

**DRAFT MINUTES
CITY OF CHARLOTTESVILLE
PLANNING COMMISSION
TUESDAY, 10 JUNE, 2008 -- 5:30 P.M.
CITY COUNCIL CHAMBERS**

Commissioners present:

Mr. Jason Pearson (Chairman)
Mr. Michael Farruggio (Vice-Chairman)
Ms. Cheri Lewis
Mr. Hosea Mitchell
Mr. Michael Osteen
Ms. Genevieve Keller
Mr. Dan Rosensweig

Commissioners Not Present:

Mr. David Neuman, Ex-officio

Staff Present:

Mr. Jim Tolbert, AICP, Director NDS
Ms. Missy Creasy
Mr. Brian Haluska
Mr. Nick Rogers
Ms. Mary Joy Scala
Ms. Ebony Walden

City Council Members Present:

Mr. Dave Norris, Mayor
Mr. Julian Taliaferro, Vice Mayor
Mr. David Brown
Ms. Holly Edwards
Mr. Satyendra Huja

Also Present

Mr. Richard Harris, Deputy City Attorney
Ms. Francesca Fornari, Assistant City Attorney

II. REGULAR MEETING

Mr. Pearson convened the meeting at 5:37 p.m.

A. COMMISSIONERS' REPORTS

Mr. Mitchell had nothing to report.

Ms. Lewis waived her report on committees and requested the Commissioners and Staff consider using E-mail whenever possible when plans of development come forward.

Mr. Osteen had not attended the May meeting of the Board of Architectural Review. However, he cited several items from its Minutes. He noted the 1704 Gordon Avenue project had been before the BAR; the Board felt they did not have a stake in the idea that the extra density would be allowed.

Mr. Farruggio stated the Neighborhood Federation had not met this quarter. The MPO Tech Committee and the Eastern Connector Committee had met but Mr. Farruggio had been unable to attend those meetings due to his work volume. The Parks and Recreation Committee did meet and approved the McIntire Master Plan; construction will begin in the fall of 2010 with a proposed opening of spring 2011.

Mr. Rosensweig commended the Parks Board and Parks staff for carrying out a process that was inclusive and efficient. He stated he had been assigned to the MPO Tech Committee which was taking a break until July.

Ms. Keller had nothing to report.

B. CHAIR'S REPORT

Mr. Pearson attended the Thomas Jefferson Planning District Commission meeting on June 5th. The search for a new Executive Director continues.

C. DEPARTMENT OF NDS/STAFF REPORTS

Ms. Creasy reminded the Commission the July meeting would be held on the 22nd due to conflicts.

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

Ms. Carla Mullen, of 621 St. Charles Avenue, stated she had written to the Commissioners to express her concerns about exterior accessory apartments, particularly those of three specific projects. She formally requested the Commissioners to review that zoning in a work session.

Mr. Bill Emory, of 1604 East Market Street, read a prepared statement regarding the proposed Zoning amendments of Individually Protected Property designations.

Mr. Paul Via, of 201 Huntley Avenue, spoke on behalf of Dale Avenue, LLC, specifically 603 Dale Avenue which was being considered for historic designation. He asked that it be taken off the list as he had not received notification and because the buildings were condemned.

E. CONSENT AGENDA

- 1. List of site plans and subdivisions approved administratively**
- 2. Minutes -- May 13, 2008 -- Pre-meeting**
- 3. Minutes -- May 13, 2008 -- Regular meeting**
- 4. Minutes -- May 27, 2008 -- Work session**
- 5. Preliminary and Final Subdivision -- Brookwood Phase V**

Ms. Lewis had submitted a small revision of the minutes to Ms. Creasy.

Ms. Lewis moved to approve the list of site plans and subdivisions approved administratively through last month, the minutes of May 13th -- the two sets of them -- the minutes for May 27th and the preliminary and final subdivision for Brookwood Phase V. Mr. Osteen seconded the motion. Ms. Keller noted she had submitted handwritten revisions at the pre-meeting. Mr. Pearson called a vote by acclamation. The motion carried unanimously.

F. SITE PLANS

1. Graduate Fellows Center -- 124 Maury Avenue

Ms. Walden gave the staff report. The site plan proposes the construction of a two story, 27,397 square foot educational facility. Staff recommends approval of the preliminary site plan conditioned on the resolution of the parking on site and Public Utilities approval of the proposed waterline design. The applicant has requested approval of a Cooperative Parking Agreement, which includes a parking reduction of 16 spaces. The applicant is also requesting that they be allowed to use off-site parking spaces through the UVA Parking System in order to use the assembly space for events during the day. Staff had received one complaint from a Fontaine resident who felt there would be impacts to the on street parking. Staff recommends approval of this.

Mr. Rosensweig sought confirmation the public commentary was an E-mail from Ryan Casey; Ms. Walden stated it was. Mr. Rosensweig clarified that it was not a negative comment but a request that, if approved, parallel parking lines be painted on Fontaine.

Ms. Keller wanted to know if the site would be served by University transit once it was developed. Ms. Walden stated it would.

Mr. Bob Moje, of VMDO Architects, stated the requested uses already exist within the University. The project's mission is to improve the quality of the doctoral and post-doctoral students at the University.

