

DRAFT MINUTES

CITY OF CHARLOTTESVILLE

PLANNING COMMISSION

TUESDAY, 13 MARCH, 2007 -- 6:30 P.M.

CITY COUNCIL CHAMBERS

The Regular Meeting of the Planning Commission was held on this date with the following members present:

Mr. Jon Fink (Chairman)

Mr. Bill Lucy (Vice-Chairman)

Ms. Cheri Lewis

Mr. Michael Farruggio

Mr. Hosea Mitchell

Mr. Michael Osteen

Mr. Jason Pearson

Commissioners Not Present:

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

Staff Present:

Mr. Jim Tolbert, AICP, Director NDS

Ms. Missy Creasy

Ms. Ashley Cooper

Mr. Brian Haluska

Ms. Amy Kilroy

City Council Members Present:

Mr. David Brown, Mayor

Mr. Kendra Hamilton, Vice Mayor

Mr. Kevin Lynch

Mr. Dave Norris

Mr. Julian Taliaferro

Also Present:

S. Craig Brown, City Attorney

II. REGULAR MEETING

Mr. Fink convened the meeting at 6:31 p.m.

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

Mr. Fink called for matters not on the agenda.

Ms. Collette Hall, of 101 Robertson Lane, stated Tim Hughes, the City Forester, had come to the North Downtown Neighborhood Association meeting to talk about trees. She asked that the Commission direct Staff to put the accepted tree list on the City website. Mr. Fink stated that when the list was adopted it would be part of the website.

B. COMMISSIONERS' REPORTS

Mr. Mitchell stated the CDBG Task Force had been meeting.

Ms. Lewis stated the Housing Advisory Committee had met with the County's Housing Committee; the committees suggested meeting together periodically. The Route 250 Interchange Committee meeting had been cancelled. She stated she had been unable to attend the UVa Master Planning Council meeting.

Mr. Osteen had not been able to attend the Downtown Zoning Committee. He had attended the Board of Architectural Review meeting. The Board was discussing many interesting projects, especially the CVS site at Ridge and McIntire.

Mr. Lucy stated the school CIP committee had met and there would be an acceleration of the schedule with details to be confirmed soon.

Mr. Pearson stated the last meeting of the Downtown Zoning Committee had been very productive. He stated a representative of the DEQ had spoken at the Thomas Jefferson Planning District Committee meeting.

Mr. Farruggio stated the Parks and Recreation Advisory Committee had met twice in the last month. The next park to be considered for public input is Azalea Park. The MPO Tech Committee had met and discussed the Northern Albemarle Commuter Trail. The Federation of Neighborhoods had not met.

C. CHAIR'S REPORT

Mr. Fink stated the Board of Zoning Appeals had met. The Eastern Connector Committee had met and had begun examining the topography of potential connector routes. There as mention of a meeting held with the Albemarle County Planning Commission Chair.

D. ANNUAL PLANNING AWARDS PRESENTATION

Past Planning Commissioner Recognition: Ms. Karen Firehock, Mr. Craig Barton, and Mr. Kevin O'Halloran were recognized for there years of service to the Planning Commission.

Outstanding Neighborhood Effort: Friends of McGuffey Park.

Outstanding Plan of Development: Habitat for Humanity Builders' Blitz.

Citizen Planner of the Year: Karen Dougald.

The Herman Key Jr. Access to the Disabled Award: Chipotle Restaurant

The Eldon Fields Wood Design Professional of the Year: Karen Firehock and the Fall 2006 Semester PLAC 569 Class at UVa.

Neighborhood of the Year: Fry's Spring.

Outstanding Sustainable Development: Charlottesville Community Design Center.

NDS Staff Member of the Year: James Herndon.

III. CONSENT AGENDA (Items removed from the consent agenda will be considered at the end of the regular agenda)

E. CONSENT AGENDA

1. City Accepted Tree List Update

2. List of site plans and subdivisions approved administratively

3. Minutes -- February 15, 2007 -- Work session and Special Meeting

Mr. Osteen stated the Tree packet had come together beautifully and had addressed previous concerns clearly.

Mr. Farruggio moved to approve the Consent Agenda. Mr. Lucy seconded the motion. The motion carried unanimously.

IV. JOINT PUBLIC HEARINGS

F. JOINT PUBLIC HEARINGS

1. Community Development Block Grant and HOME/ADDI Funding -- 5th Year Action Plan, 07-08: The Planning Commission and City Council are considering the 5th year Action Plan of the multi-year Consolidated Plan which sets forth projects to be undertaken utilizing CDBG and HOME/ADDI funds for the City of Charlottesville. In fiscal year 07-08 it is expected that the City of Charlottesville will receive approximately \$538,000 for Housing and Community Development needs and \$117,000 in HOME/ADDI funds for affordable housing from HUD. CDBG funds will be used in the City to conduct housing rehabilitation, assist low and moderate income home buyers, and improve access and housing for persons with disabilities, as well as to fund several programs that benefit low and moderate income citizens and the homeless population. HOME/ADDI funds will be used to assist first time home buyers and rehabilitate housing. Report prepared by Amy Kilroy, Grants Coordinator.

