

MINUTES
CITY OF CHARLOTTESVILLE
PLANNING COMMISSION
TUESDAY, September 11, 2012 -- 5:30 P.M.
CITY COUNCIL CHAMBERS

Commissioners Present:

Ms. Genevieve Keller (Chairperson)
Mr. Dan Rosensweig
Ms. Lisa Green
Ms. Natasha Sienitsky
Mr. Kurt Keesecker
Mr. Michael Osteen

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

Not Present:

Mr. John Santoski

Staff Present:

Ms. Missy Creasy, AICP, Planning Manager
Mr. Brian Haluska, AICP, Planner

Also Present

Mr. Richard Harris, Deputy City Attorney

II. REGULAR MEETING

Ms. Keller convened the meeting.

A. COMMISSIONERS' REPORT

- Ms. Sienitsky-No report
- Ms. Green –No report
- Mr. Osteen-Recognized the passing of Preston Coiner. He expressed what Preston meant to him and what an asset he was to the BAR and the community. He informed of us the regular meeting of the BAR and the joint meeting the BAR had with City Council and the PLACE committee. The BAR approved the renovations to the Coca-Cola bottling plant and felt it was a shame the beautiful facade will be masked with tree planting to meet the tree regulations. The Joint meeting brought up a good conversation concerning murals in the City including what is appropriate and the appropriate locations. The Tree Commission met and is addressing appropriate tree planting under power lines. There will be a tree hunt October 10th to identify trees in the City. More information will be coming out about the event.
- Mr. Rosensweig- The HAC didn't meet, but they will meet September 12th in the NDS conference room. The Parks and Recreation advisory committee met concerning the master plan for the east end of McIntire Park, but he did not attend. He informed the commission that he would be stepping down from the Parks and Recreation committee. He has informed the Chair of the committee and well as the Chair of the Planning Commission.
- Mr. Keesecker- Nothing to report

B. UNIVERSITY REPORT

Mr. Neuman – Things are moving slow but steady. The Ivy intersection improvement to widen the lanes should start in the next couple of weeks. The Board of Visitors will be meeting this week and the meetings are open to the public.

C. CHAIR'S REPORT

Ms. Keller –She attended the joint meeting with the BAR, PLACE Committee, and City Council and felt the meeting was very useful. She also attended the TJPDC monthly meeting and there was a presentation on the heritage tourism project. There was a closed meeting on the sustainability grant and a group of PDC commissioners were assigned to investigate concerns and present in November.

D. DEPARTMENT OF NDS/STAFF REPORTS/WORK PLAN

Ms. Creasy stated Willy Thompson and his wife welcomed a baby girl Monday and everyone is healthy and doing well. There will be a joint work session with the County Commission September 18th at the County office building. The topic will be regional goals of the comp plan. There will also be a regular work session on September 25th on the draft land use map. The second set of draft chapters are out for comment and staff would like those comments in the next week.

E. Annual Meeting

1. Report of Nominating Committee-Ms. Green and Mr. Keesecker were appointed to the committee and they have nominated Ms. Keller to remain as Chair and Mr. Rosensweig to remain as Vice Chair.

2. Election of Officers-Mr. Keesecker made a motion nominating Ms. Keller and Mr. Rosensweig. Mr. Osteen seconded the motion.

All in favor.

Motion passed.

3. Review of Annual Report-Ms. Creasy informed everyone that the information is online and it gives details of activities of the Planning Commission for the past year. The report reflects P3 data which is a performance measurement system instituted by the City.

Discussion

Mr. Rosensweig asked Mr. Osteen to explain the increase in the number of COA requests the BAR has had per month over the year. He wanted to know if maybe they were cases that should not have come to the BAR or cases that keep coming back due to deferrals.

Mr. Osteen explained that some cases they are seeing too many times or the applicant is bringing the project in two phases. He knows that some people feel that the BAR shouldn't be seeing some of the things that are coming up. We still have to realize that a lot of people are doing renovations though there is not a lot of new construction.

Ms. Creasy stated that this is only one activity done by the Preservation staff and there has been a large increase in the number of designated properties over the last decade. Properties in the Conservation District as well as sign permits are examples of other applications which are time intensive.

Ms. Green asked if there was duplicity in what the BAR does and what the Tree Commission does.

Mr. Osteen stated that the Tree Commission does things totally different than what the BAR does.

Ms. Keller stated that the economy is the reason why we are seeing more rehab instead of new projects since there is less new construction currently. She also added that since VA has state tax credits that can be added to federal tax credits for historic rehabilitations, Virginia is consistently one of the top states nationally for numbers of historic rehabilitations.