Ms. Lewis wanted to know if the open space calculations had included the parking area. Mr. Joe Atkins of VMDO Architects stated the open space did not include the parking area; it had been calculated by the definition in the ordinance.

Mr. Farruggio wanted to know the possibilities of employees being forced to park off site. Mr. Moje explained the Cooperative Parking Agreement would allow for the 16 staff spaces to be relocated to the Emmett Street garage if the spaces were needed for a daytime event.

Ms. Keller wanted to know if the applicant would see an opportunity in the space saved to commemorate and institutionalize the history of the Compton house which had been on the site originally as well as the history of residential occupation on that site. Mr. Moje stated the Compton house was severely compromised by its benign neglect over the years. He stated it had the highest level of contamination of lead testing. Ms. Keller stated she was not trying to discuss the demolition, she wanted to know if there was any way to incorporate something into the site plan. Mr. Moje stated it had been thoroughly documented as it was taken down. He stated they had been discussing having a display of that within the building.

Mr. Pearson called for discussion among the commissioners.

Ms. Lewis expressed her complete support for approving the site plan or review administrative, with the addition of the trip generation information that they had been given. She noted the trip generation data showed 246 trips projected to the site per day. Ms. Lewis stated she could not support the parking waiver. She did not think the proposed uses were that different. She felt the 39 parking spaces would be well sought after and could be easily filled up by the Jefferson Scholars board members and staff much less any special events which occur on site.

Mr. Farruggio expressed his agreement with Ms. Lewis.

Mr. Rosensweig stated he agreed in principal with the ordinance being the guiding force in making these decisions, but he thought in this case the unanimous support from the neighborhood association itself suggested voting for the waiver. He found it problematic that more parking credits were not allowed for the location of the UTS stop which was greatly utilized by the students.

Ms. Keller agreed with Mr. Rosensweig. She stated she wanted to be supportive of cooperative parking and keeping as much open space and green space in a formerly residential area. She reiterated her request that there be a substantial commemoration and memory of the Compton house on the exterior.

Mr. Osteen stated he was in support of the Cooperative Parking Agreement. He thought it was the appropriate solution for this site.

Mr. Mitchell agreed with Mr. Osteen.

Mr. Pearson stated he was in agreement with the comments just made.

Mr. Farruggio stated there was going to be on street parking which would impact the Fry Springs neighborhood. He thought there would be overflow.

Mr. Rosensweig moved to approve the preliminary site plan for Tax Map 17, Parcels 91.4, 91.5 & 92, identified as The Center for Graduate Fellows at 124 Maury Avenue. Mr. Mitchell seconded the motion. Ms. Keller offered a friendly amendment that this waiver would be accompanied by interpretation of the historic Compton house. Mr. Rosensweig accepted the friendly amendment. Mr. Pearson asked that the term "waiver" not be used. Ms. Keller thanked Mr. Pearson and agreed with his suggestion. Mr. Harris noted that was something that could not be required by Code, but it was something the applicant could offer. Ms. Keller withdrew her friendly amendment. However, she made a strong request that this be honored and worked out in consultation with the City Historic Resource Commission. Ms. Lewis sought clarification if the Cooperative Parking Arrangement was being sanctioned by this motion. Ms. Walden stated it would behoove the Commission to speak to that matter, otherwise the plan would be approved with only 39 parking spaces. Mr. Farruggio offered a friendly amendment that the Commission's offer was that the site plan include 55 on site parking spaces. Mr. Rosensweig stated that was not consistent with his thoughts about the motion. Mr. Farruggio stated it was consistent with making sure there was enough parking. Mr. Farruggio offered a friendly amendment that the motion include the following condition: the approval of the Cooperative Parking Agreement, including 16 space reduction with the condition that the assembly space be used as restricted to after regular business hours. Mr. Rosensweig stated that was not consistent with his ideas about that. He stated he did not want to restrict them to holding assemblies only after hours. Mr. Rosensweig stated he was more in favor of agreeing on some sort of outline of the Cooperative Parking Agreement. Mr. Osteen offered a friendly amendment that resolution of the parking space considerations, the Cooperative Parking Agreement, that has been outlined by the applicant and the approval of the proposed water line to the satisfaction of Staff. Mr. Rosensweig stated he would accept that but he did want some clarification of what the Cooperative Parking Agreement is. Mr. Osteen explained he wanted approval of the cooperative parking agreement including a 16 space reduction with no conditions. Mr. Farruggio stated that seemed like it meant nothing. Ms. Lewis cited Section 34-974: "The combined parking requirements for two or more uses participating in a cooperative parking arrangement may be partially reduced by the director of neighborhood development services, provided that the uses will not conflict in time of operation or

