

MINUTES

CITY OF CHARLOTTESVILLE

PLANNING COMMISSION

TUESDAY, October 12, 2010 -- 5:30 P.M.

CITY COUNCIL CHAMBERS

Commissioners Present:

Mr. Jason Pearson (Chairman)

Ms. Genevieve Keller (Vice-Chairman) (left meeting at 9:20)

Mr. Dan Rosensweig

Mr. Michael Osteen

Mr. Kurt Keesecker

Mr. John Santoski

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

Staff Present:

Mr. Jim Tolbert, AICP, Director NDS

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

- Ms. Santoski met with CIP committee and mentioned the process is moving along well. Provided a brief overview of what CIP is.
- Mr. Osteen mentioned he attended the BAR meeting the previous month, however, had nothing to report from that meeting.
- Ms. Keller congratulated Ms. Creasy on the birth of her daughter. She provided an update on the status of CDBG committee and mentioned their scheduled meeting had to be postponed. Ms. Keller also informed Commissioners about the UVA Master Plan meeting she attended and highlighted areas of interest from the meeting.
- Mr. Rosenweig informed the Commission the HAC met on September 15th to discuss the future of the committee and discussed efforts the HAC is making towards achieving more affordability within the City. Parks and Recreation Advisory Board also met on September 15th.

- Mr. Keesecker mentioned the MPO Technical Committee met on September 21st. Mr. Keesecker discussed the North Town Trail Project and the open house occurring at the new TJPDC space to inform the public about the trail.

B. UNIVERSITY REPORT

Mr. Neuman mentioned the upcoming PACC-Tech meeting schedule for October 21st. He also noted the “sustainability pledge” that will be displayed on the UVA Sustainability website and encouraged everyone to check it out.

C. CHAIR'S REPORT

Mr. Pearson commended the University’s Day of Dialogue and hopes to see this conversation extend into the future. He also presented the memo prepared by Stephen Williams, Director of TJPDC, explaining the Chesapeake Bay TMDL legislation. Mr. Pearson mentioned there would be a forum discussing this issue November 16th at the Water St. TJPDC office.

D. ANNUAL MEETING

1. Election of Officers
2. Review of Annual Report

E. DEPARTMENT OF NDS/STAFF REPORTS/WORK PLAN

Mr. Haluska detailed upcoming meetings the Commission should keep note of.

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

Jackie Litman, 336 Parkway St, spoke on behalf of the project proposed for 601 Park St. She is concerned about the proposed width of the driveway that leads into the parking lot designed for this project.

Stephen Bolton, 332 Parkway St, also expressed concern over width of parking entrance. He believes the driveway is out of context with the character of the neighborhood.

There was no additional public comment. Mr. Pearson closed the public hearing.

G. CONSENT AGENDA

Ms. Keller moved to approve agenda. Mr. Keesecker seconded the motion.

All in favor. Consent agenda passed.

While waiting for Councilors to arrive, the Commission decided to discuss the ZTA for the parking entrance at 601 Park St. Mr. Haluska provided an overview of the request.

Mr. Rosensweig asked if the Commission desired to review the driveway ordinance concerning all districts.

Ms. Keller wondered if this amendment should apply to low-density residential districts.

Mr. Santoski moved to *initiate* a proposed amendment to the city's zoning ordinance, to wit: amending Article 9, Division 2 concerning parking entrances.

Ms. Keller seconded the motion.

Mr. Pearson called the question:

Santoski Yes

Osteen Yes

Keller Yes

Rosensweig Yes

Keesecker Yes

Pearson Yes

III. JOINT PUBLIC HEARINGS

H. JOINT PUBLIC HEARING

1. **ZM-10-08-22** – (1006 Linden Avenue) A petition to rezone the property located at 1006 Linden Avenue from R-2 Residential District to Highway Corridor. This property is further identified on City Real Property Tax Map #61 as parcel 51 having approximately 75 feet of frontage on Linden Avenue and containing approximately 11,250 square feet of land (0.258 acres). The Highway Corridor encourages auto oriented commercial development and allows for by right residential density up to 21DUA. The general uses called for in the Land Use Plan of the Comprehensive Plan are for Two Family. **Report prepared by Michael Smith, Planning Assistant**

Mr. Smith presented the staff report.

The applicant, Craig Kaiser, representing Albemarle Heating & Air, explained their reasoning for a rezoning.

Mr. Pearson opened the public hearing.