F. MATTERS TO BE PRESENTED BY THE PUBLIC NOT ON THE FORMAL AGENDA-None

G. CONSENT AGENDA

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

1. Minutes - August 14, 2012 – Pre meeting
2. Minutes - August 14, 2012 – Regular Meeting
3. Minutes – August 28, 2012 – Work Session
4. Zoning Text Initiation-PUD, Rezoning and SUP procedures

Mr. Rosensweig made a motion to approve the Consent Agenda.

Ms. Green seconded the motion.

All in favor.

Consent Agenda passes.

III. JOINT PUBLIC HEARINGS

1. G. JOINT PUBLIC HEARINGS

SP-12-07-10 – (1304 East Market Street) An application for a special use permit for a music hall at 1304 East Market Street. The property is further identified on City Real Property Tax Map 56 Parcel 8 having frontage on East Market Street. The site is zoned M-I (Manufacturing-Industrial) and is approximately 2.11 acres or 91,911 square feet. The Land Use Plan generally calls for Industrial. **Report prepared by Brian Haluska, Neighborhood Planner.**

Mr. Haluska presented the staff report. He provided the definition of a music hall. He also went over the rules and regulations that the applicant needs to abide by. He then explained the applicant's request.

Questions from the Commission

- Is 2450sqft the size of the existing building?
- Is mixed use allowed “by right” in the city?
- How many people does the occupancy permit allow?
- Has there been any monitoring of the noise levels for this building?
- Is this building designated historic?
- Is there parking on the street?
- How is indirect noise impacting the area and can that be monitored?
- Are there hours of limitations on noise for this site?
- Is the noise ordinance measured at the residential property line or the property line of the business?
- Is there a design option to mitigate the noise?

Mr. Haluska stated that the existing building will not be expanded. This square footage encompasses the current restaurant space. Yes, mixed use is allowed by right in the city and the occupant load for this site is 150. The establishment was shut down for 2 zoning violations but not for noise ordinance violations.

The building is not locally designated historic but it may be state or nationally. There is parking on East Market Street and on Meade Ave across the tracks. There may be some design options to mitigate the noise but he did not have the expertise to speak to this.

Questions from Council

Mr. Norris asked for further explanation of the noise concern.

Mr. Haluska explained that regardless of whether the noise was inside or outside the building, concerns have been expressed.

Ms. Galvin would like to know what 75 decibels sounds like and what has been done in the past with areas that are residential and industrial.

Mr. Haluska stated that UVA has a class now focusing on that issue.

The applicant, Matteus Frankovich presented a petition for neighbors. He gave a history of what he has done in the community in the past and what he is planning on doing for the community with this establishment. He gave details on what he was looking for and was opened to compromise. He also explained what he has done to mitigate the noise inside the building from traveling outside.

Ms. Keller opened the public

Zapp McConnell, 1513 East Market Street, is in total support of the music hall. He is glad that there is a place in the neighborhood that he can come to and see his neighbors. He is glad that it is within walking distance and feels the establishment supports artists and artists support the community.

Bailey Elizabeth, 505 Elliott Ave, feels that the applicant is only trying to do the right thing and have a legal operation. She feels that permission should be granted if the applicant is meeting all of the requirements. Not letting him operate as a music hall has had a negative impact on business.

Brian Wilmer, 704 Belmont Ave, feels that “what good” will come out of the establishment needs to be looked at. Where is the creativity? There is lot in this building.

Rachael McQuade, 1405 Chesapeake St, is in full support and welcomes the addition. It is a good place to meet a lot of neighbors. She feels there is confusion as to where the noise is coming from at night. She walks her dogs at night and does not hear the music. She also feels really safe in the area.

Rachael Garnett thinks that it is a nice place to meet new people. She has met a lot of friends there. She feels that the music is hardly heard.

Shawn Strubbe, 518 Caroline Ave, feels that establishment fits nicely into the neighborhood and feels very protected and safe with it being there.

Bruce Hlvin Hazel Street, knows that the applicant will succeed. It would be so much easier if the permit could just be granted. The applicant did such a great job with his first establishment on the mall and has really enriched the city.

Brett Cassie, 3635 Scottsville Rd, noted that the neighborhood is very lucky to have the Saloon. A lot of the residences just have the fear of violence and noise. He admires the smaller venues and this is one that he admires.

Bill Lankford, 1400 East Market Street, presented a petition from 41 neighbors that are against the music hall. He feels that something other than a music hall can be done. The Saloon has disrupted a lot of people's lives negatively.

Doug Ohnemus, 1611 B Amherst St, stated that he was a part of the illegal venue that was in the building prior. That venue did not cause any problems and he feels Charlottesville would benefit from the project.

Shawn Decker, 23 Woodlake Dr, noted that Matteus gave him and his band an opportunity to play when some establishments don't consider them a band.