need for the parking spaces and provided that the parking needs of each use at a given time of day may be adequately met through the parking arrangements." She wanted to know if they could say the uses would never be in conflict. Mr. Pearson suggested there was a weakness in the discussion because the motion before the Commission was necessarily accurate to the intent of the person who made the original motion. He suggested they either amend it appropriately so it reflects the full potential alternative of item 3 in the Staff memo or it be retracted and have a new motion for discussion. Mr. Mitchell felt the motion did not think the amendment differed from Mr. Rosensweig's intent. Mr. Rosensweig stated he would be comfortable accepting item 3(b) from the Staff memo, without accepting 3(a). He stated he would accept a condition that assembly space use is allowed for events during regular business hours only to the extent that at least 16 off-site spaces can be arranged with the University of Virginia Parking System. He stated if Mr. Osteen would make that amendment, he would accept it. Mr. Osteen modified his approval of the Cooperative Parking Agreement to include item (b): Assembly space use is allowed for events during regular business hours only to the extent that at least 21 off-site spaces can be arranged with the University of Virginia Parking System. Mr. Rosensweig accepted the friendly amendment. Mr. Pearson called the question on the motion since it had been discussed at length. Ms. Creasy conducted a roll call vote. The motion passed, 5-2; Ms. Lewis and Mr. Farruggio voted against.

III. JOINT PUBLIC HEARINGS

G. JOINT PUBLIC HEARINGS

1. **SP-08-05-06** -- (1704 Gordon Avenue) An application for a special use permit for the property at 1704 Gordon Avenue/419 17th Street NW. This is a request to allow for increased density from 21 units per acre to 22 units per acre, for a total of eight multi-family units. This property is further identified on City Real Property Tax Map 9 as parcel 2, having approximately 57 feet of frontage on Gordon Avenue and 100 on 17th Street NW and containing approximately 16,115 square feet of land or 0.36 acres. The zoning of this property is currently R-3 with Historic Overlay and general uses called for in the Land Use Plan of the Comprehensive Plan are for Multi-Family Residential.

Ms. Walden gave the staff report. The applicant proposes the construction of a two story eight unit residential development with 24 underground parking spaces. The Special Use Permit will allow for increased density of one unit. Staff believes this is reasonable and appropriate. The development would not be out of scale with the character of the surrounding neighborhood. This property is within a historic district and requires a recommendation from the BAR as to whether the Special Use application has a negative impact on the district. At their May meeting, the BAR recommended 4-3 in favor of this Special Use Permit application; their concerns were with the parking on the site. Staff feels the impact of the additional unit is minimal. Few public comments have been received about this application. At Staff's suggestion, the applicant would provide four bike racks and eight parking passes to a University garage. Staff recommends approval with the conditions of the bike racks, preliminary approval by the Planning Commission and a final Certificate of Appropriateness from the BAR.

Mr. Kurt Wassenaar, of the Wassenaar Design Group, stated this was a severely dilapidated site. Egress and ingress would only be off Gordon Avenue. He stated his client was willing to make Staff's recommendations a condition of the approval if the Commission so required. He stated this redevelopment will substantially improve the site.

Mr. Farruggio asked if the applicant would entertain the idea of planting trees along the street in the planting strip. Mr. Wassenaar stated they would consider it.

Mr. Pearson opened the public hearing.

Mr. Sanford Wilcox, administrator for Westminster Presbyterian Church, expressed his appreciation for the applicant's willingness to make revisions and for Mr. Wassenaar's design. He stated the Church did have concerns about the parking.

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

Mr. Farruggio applauded the design and the applicant's working with Staff and the neighbors. However, he was worried about the reality of the parking.

Ms. Keller stated she was concerned about the incremental increase project by project of the density in this medium density zone. She was inclined to not support an increase in density for this particular project because of its potential impact on traffic and on parking congestion.

Ms. Lewis did support the Special Use Permit request for the additional one DUA because it is such a thoughtful development and because they are providing parking. She thought the slightly increased density was harmonious with existing patterns of development and conformed to the Comprehensive Plan. She also expressed support for the conditions suggested by Staff along with the condition of the developer providing eight parking passes off site. Mr. Wassenaar stated the University does not sell parking permits to everyone unless they are a member of the University. He also noted the location of a bus stop approximately 100 yards from the property.

Mr. Farruggio moved to recommend the approval of this Special Use Permit application for increased density of 22 Dwelling Units per Acre at 1704 Gordon Avenue with the following conditions, exceptions and/or modifications: a, the inclusion of at least eight bike or lockers to help mitigate the impact of additional cars due to increased density; b, Planning Commission Approval of the Preliminary Site Plan; c, issuance of a Certificate of Appropriateness from the BAR; d, provision of eight parking spaces off site; and, e, the application of the planting schedule to include attempting to place the shade trees on Gordon Avenue. Mr. Pearson sought clarification that Mr. Farruggio meant eight bike racks or lockers. Mr. Farruggio confirmed that. Mr. Rosensweig wanted to know if the eight parking spaces meant parking passes. Mr. Farruggio stated he meant parking spaces off site however they were worked out whether through passes or agreements. Ms. Lewis wanted to know if the planting of the trees could be a condition of a Special Use Permit. Mr. Harris stated it could if not having the trees would make it harmonious with existing patterns of use and development of the neighborhood, or if there were impacts of the Special Use Permit which could be mitigated by putting the trees on; other than that, he could not think of a justification for it. Ms. Lewis stated she would second the motion but would have to remove item e under request of the City Attorney. Mr. Farruggio stated he had worded it with attempt. Ms. Lewis seconded the motion. Ms. Creasy called the roll. The motion passed, 6-1; Ms. Keller voted against.

