted living; to include in each zoning matrix “adult assisted living – 1-8 residents” and “temporary family health care structure” and to add a definition of and regulations (under temporary use permits) for “temporary family health care structure on the basis that the changes would serve the interests of public necessity, convenience, general public welfare and/or good zoning practice.

Mr. Rosensweig seconded.

Mr. Pearson called the question:

Santoski Yes

Keller Yes

Rosensweig Yes

Keesecker Yes

Pearson Yes

4. CP-10-06-19: Amendment to the Comprehensive Plan, Chapter Five, Land Use and Urban Design to designate Urban Development Areas using a narrative, a map and appropriate goals and objectives. These are areas defined by Virginia Code section §15.2-2223.1 as appropriate for higher density development due to proximity to services and availability for redevelopment and/or infill development. **Report prepared by Jim Tolbert, NDS Director.**

Mr. Tolbert presented the staff report.

Mr. Pearson opened the public hearing

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 approve the amendment to the City’s Comprehensive Plan to include language pertaining to the Urban Development Areas with the applicable goals and objectives and map designating the area for consideration to allow for formal compliance with state code requirements.

Mr. Santoski seconded.

Mr. Pearson called the question:

Santoski Yes

Keller Yes

Rosensweig Yes

Keesecker Yes

Pearson Yes

Motion Passed.

Ms. Keller adjourned at 6:42 PM