Mr. Bill Emory, 1604 East Market St., wanted the Commissioners to utilize this rezoning as a framework for future projects regarding stormwater runoff.

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

Mr. Rosensweig asked about the relationship between comprehensive plan review and rezonings.

Ms. Keller asked staff to clarify for the public, the possibility of attaching conditions that could be applied to rezoning applications that are approved.

Mr. Osteen thought the rezoning was appropriate due to the high concentration of commercial uses there currently.

Mr. Osteen moved to recommend approval of this application to rezone property from R-2 to HW on the basis that the proposal would serve the interests of the general public welfare and good zoning practice.

Mr. Rosensweig seconded the motion.

Mr. Pearson called the question:

Santoski Yes

Osteen Yes

Keller Yes

Rosensweig Yes

Keesecker Yes

Pearson Yes

Motion passed.

2. ZM-10-08-23 – (110 Summit Street) A petition to rezone the property located at 110 Summit Street from R-2U Residential District to B-2 Commercial. Proffers include a restriction on the uses permitted on the property. This property is further identified on City Real Property Tax Map #17A as parcel 11 having approximately 60 feet of frontage on Summit Street and containing approximately 9,280 square feet of land (0.213 acres). The B-2 Business district provides for commercial uses of a limited size primarily to serve neighborhood needs for convenience goods and allows for by right residential density up to 21DUA. The general uses called for in the Land Use Plan of the Comprehensive Plan are for Two Family. **Report prepared by Brian Haluska, Neighborhood Planner**

Mr. Haluska presented the staff report.

Mr. Pearson asked about the proffer statement concerning traffic flow.

Mr. Huja wanted clarification on why B-2 zoning uses were noted in proffer statement.

The applicant, Mr. Aubrey Watts of 1707 Kenwood Lane, represented the project on behalf of the City.

Mr. Pearson opened the public hearing.

Mr. Bill Emory, 1604 E. Market Street, had concerns and questions regarding the location of parking and the potential effects on the neighbors on the street.

Mr. Dennis Mason, 621 Lexington Ave, did not support the scope of the project and the location of the rezoning application.

Mr. Eric Gelker, 2921 Jefferson Park Ave, desired to see a sidewalk proposed on Summit St. to accommodate this project.

Mr. Win Adler, PO Box 7423, did not approve the rezoning and thought there was a lack of information provided to the neighborhood.

Mr. Charles Werner, City Fire Chief, clarified some of the concerns expressed by the public regarding the scope of the project.

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

Mr. Rosensweig asked about certain conditions proposed under the new plan for the project.

Mr. Watts responded saying the only changes made for the new plan is a reduction in the retaining wall and revisions made in regards to stormwater management. The building footprint remains the same.

The Commissioners asked various questions relating to the traffic volume along Summit St. that would impact the neighborhood. Mr. Osteen expressed concern over discussing the validity of this rezoning without a site plan, however, Mr. Harris reminded the Commissioners rezoning applications do not require site plans.

Ms. Keller expressed confidence in the City to use the rezoning to reduce effects on neighbors and for the Fire Department to be a good neighbor.

Mr. Rosensweig moved to recommend approval of this application to rezone property from R-2U to B-2 with proffers on the basis that the proposal would serve the interests of the general public welfare and good zoning practice.

Mr. Keesecker seconded the motion.

Mr. Pearson called the question:

Santoski No

Osteen No

Keller Yes

Rosensweig Yes

Keesecker Yes

Pearson Yes

Motion Passed.

3. ZM-10-08-24 – (2712 Eton Road) A petition to rezone the property located at 2712 Eton Road from R-1 Residential District to Planned Unit Development (PUD) with a proffer for a trail easement to the City along Moore's Creek. This property is further identified on City Real Property Tax Map #19 as parcel 10 having approximately 50 feet of frontage on Eton Road and containing approximately 112,123 square

feet of land (2.574 acres). The PUD zoning allows an applicant to present a proposal independent of established zoning categories for consideration by the governing body. This proposal includes a residential cluster development with dedicated open space containing a density of 3.5 DUA. The general uses called for in the Land Use Plan of the Comprehensive Plan are for Single Family Residential. **Report prepared by Brian Haluska, Neighborhood Planner..**

Mr. Haluska presented the staff report.

Mr. Keesecker asked about the existing home adjacent to the property. Mr. Huja was interested in the percentage of open space proposed in the PUD.