2. CP-08-05-07 -- Amendment to the Comprehensive Plan, Chapter 4 (Housing) to add language creating a goal to adopt as part of the City's zoning ordinance requirements for the provision of (i) on site or off-site "Affordable Dwelling Units", or (ii) a cash contribution to the city's affordable housing fund, in lieu of

such units, as a condition of Council's approval of a rezoning or special use application for residential or the residential portion of mixed-use projects with a density greater than 1.0 Floor Area Ratio, exempting such projects with a density of less than 1.0 FAR, as authorized by the General Assembly of Virginia in House Bill 883, "An Act to grant authority related to affordable housing to the City of Charlottesville", approved March 4, 2008.

Mr. Rogers gave the staff report. The General Assembly passed the legislation earlier this year for Affordable Dwelling Units.

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 from the Commissioners.

Ms. Lewis moved that they amend the Housing Chapter of the Comp Plan with the following strategy: Implement the affordable housing legislation adopted by the General Assembly recently, which will amend the City's zoning code with provisions for affordable dwelling units or a cash contribution to the City's affordable housing fund in lieu of those units. Ms. Keller seconded the motion. Ms. Creasy called the roll. The motion carried unanimously.

3. ZT-08-05-08 -- (Government ownership and effect on nonconforming status) An ordinance to amend and re-ordain §34-81 of the Charlottesville City Code (1990) as amended (Zoning Ordinance) to make changes to Division 5, Compliance and Enforcement. Section 34-81(c) is proposed to be amended as follows: Any lot, parcel, building or structure originally established in conformity with city regulations, which is later placed in violation thereof by or on account of the ownership, purchase or condemnation of a portion thereof by the federal, state or local government shall not be considered nonconforming.

Ms. Fornari gave the staff report. When a zoning violation is caused by the government taking or purchasing a portion of someone's property, it would be unfair to hold the property owner to a zoning violation.

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.

Ms. Lewis moved to amend §34-81 of the City Code, paragraph C, to insert in front of the word "purchase" the word "acquisition." Mr. Farruggio seconded the motion. Ms. Creasy called the roll. The motion carried unanimously.

Mr. Pearson called for a short break, whereupon the meeting stood recessed at 7:48 p.m.

Mr. Pearson reconvened the meeting at 7:58 p.m.

IV. REGULAR MEETING ITEMS (Continued)

H. SUBDIVISION

1. Paton Street Phase II -- Preliminary and Final Subdivision

Ms. Walden gave the staff report. The site plan was approved in March, 2008, for this PUD which was approved in 2006. This portion fronts on Paton, Nunley, Hanover, and Roy streets. The plat proposes the subdivision of one 1.14 acre lot into 11 lots. The location and number of units conform to the PUD concept plan. The applicant proposes subdividing this one lot into four single-family attached lots of

about 1,000 square feet each, six single family detached lots between 2,000 and 3,200 square feet each, one lot with one multifamily unit and four cottages, a 28 foot alley and 1,410 square feet dedicated for public use. The applicant is preserving trees in accordance with the previously approved PUD concept plan. The construction of Roy Street in the existing right-of-way is required. Staff recommends approval of the preliminary and final subdivision plat.

Ms. Marcia Joseph and Mr. Bruce Hogshead were present for the applicant but had nothing to add to Staff's presentation.

Ms. Lewis sought clarification that this PUD would be owned by families benefitting from Habitat for Humanity in perpetuity. Mr. Hogshead stated it was a mixed income development. Ms. Lewis wanted to know particularly about the small lots which were being created. Ms. Joseph confirmed those were Habitat's lots.

Mr. Farruggio moved to approve the subdivision of the Paton Street PUD Phase II with a change in note 7 to read "the private alley will be maintained by a homeowners association to include all new lots in parcel 92.1." Ms. Keller seconded the motion. Ms. Creasy called the roll. The motion carried unanimously.

I. 1801 HYDRAULIC ROAD -- WHOLE FOODS SITE

1. Entrance Corridor Review

2. Preliminary Site Plan

Ms. Creasy stated Mr. Rogers would present the staff report for the site plan and then Ms. Scala would provide the Entrance Corridor report.

Mr. Rogers gave the staff report. The site plan is for a 66,000 square foot Whole Foods grocery store incorporated with structured parking. The development project would also incorporate the first phase of Hillsdale Drive Extended and other associated traffic improvements to the general area. Staff feels . Staff had concerns about the number of parking spaces proposed in the deck which far exceeds the Code requirements, the placement of sewer and gas lines under the parking garage, the location of the main Whole Foods entrance on Hillsdale drive, and the left turn lane design into Whole Foods from Hillsdale Drive. The applicant requested a landscape waiver which was denied by Mr. Tolbert; the applicant is now appealing that to the Commission. The applicant also requests a sidewalk waiver. Staff still has a number of comments for the applicant to address and does not recommend approval of the plan.

Ms. Scala provided the Entrance Corridor staff report. The applicant is requesting a Certificate of Appropriateness for a project that includes construction of part of Hillsdale Drive at Hydraulic Road and improvements to the K-Mart parking lot, specifically landscaping and reconfiguring parking and construction of a Whole Foods Market and parking structure located on the east side of the proposed Hillsdale Drive. Materials to the extent shown in plans are mostly consistent with the Guidelines. The parking structure has precast panels with thin brick cast into the panel; staff does not feel this is appropriate.