Eliza Pister, is the owner of the Linen Building and she was very excited when she got asked if the Saloon could open. She has never gotten one phone or complaint from the other tenants in the building. She is very surprised that this is an issue.

Mary Pister, 1425 Hazel St, stated that she has businesses on Meade Ave and thinks that he has operated within the guidelines. You have to pay the price for living in the City and this is a part of paying that price.

Orinah Blodgett, 699 Chapel Hill Rd, noted that she has spent most of her childhood in the Woolen Mills area and would like to see options being created within the neighborhood.

Emily Wilson, 1314 Chesapeake Ave, said she is in full support and when she is out on her deck she can't hear the music at all. She feels it will be a great benefit to the City.

Jeyon Falsini, 1013 Locust Ave, stated he has worked with Matteus in the past, hosting shows and is very happy with what he has done. He feels it is very important to believe in diversity and the energy and the crowd is great. It's a great location for people to walk to.

Alexander Fraley, 1314 Chesapeake Street, is in support of the SUP, and can't hear the music from her house. Most of the noise is coming from the Lunchbox.

Nancy Carpenter, 7 Eagles Landing, is in support of the SUP. She thinks that this will bring a more vibrant feel into the city and more people.

Robin Hanes, 1709 E Market St, noted that the restaurant is great. The older people are the ones that are mainly concerned about the noise. There has to be a choice on who to believe and who is telling the truth.

Thomas Parmenter, 1504 E Market Street, has never felt uncomfortable walking past the Saloon. He feels very safe when he is there.

Violet Houser, 206 Meade Avenue, noted her concern is with the base sound and vibration. She noted that the music does not always end on time. She raised concern with private parties, the door remaining open and the ending time for music. She was not in favor of the music hall permit.

Donna Blessing, 209 16th St. NE, noted that the Woolen Mills area is very unique and understands trying to preserve the area. She likes the idea of having a pub, just not a music hall. She feels that a compromise would be very hard to come up with and wished she had the magic answer.

Emily Lape, 1718 E Market St, feels the neighborhood is divided, but she is in support of the SUP. She always feels warm and welcome when she visits the Saloon.

Marianne Kubik, 1335 E Market St, is in agreement with it being a restaurant, but not a music hall. She is a first time buyer and would not like to regret her decision on buying her house.

Grant Partridge, 1304 E Market St, has lived there for 3years and there has never had a problem with noise. He feels there is no difference from the loud trucks and music that is heard from the Pavilion.

Albert _____, 1418 Carlton Rd, is totally in support and has never had a problem with the noise.

Chip Staples, 317 Rolling Rd, is a music performer and feels the Saloon would be very good addition to the City. He hopes a compromise can be made and he supports the applicant.

Eric Blansky, 817 Blenheim Ave, has brought friends from France and they loved the Saloon. When he brings people from other places here and they see the Saloon they want to move to the area.

Morgan Moran, 1207 Grove St, stated that she moved here to be a musician and a lot would be lost if it is not allowed to be a music hall.

Timothy _____, 224 Mulberry Dr, he feels really strong about the issue. As a musician there aren't a lot of many cool places to play and the saloon is the best place. He feels a lot of money has been lost during this time.

Alfred Samuels, 1208 E Market St, stated this is a commercial property owner and feels it is a wonderful improvement to the area. There has been a problem in the past with late night drinking but not from the Saloon.

Jim Shummer, Willard Drive, works at the Saloon on a volunteer basis and feels people are just afraid of what is going to happen. The music hall existed for 5 months without any violence, and extra walls have been built to control the noise.

Kelly Rinzes, 1731 Chesapeake St, feels that most of the noise is coming from the cars. He doesn't really think the noise was coming from the Saloon.

Nathan Zander, 1455 Oxford Rd, stated there are two people who live in the neighborhood that own motorcycles and they rev them up when they leave their driveway, so the noise may be coming from them and not the Saloon.

Lisa Strutzel, 413 Arbor Circle, is a really big fan of Matteus' work and is active in the neighborhood association. She would really like to see everyone living in peace and a compromise to happen.

Jim Benedict, East Market Street, is not in favor of the music hall and feels that the area doesn't need this type of venue.

Elizabeth Good, 624 Beaver Dam Rd, is out of a job due to the shutting down of the music hall. When you choose to live in the city it comes with noise, cars and traffic. The Lunchbox was actually bringing in the noise. Closing of the music hall has brought a death sentence to the business.

Joe Salidis, 142 Stribling Ave, noted that when he lived in the Woolen Mills area he lived by the railroad track and the ground would tremble when the train would go by. He feels the only people that came out are the only people that truly care about the music hall.