Ashley Cooper, representing the proposal on behalf of the applicant, Alex Hancock, provided a powerpoint presentation detailing the proposal. The applicant utilized the presentation to offer Commissioners and the public an opportunity to see the differences between a PUD design and by-right design.

Mr. Pearson opened the public hearing.

Ms. Dora Vivas, 2704 Eton Road, described the uniqueness of Eton Road and also addressed those in the audience opposed to this proposal.

Mr. Charles Witter, 2708 Eton Rd., requested denial of this proposal due to the negative impact this development would have on the neighborhood.

Ms. Ann Lucas, 2705 Eton Rd., questioned the development pattern and its inconsistency with the surrounding architecture.

Jane Smith, 2707 Eton Rd., spoke on the health of Moore's Creek and the harmful effects this development would create.

Bill Niebel, 2707 Eton Rd, presented an overview of why the neighborhood seeks denial of this proposal.

James King, 2607 Jefferson Park Circle, believes traffic volume will degrade the neighborhoods walkability.

Peggy King, 2607 Jefferson Park Circle, echoed Mr. King's traffic concerns.

Carol Hendrickson, 2607 Eton Rd, was concerned about traffic safety and parking congestion

Dede Smith, 2652 Jefferson Park Circle, also highlighted the threat development would have on the health of Moore's Creek.

Eric Gelker, 2421 Jefferson Park Ave, encouraged the Commission to consider mistakes made from past planned unit developments when reviewing this proposal.

Brian Hogg, 2611 Jefferson Park Circle, opposed to this proposal, however, was not completely opposed to development on this property.

Jean Lee, 2622 Jefferson Park Circle, was adamant about protecting the uniqueness and charm of the neighborhood.

Betty Mooney, 201 Sunset Ave, believed this proposal was not appropriate for the neighborhood.

Dan Grogan, 2649 Jefferson Park Circle, asked the Commission to consider the detriment to the neighborhood approving this PUD would create.

Joe Mooney, 201 Sunset Ave, expressed reservations on trusting staff analysis of steep slopes.

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

Commissioners asked various questions regarding by-right development (traffic increase, slope requirements). Mr. Haluska clarified all lots have to fall outside the critical slope boundary and prove no disturbance of slopes.

Mr. Santoski believed the request for PUD is not justified because the application does not prove a substantial difference to a by-right use.

Mr. Osteen believed better design would come from a PUD, but this application did not suggest a rezoning to PUD would produce better results than a by-right. He also expressed frustration with the current zoning regulations and the poor design that stem from certain code regulations.

Ms. Keller did not believe this application provided a strong enough argument for a rezoning. She was disappointed in the lack of involvement between the applicant and the community. She

thought working with the neighborhood would serve the applicant well in moving forward. She noted that the site has significant characteristics that warrant a design that responds to those characteristics.

Mr. Rosensweig echoed his previous Commissioners' opinions and felt the applicant had not identified a justified need for the PUD.

Mr. Keesecker did not believe this proposal met the guidelines for approval and provided critique on the design of the PUD proposal.

The Commissioners all agreed that this rezoning would not be approved unless the applicant submitted a substantially different proposal.

The applicant requested deferral.

Mr. Pearson requested the resubmittal provide more concrete analysis of a by-right development.

Mr. Pearson called for recess.

Mr. Rosensweig recused himself from the next item due to his position as Executive Director of Charlottesville Habitat for Humanity.

IV. REGULAR MEETING ITEMS (Cont.) -- 9:00 P.M.

I. Preliminary Site Plan

1. Sunrise PUD

Mr. Haluska presented the staff report.

Ms. Keller asked for clarification between the difference between public and private streets.

Mr. Santoski wanted to know if any planned unit developments had been approved with reduced street widths.

Don Franco, Sunrise LLC, presented renderings of the development.

The Commissioners all agreed the reduction in street width was appropriate and all thought the overall design was satisfactory.

Mr. Osteen motioned to approve the preliminary site plan for Tax Map 56, Parcels 84, 85.1, 85.2, 86.1, 86.2, and 86.3, property located at 1012 Midland Street, with the following conditions:

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

Mr. Keesecker seconded the motion

Mr. Pearson called the question:

Santoski Yes

Osteen Yes

Keesecker Yes

Pearson Yes

Preliminary Site Plan approved.

Mr. Pearson motioned to adjourn.

Mr. Osteen seconded.

Meeting adjourned 9:53 P.M.