Mr. Chris Pine, of Red Light Management, was present on behalf of the applicant along with Mark McAfee, Baron Schimberg, and Mat Fitch.

Mr. McAfee, of Rounds Vanduzer Architects, gave an overview of the site. He stated the intent was to keep auto-oriented activities towards Hydraulic Road and create the pedestrian spaces towards the entrance, away from Hydraulic. He explained the main feature of the store was the market hall where they could have farmers' markets, community meeting places, and outdoor spaces. Mr. McAfee stated the large number of parking spaces were required due to the number of employees and to allow for the amount of holiday traffic.

Mr. Schimberg explained that Whole Foods was committed to making this project LEED certified. This project was to be part of a pilot project set up by the USGBC.

Mr. Fitch had met with the City's Traffic Engineer, Ms. Jeanie Alexander, to discuss the layout which would be amenable to K-Mart, Kroger, and the City, as well as Whole Foods. He stated the left turn lane had been modified after talking with Ms. Alexander. The entrance had been located based on the existing topography and working with the existing site constraints. He stated the site constraints had also limited the space available for achieving the tree canopy; only six percent of the requirement was possible. However, 60 percent of the requirement had been met. The other 40 percent would be mitigated by a 10,000 square foot green roof.

Mr. Farruggio wanted to know if the utility lines had been moved from under the parking garage. Mr. Fitch stated they had.

Mr. Farruggio wanted to know if consideration had been given to how the tree cover could be made up, possibly along the one-way truck exit path or within the K-Mart parking area. The applicant stated they had looked at additional measures on site, not through off site improvements. He stated they could look into that if it would please the Commission.

Mr. Farruggio wanted to know if the on site exit on the southeast side could be narrower. The applicant stated it was as wide as it was for fire truck traffic and for Whole Foods truck usage.

Mr. Farruggio wanted to know if the parking garage could be smaller. Mr. Mark Hughes, Executive Construction Coordinator for Whole Foods Mid Atlantic Region, explained the parking structure would allow the store to grow as well as being used as a farmers' market for local producers.

Mr. Farruggio wanted to know if a different material could be used instead of the precast panels with brick veneers. The applicant explained they had tried to minimize the precast as much as possible while keeping the garage as open as possible.

Ms. Lewis wanted additional information on the materials and an elevation of the garage. The applicant provided the materials board to the Commission. The applicant stated the architects would be tasked to provide an elevation for the July CPC meeting.

Ms. Lewis noted there was no landscaping shown on the at grade level of the parking deck and wanted to know why that was considered green. The applicant explained the precast structure did not allow for tree boxes to be built into it. However, potted plants would be placed on the structure.

Mr. Farruggio felt the project needed more guidance from the Commission. He stated he was not ready to move forward.

Mr. Pearson explained this building and project should be well aligned with the interests and needs of the community. He stated pedestrian connectivity and tree canopy were important themes within the community. He recognized it was a difficult site with many issues. Mr. Pearson stated the Commission was trying to determine if this project was a nice balance.

Ms. Keller expressed concern about the lack of shade in the parking lot and about the pedestrian environment and scale along Hydraulic Road.

Mr. Osteen expressed concern about the five foot setback along Hydraulic Road. He suggested removing two parking spaces per level which would allow additional space for the tree canopy.

Mr. Farruggio agreed with Mr. Osteen. He did not like the thin brick panels as a material in the Entrance Corridor.

Ms. Lewis stated it was a beautiful building and a great application. She concurred with Mr. Osteen. She could not waive the tree canopy requirement if more was not done on the Hydraulic Road side.

Mr. Rosensweig concurred with his colleagues. He noted Whole Foods was genuine in their interest in being a good neighbor. He thought the neighborhood would welcome it if it were more easily walkable and safe.

Mr. Pearson stated that, even though structured parking was a way to reduce the amount of concrete facing the sun, the tree canopy was an important requirement.

Mr. Pine asked for a deferral to take some of the recommendations and provide materials which clearly outline the intent and to incorporate some of the suggestions and recommendations that were made by the Commission.

Mr. Pearson reiterated that the Commission did appreciate the amount of attention which was being put towards the project.

Mr. Pearson called for another short break whereupon the meeting stood at recess at 9:52 p.m.

Mr. Pearson reconvened the meeting at 10:07 p.m.

J. 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.

Mr. Harris explained that if a zoning text amendment is requested by an applicant, the process for review is initiated by the Commission. The public purposes for which the process can be initiated include: public necessity, convenience, general welfare, and/or good zoning practice. Staff will provide Planning Commission with reports and analyses as appropriate and the Planning Commission will have 100 days in which to make its recommendation to City Council.

1. Telecommunications Facilities -- An application to amend and re-ordain §§34-1070 through 1099 and 34-1200 of the Charlottesville City Code (1990) as amended (Zoning Ordinance) to make changes to the regulations to Telecommunications Facilities. These changes include the following: allowances for alternative and monopole towers in residential zones by special permit; allowances for attached facilities visible from an adjacent street or property in residential zones; allowances for waivers or

modifications to setbacks and separation of uses for all telecommunication facilities; general housekeeping changes; additional definitions and changes to permit application requirements.