Bill Emory, 1604 E Market Street, noted that the division of the western portion of Woolen Mills neighborhood into a Manufacturing Industrial zone up against a long settled residential has generated many public hearings since he moved to the neighborhood in 1987. As Mr. Tolbert has observed, this hard line between industrial and residential is not something that is typical in a land use plan or in a zoning ordinance. The juxtaposition of these disparate districts represents a longstanding urban planning

failure. For decades Woolen Mills neighbors have asked City Government for revisions to the land use plan and the zoning district map to rectify this inappropriate zoning. Tonight, we reap the twin harvests of legislative inaction and bad zoning practice. Jane Jacobs says: “A successful city neighborhood is a place that keeps sufficiently abreast of its problem so it is not destroyed by them. She continues saying: “An unsuccessful neighborhood is a place that is overwhelmed by its defects and problems and is progressively more helpless before them.” A recommendation to hold back this SUP is not a blow against culture, against youth or against freedom of expression. Please cast your votes for the stability of an old, diverse and storied neighborhood. The Death and Life of Great American Cities, Chapter 6, “The Uses of the City Neighborhoods”

Ms. Keller closed the public hearing

Questions from the Commission

Ms. Sienitsky asked if the applicant was proposing 7:00 pm completion for outdoor music.

The applicant stated that he was not really interested in having outdoor music, but would be comfortable with any conditions.

Discussion

Ms. Sienitsky stated that things need to be considered that attract a different audience. She is comfortable with placing the same limitations on this site as the Belmont site. She feels the Saloon is consistent with Woolen Mills and feels very comfortable with granting the SUP. The building was not being put to good use and this is a vast improvement.

Ms. Green stated that what is good for the City and planning as a whole needs to be looked at. She stated that she lives by a train now and it is awesome. A world class city is not just made on arts alone. She is on the fence about the issue.

Mr. Osteen feels that the issue is challenging as well. He doesn't feel that this venue is incompatible. He would like to see a SUP that works for everyone.

Mr. Rosensweig likes the idea of the linen building being utilized. He feels it is the appropriate use and location.

Ms. Keller agrees with everyone and appreciates the enthusiasm. She sympathized with the long term residents of the neighborhood. She feels that some conditions should be in place and some ideas sent to Council since it appears that the majority of the Commission favors granting the SUP.

Mr. Keesecker feels a little torn also. He can't come up with a better place that an SUP should be applied in the City. The location is walkable and only one block from downtown extended. He feels there are a lot of advantages to this location. He feels some rules need to be made, but that energy in this direction feels good.

Ms. Green feels that it needs to be conforming to the Comp Plan and does it fit into the plan that we are working on now.

Mr. Keesecker feels that it would take a lot of planning to turn the area around and that would be a lot to put on the business and the owner.

Mr. Rosensweig feels that we need to stick to the current Comp Plan.

Mr. Tolbert stated that SUP's are deemed appropriate within some locations of a zoning classification if the impacts can be mitigated. A music hall could be appropriate in this area even though it is zoned industrial. An SUP is different than a rezoning request.

Discussion of Conditions

The Planning Commission reviewed the conditions stating which ones they were comfortable with and which ones needed discussion. They also made a recommendation to City Council to have a noise test at the site prior to Council hearing the application.

Mr. Rosensweig moved to recommend approval of this application for a special use permit for the operation of a music hall in the Manufacturing-Industrial zone for 1304 East Market Street on the basis of good zoning practice, with the following conditions:

1. Adherence to all regulations outlined in Section 34-1174 of the Zoning Ordinance.
2. The music hall use will be limited to 2,450 square feet in a unit located in the northwest corner of the building with entrances on East Market Street and Meade Avenue.
3. All live music will cease at no later than 12:30 am on Fridays and Saturdays, and no later than 10:00 pm on Tuesdays, Wednesdays and Thursdays.
4. No live music shall be permitted on Sundays or Mondays.
5. Any outdoor performances of live music shall cease no later than 7:00pm and shall be limited to four (4) events per year.
6. Employment of a security guard from the hours of 9pm to one half hour after closing Thursday through Saturdays on nights where live music is played.
7. Employ materials and techniques to ensure compliance with decibel level approved herein.
8. Inclusion of signage to direct vehicular traffic into the parking lot and direct pedestrian traffic from the parking lot around the front of the building to the Meade Avenue entrance.
9. Limitation to 75 decibels after 9pm at the property line of the parcel.

The Commission further recommended to Council that prior to deciding on the matter, Neighborhood Development Services staff will take the lead in organizing a performance measurement test inclusive of the applicant, City Councilors, concerned citizens, members of the public and Planning Commissioners.

Mr. Osteen seconded the motion

Ms. Creasy called the question:

Sienitsky	Yes
Green	Yes
Osteen	Yes
Rosensweig	Yes
Keesecker	Yes
Keller	No

Motion Passes

IV. REGULAR MEETING ITEMS

Meeting adjourned at 9:10 pm