Ms. Kilroy gave the staff report. She stated an E-mail had been received late on the 9th that said their numbers were approximately what they were last year; a little tweaking needed to be done to the final dollar amounts. Final figures should be received from HUD before this is presented to City Council.

Mr. Fink called for questions from the Commissioners and Councilors.

Ms. Hamilton wanted to know why the amount available had decreased over the years. Ms. Kilroy explained the amount of funding stayed the same but disbursement was decreasing as additional communities were added. Ms. Hamilton wanted to know if there was a point in time when the City may not be eligible for CDBG funding. Ms. Kilroy stated it was possible but would not be known until 2010.

Mr. Fink opened the public hearing. With no one wishing to speak to the matter, Mr. Fink closed the public hearing.

Mr. Fink called for comments from the Commissioners.

Ms. Lewis thanked Mr. Mitchell and Ms. Kilroy, as well as other staff members, for all their work on this.

Mr. Mitchell moved that they accept and approve the recommendations of the Task Force as outlined by Ms. Kilroy. Mr. Farruggio seconded the motion. The motion carried unanimously.

2. SP-07-03-05: (1015 Druid Avenue) An application for a special use permit for a family day home on the property at 1015 Druid Avenue. This is a request for the allowance of a family day home in a single family residence to allow for up to 12 children. This property is further identified on City Real Property Tax Map Number 60 as parcel 127.1, having approximately 48 feet of frontage on Druid Avenue and containing approximately 6055 square feet of land or 0.139 acres. 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 gave the staff report. This is an application for a Special Use Permit for a family day home. Family day home is defined in the Zoning Ordinance as "a child care program serving one to 12 children under the age of 13 (exclusive of the provider's own children and any children who reside in the home), where such program is offered in the residence of the provider or the residence of any of the children in care. Any program serving more than 12 children shall be considered a child daycare facility." The R-1S zone permits family day homes serving between one and five children by right, and requires family day homes serving between six and 12 children to obtain a special use permit. The major issue for this application has been traffic and parking along Druid Avenue. Traffic was light the day Mr. Haluska checked it at 8:15 a.m. The applicant proposes hours of 8:30 to 2:30. Staff recommends approval with the following conditions: maximum enrollment be set at 10 children per day; and hours of operation be limited from 8 a.m to 3 p.m. Monday through Friday.

Mr. Farruggio wanted to know if the City required fencing around this type of facility. It did not; however, if the applicant wanted a fence, the regulations were very lenient and would allow it to be built within the yard as long as it did not obstruct sight distance on the street.

Mr. Fink recognized the applicant.

Ms. Nora Ali Gaffney, of 1015 Druid Avenue, was present to answer questions.

Mr. Farruggio wanted to know if the yard would be fenced. Ms. Gaffney stated the side and back yards were currently fenced and the children would not be able to attain access to the front yard.

Mr. Fink wanted to know what the impact would be on the applicant if they conditioned enrollment to ten. Ms. Gaffney stated she had only planned to have eight children per day.

Mr. Fink opened the public hearing. With no one wishing to speak to the matter, he closed the public hearing and called for comments from the Commissioners.

Mr. Farruggio expressed his support of the application.

Ms. Lewis moved to recommend approval of this application for Special Use Permit in the R-1S zone for Nora Ali Gaffney, at 1015 Druid Avenue to permit the operation of a family day home with the conditions listed in the staff report: limited to ten children per day; the hours of the school of operation would be limited to 8 a.m. to 3 p.m. Monday through Friday. Mr. Lucy seconded the motion. Mr. Fink asked Ms. Creasy to call the question. The motion carried unanimously.

3. ZM-07-03-06: (Carlton Road) A petition to rezone from M-1 Industrial to Downtown Extended Corridor, for the property at the corner of Meade Avenue and Carlton Road. The application is to create opportunities for uses not allowed within Industrial zoning. This property is further identified on City Real Property Tax Map Number 56 as parcel 19 having 150 feet of frontage on Carlton Road and containing approximately 27,007 square feet of land or 0.62 acres. The general uses called for in the Land Use Plan of the Comprehensive Plan are for Industrial Uses. Report prepared by Ashley Cooper, Neighborhood Planner.

Ms. Cooper gave the staff report. The applicant has recently constructed a commercial building containing approximately 12,000 square feet of retail and office space and seeks rezoning to allow for uses not allowed within Industrial zoning. Staff recommends in favor of rezoning because of the transitional nature of this area and the City's desire to promote a mix of uses.