Ms. Creasy gave the staff report. Verizon Wireless had submitted the request as it is in the process of establishing a wireless network in the region. Multiple public comments had been received and would be passed on to the Commission if this moves forward.

Mr. Steven Blaine was present on behalf of Verizon Wireless. He explained what they required would still require a Special Use Permit. He provided examples of the towers which were used in residential areas. The new towers were low emission.

Ms. Lewis wanted to know if Verizon's acquisition of Alltel would render this Zoning text amendment unnecessary. Mr. Blaine stated all carriers were going to need additional sites for capacity.

Ms. Lewis wanted to know if they would collocate with other companies. Mr. Blaine stated that was the first option.

Mr. Farruggio moved to initiate the proposed amendment to the City Zoning Ordinance to wit: amending article 9, General Applicable Regulations, Division 5, concerning Telecommunication facilities because we find that this will serve the public convenience and good zoning practice requires that the proposed zoning text amendment be initiated, therefore move to initiate the proposed changes to the zoning ordinance as mentioned. Ms. Lewis seconded the motion. The motion carried unanimously.

2. An ordinance to amend and reordain Section 34-273(b) of the Code of the City of Charlottesville, 1990, as amended (Zoning Ordinance) relating to Individually Protected properties by creating an "overlay" zoning restriction without affecting the underlying zoning district designation. This ordinance would create minor design control districts status for the following:

- a. The structure and property at 134 10th Street NW (Former Coca Cola Bottling Works), Tax Map 31, Parcel 156.
- b. The structure and property at 603 Dale Avenue (Former Belmont Hall), Tax Map 35, Parcel 130.
- c. The Patterson wing structure of the Martha Jefferson Hospital and a part of the existing parcel that extends from the Patterson Wing east to Locust Avenue and south to E. High Street at 459 Locust Avenue, Tax Map 53, Parcel 234.
- d. The structure and property at 212 Rosser Ave (Holy Temple Church), Tax Map 3, Parcel 107.
- e. The coal tower and part of the existing parcel delineated on an approved preliminary site plan as an approximately 70 ft. square containing the tower at 133-155 Carlton Road, Tax Map 57, Parcel 157.
- f. The original 1937 section of the former Monticello Dairy building and other wings identified as "J,K,L,M,N,O, and P" on a 1985 drawing titled "Old Monticello Dairy Property," and part of the existing parcel bounded by the rear wall of the designated building sections, the east wall of Section "J," and the areas in front of the building extending to Grady Avenue on the north, and extending to 10th Street NW on the west at 946 Grady Avenue, Tax Map 31, Parcel 60.
- g. The structure and property at 722 Preston Avenue (Coca Cola building), Tax Map 31, Parcel 38.

h. The structure and property at 2512 Jefferson Park Avenue (Fry's Spring Beach Club), Tax Map 19, Parcel 34.

i. The structure and property at 2115 Jefferson Park Avenue (Fry's Spring Service Station), Tax Map 17, Parcel 88

j. The structure and property at 1015 Preston Avenue (Zion Union Baptist Church), Tax Map 3, Parcel 118

k. The structures and property at 245-365 Route 250 Bypass (McIntire Park), Tax Map 45, Parcel 1

l. The Wachovia bank building (Former National Bank and Trust) at 901 Emmet Street and part of the existing parcel designated, by the lease of the existing tenant, Portion of Tax Map 1, Parcel 1.

An ordinance to amend and reordain the Zoning District Map incorporated in Section 34-1 of the Zoning Ordinance of the Code of the City of Charlottesville, 1990, as amended, by adding minor Architectural Design Control Districts for the following:

a. The property at 134 10th Street NW, further identified on City Real Property Tax Map #31 as parcel 156 having 150 feet of frontage on 10th Street NW and containing approximately 20,560 square feet of land or 0.472 acres. The general uses called for in the Land Use Plan of the Comprehensive Plan are for Multi Family Residential. The current underlying zoning, which will remain, is B-3.

b. The property at 603 Dale Ave, further identified on City Real Property Tax Map #35 as parcel 130 having 50 feet of frontage on Dale Ave and containing approximately 6,229 square feet of land or 0.143 acres. The general uses called for in the Land Use Plan of the Comprehensive Plan are for Industrial Use. The current underlying zoning, which will remain, is Industrial Corridor.

c. A portion of the parcel at 459 Locust Avenue, further identified on City Real Property Tax Map #53 as parcel 234 having 325 feet of frontage on Locust Avenue and containing approximately 353,402 square feet of land or 8.113 acres. The Patterson Wing of Martha Jefferson Hospital, and the part of the existing parcel that extends from the Patterson Wing east to Locust Avenue and south to E. High Street are the only structure and portion of the parcel under consideration for this map amendment. The general uses called for in the Land Use Plan of the Comprehensive Plan are for Office Use. The current underlying zoning, which will remain, is Downtown North Corridor and B-1 with Special Use Permit.

d. The property at 212 Rosser Avenue, further identified on City Real Property Tax Map #3 as parcel 107 having 40 feet of frontage on Rosser Avenue and containing approximately 4007 square feet of land or 0.092 acres. The general uses called for in the Land Use Plan of the Comprehensive Plan are for Single Family Residential. The current underlying zoning, which will remain, is R-1SU.

e. A portion of the parcel at 133-155 Carlton Road, further identified on City Real Property Tax Map #57 as parcel 157 having approximately 900 feet of frontage on Carlton Avenue and containing approximately 464,175 square feet of land or 10.656 acres. The coal tower and part of the existing parcel delineated on an approved preliminary site plan as an approximately 70 ft. square containing the tower are the only structure and portion of the property under consideration for this map amendment. The general uses called for in the Land Use Plan of the Comprehensive Plan are for Industrial Use. The current underlying zoning, which will remain, is Downtown Extended Corridor.

f. A portion of the parcel at 946 Grady Avenue, further identified on City Real Property Tax Map #31 as parcel 60 having 450 feet of frontage on Grady Avenue and containing approximately 172,192 square feet of land or 3.953 acres. The original 1937 section of the former Monticello Dairy building and other wings identified as "J,K,L,M,N,O, and P" on a 1985 drawing titled "Old Monticello Dairy Property," and part of the existing parcel, bounded by the rear wall of the designated building sections, the east wall of Section "J," and the areas in front of the building extending to Grady Avenue on the north, and extending to 10th Street NW on the west are the only structure and portion of the parcel under consideration for this map amendment. The general uses called for in the Land Use Plan of the Comprehensive Plan are for Commercial Use. The current underlying zoning, which will remain, is Central City Corridor.

g. The property at 722 Preston Avenue, further identified on City Real Property Tax Map #31 as parcel 38 having approximately 175 feet of frontage on Preston Avenue and containing approximately 41,643 square feet of land or 0.956 acres. The general uses called for in the Land Use Plan of the Comprehensive Plan are for Commercial Use. The current underlying zoning, which will remain, is Central City Corridor.

h. The property at 2512 Jefferson Park Avenue, further identified on City Real Property Tax Map #19 as parcel 34 having approximately 500 feet of frontage on Jefferson Park Avenue and containing approximately 420,790 square feet of land or 9.66 acres. The general uses called for in the Land Use Plan of the Comprehensive Plan are for Parks and Open Space. The current underlying zoning, which will remain, is R-1S.

i. The property at 2115 Jefferson Park Avenue, further identified on City Real Property Tax Map #17 as parcel 88 having approximately 90 feet of frontage on Jefferson Park Avenue and containing approximately 13,242 square feet of land or 0.304 acres. The general uses called for in the Land Use Plan of the Comprehensive Plan are for Multi Family Residential. The current underlying zoning, which will remain, is R-3.

j. The property at 1015 Preston Avenue, further identified on City Real Property Tax Map #3 as parcel 118 having approximately 280 feet of frontage on Preston Avenue and containing approximately 67,953 square feet of land or 1.56 acres. The general uses called for in the Land Use Plan of the Comprehensive Plan are for Multifamily Residential. The current underlying zoning, which will remain, is University High Density.

k. The property at 245-365 Route 250 Bypass, further identified on City Real Property Tax Map #45 as parcel 1 having approximately 5500 feet of frontage on the Route 250 Bypass and containing approximately 144.965 acres. The general uses called for in the Land Use Plan of the Comprehensive Plan are for Parks and Open Space. The current underlying zoning, which will remain, is R-1 with Public Park Protection Overlay.

l. A portion of the parcel at 901 Emmett Street further identified on City Real Property Tax Map #1 as parcel 1 having approximately 2200 feet of frontage on Emmett Street and containing approximately 964,026 square feet of land or 22.131 acres. The Wachovia bank building (Former National Bank and Trust) and part of the existing parcel designated by the lease of the existing tenant are the only structure and portion of the property under consideration for this map amendment. The general uses called for in

the Land Use Plan of the Comprehensive Plan are for Commercial Use. The current underlying zoning, which will remain, is Urban Corridor.

Mr. Pearson noted items J and K had been pulled from the agenda.

Ms. Scala gave the staff report. City Council directed the BAR to pursue individually protected property designations for Council's consideration. On February 27, 2008 the BAR reviewed lists of hundreds of properties with potential for designation and asked staff to address the criteria for designation on twelve specific properties. Item J was pulled so Staff could meet with the church members. Item K was pulled because there was debate whether open space could be designated.

Mr. Farruggio moved to initiate a proposed amendment to the city's zoning ordinance, to wit: amending Article II Overlay Districts, Division 2, Historical Preservation and Architectural Design Control Overlay Districts, concerning adding additional properties to the list of Individually Protected Properties found in Section 34-273(b); and an amendment to the City's Zoning Map incorporated in Section 34-1 by designating minor design control districts on certain parcels Individually Protected Property designated including zoning text amendment and the zoning map amendment as read by the Chair earlier because he found that it was for the general welfare and good zoning practice in the City of Charlottesville. Ms. Lewis seconded the motion. Ms. Lewis thanked the BAR for all the work they did in narrowing down the list of properties. Mr. Ed Gillaspie, president of the Fry's Spring Beach Club, spoke in opposition of the proposal.