Mr. Pearson expressed concern about the future of the area and wondered if the Downtown Extended Corridor was the right designation for this property.

Mr. Farruggio wanted to know why a Special Use Permit couldn't be used in the situation. Ms. Cooper stated the ordinance must have specific provisions that say an SUP can be granted.

Mr. Fink recognized the applicant.

Mr. Charles Lewis, of 4357 Chris Greene Lake Road, stated the building had just been completed and there were no intentions of going higher or wider.

Mr. Farruggio expressed concern about what would happen to the building envelope should the building be sold in a few years.

Mr. Fink opened the public hearing. With no one wishing to speak to the matter, Mr. Fink closed the public hearing.

Mr. Fink called for comments from the Commissioners.

Mr. Pearson stated the City was changing and this was unlikely to be an industrial area. He suggested this might be a different type of corridor from Downtown Extended.

Mr. Fink did not have a problem moving this application forward and voting to approve; however, he was concerned about how this conveyed in the future.

Ms. Lewis agreed the City was changing quickly. She thought this was a difficult application because it does not seem appropriate to extend Downtown Extended with all of its intensity. She suggested

rezoning with proffers or heavy conditions did not seem appropriate nor did an SUP as it made the matter appear like spot zoning. She thought the use matrix should be reconsidered. Ms. Lewis stated she could not support a rezoning here nor a Special Use Permit.

Mr. Lucy suggested the staff and Planning Commission could consider where part of Carlton Road could be considered for a development corridor in the future.

Mr. Pearson moved to defer until the next meeting. Mr. Lucy seconded the motion. Ms. Creasy called the roll; the motion carried unanimously.

4. ZT-07-03-07: An ordinance to amend and re-ordain Section 34-240 et seq. of the Code of The City of Charlottesville, 1990, as amended (Zoning Ordinance), to regulate the placement of fill in the flood hazard protection overlay district, and Section 34-1200, to add definitions relevant to the flood hazard protection overlay district.

Mr. Tolbert gave the staff report. Pre-2003 the floodplain part of the zoning ordinance was unique in that if you wanted to fill in the flood plane, you had to remove a like amount of material from somewhere else in the floodplain. In 2003, the City went more to the national model which said you could build or fill in the floodplain; if someone wanted to provide fill and elevate to get out of the 100 year floodplain, they could put dirt in and raise it up as long as it wasn't in the floodway. Concern was expressed that that went too far. The proposal before the Commission mirrored the Albemarle County regulation. The proposal allows fill in the floodplain but engineering data must be submitted to the City Engineer who must certify the flood elevation was not being raised, and then it must go to the Board of Zoning Appeals.

Mr. Fink opened the public hearing.

Mr. Charles Young, of 1502 Sunset Lane, Richmond, stated he and his sister own a property in the floodplain which they would like to develop at some point. He expressed concern about how the regulations would affect his property.

Mr. Al Payne, of 916 Rock Creek Road, stated he had received one of the FEMA letters stating he was in the flood zone. He expressed his disapproval of filling the floodplain.

Mr. Wendell Wood, a Charlottesville property owner, asked the Commissioners to consider the cost of this regulation. He asked that they not put the burden of cost on the property owners.

With no one else wishing to speak to the matter, Mr. Fink closed the public hearing and called for comments from the Commissioners.

Ms. Lewis expressed concern about how a single family lot would be impacted. She also expressed concern about regulations which impacted peoples' property rights and their ability to develop. She thought the ordinance needed to have some flexibility.

Mr. Farruggio made a motion that they defer ZT-07-03-07. Mr. Lucy seconded the motion. Ms. Creasy called the roll. The motion carried unanimously.

V. REGULAR MEETING ITEMS (Continued)

G. DEPARTMENT OF NDS/STAFF REPORTS

Mr. Tolbert informed the Commission that NDS staff member Skip Kinnier had passed away 11 March 2007. Mr. Kinnier had been with NDS 36 years. A memorial service would be held 14 March at Westminster Presbyterian.

The Downtown Advisory Committee had put together recommendations and a joint meeting would be set between the BAR and CPC.

Ms. Creasy stated the staff reports were now being put online.

Mr. Tolbert introduced a new staff member, Ms. Ebony Walden.

Mr. Lucy wanted to know the timing goals for the reports from the Streetcar Task Force and the Sustainability Task Force. Mr. Tolbert stated they were not working with those so he was not sure.

Mr. Fink asked if there was a motion to adjourn until April 10th. Ms. Lewis so moved. Mr. Farruggio seconded the motion. The motion carried unanimously, whereupon the meeting stood adjourned at 9:03 p.m