3. Urban Corridor District Additions -- An ordinance to amend and re-ordain Section 34-756 through 34-775 of the Code of The City of Charlottesville, 1990, as amended (Zoning Ordinance), to allow for additional regulations to development sites within the Urban Corridor District.

Mr. Rogers gave the staff report. Staff received a petition from the City Manager's office outlining three requests for changes to the Urban Corridor mixed use. E-mails had been received in support of the amendment.

Michael Masters, president of the Meadowbrook Heights Neighborhood Association, explained there had been an understanding between the properties that there would be a buffer between the commercial properties and the residences. He stated they are not asking for new restrictions, only codification of those which originally existed at the time the property was developed.

Ms. Lewis requested that Engineering look at the specific situation to see if there was something the Commission could recommend to be added to the Ordinance.

Mr. Farruggio moved to initiate a proposed amendment to the city's zoning ordinance, to wit: amending Article 6, Division 11 that would restrict further vehicular access to the properties as well as do not ruin the corridor bordering the neighborhood would require a sound noise barrier because it would be in good zoning practice and in the general welfare of the citizens. For the sake of discussion, Mr. Mitchell seconded the motion. Mr. Pearson stated he was not sure there was a problem; if the existing zoning would not let a problem happen, was the Commission wasting time going through the process of amending the Zoning. Mr. Farruggio said he had wanted to know if this could be deferred so there could be a staff report with a map and he had been told no. Mr. Rogers asked if a work session was needed. Mr. Farruggio stated that would be a fair interpretation of his request. Mr. Harris noted the other requests had identified a particular problem and provided the solution and in this

instance there were three different problems and the Commission was not in agreement with the solution given. Mr. Farruggio withdrew his motion. Mr. Harris clarified that if they were not going to initiate it, then no motion was necessary.

Mr. Farruggio asked that item 5 be heard out of order.

5. Affordable Housing -- An ordinance to amend and re-ordain Section 34-45 and 34-168 of the Code of The City of Charlottesville, 1990, as amended (Zoning Ordinance), to ability to adopt provisions for requiring affordable housing in rezonings and special use permit applications.

Mr. Rogers gave the staff report. This matter had been previously addressed in CP-08-05-07.

Ms. Lewis moved to initiate a proposed amendment to the city's zoning ordinance, to wit: amending Article 1, Division 3 concerning zoning amendments, and Article 1, Division 8 concerning special use permits to add provisions for affordable housing. Mr. Farruggio seconded the motion. Ms. Creasy asked that Ms. Lewis state why she was making the motion. Ms. Lewis stated it was because of public necessity, convenience, general welfare, good zoning practice and good dental hygiene. Mr. Farruggio stated he could not second the motion with "good dental hygiene." Ms. Lewis received the dental hygiene. Mr. Farruggio again seconded the motion. The motion carried unanimously.

4. Health Clinics in Highway Corridor -- An ordinance to amend and re-ordain Section 34-796 of the Code of The City of Charlottesville, 1990, as amended (Zoning Ordinance), to allow for Health Clinics up to 10,000sf by right and over 10,000 square feet by special use permit in the Highway Corridor Zoning District.

Mr. Rogers gave the staff report. Mr. Steve Hopkins of Great Eastern Management Company submitted a request for a zoning text amendment for the Highway Corridor Mixed-Use. He was asking that staff be allowed to look at the permitted sizes for health clinics in the corridor.

Mr. Hopkins explained that his firm manages the Seminole Square Shopping Center. He read a prepared statement to the Commission.

Ms. Lewis moved to initiate a proposed amendment to the city's zoning ordinance, to wit: amending Article 6, Division 13 concerning the use matrix for the Highway Corridor zoning district on the basis that it would serve public necessity, general welfare, and good zoning practice. Mr. Osteen seconded the motion. The motion carried unanimously.

K. PRELIMINARY DISCUSSION

1. 1600 Monticello Avenue

Mr. Haluska gave the staff report. This is for a potential Special Use Permit application for increased density. They seek discussion on what issues the Commissions would like to see addressed concerning the increased density on the property, the entrance corridor review which would be ongoing with this, sewer service -- Mr. Haluska suggested this be directed to the Engineering Department and the Public Utilities Department, and public involvement.

Mr. Wardell was present on behalf of the applicant. He explained the property was on the edge of two different zones. They were asking for an increase in density from eight to 15 units.

Mr. Rosensweig sought elaboration of the reduction in affordable units. Mr. Wardell stated two or three units could qualify as affordable units.

Ms. Keller expressed a desire to see more of the original feel of Belmont.

Mr. Pearson agreed Belmont was a place of whimsy and he had seen whimsy in the provided renderings. He liked the project.

Mr. Farruggio stated he also liked the project. He asked that the applicant consider some way to try to shade the street. He asked if more parking could be fit into the garage to keep it off the street.

Mr. Farruggio told the applicant he could call NDS to request an informal meeting with two Commissioners.

Mr. Farruggio moved to adjourn until July 22nd. Mr. Rosensweig seconded the motion. The motion carried unanimously whereupon the motion stood adjourned at 12:19 a.m., 11 June, 2008.