

**DRAFT MINUTES
CITY OF CHARLOTTESVILLE
PLANNING COMMISSION
TUESDAY, 10 FEBRUARY, 2009 -- 5:30 P.M.
CITY COUNCIL CHAMBERS**

Commissioners present: Commissioners Not Present:

Mr. Jason Pearson (Chairman) Ms. Cheri Lewis
Mr. Michael Farruggio (Vice-Chairman) Ms. Genevieve Keller
Ms. Cheri Lewis
Mr. Michael Osteen
Ms. Genevieve Keller
Mr. Dan Rosensweig
Mr. Bill Emory
Mr. David Neuman, Ex-officio, UVa Office of the Architect

Staff Present:

Ms. Missy Creasy
Mr. Read Brodhead
Mr. Jim Herndon, GIS Planner
Ms. Ebony Walden

City Council Members Present:

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

Also Present:

Mr. Richard Harris, Deputy City Attorney

II. REGULAR MEETING

Mr. Pearson convened the meeting at 5:30 p.m.

A. COMMISSIONERS' REPORTS

Mr. Rosensweig stated the MPO Technical Committee had not met since the last Planning Commission meeting. He stated the Transfer of Development Rights Work Group had its final meeting on 29 January. The group would continue to meet on an ad hoc basis.

Mr. Farruggio stated the Parks and Recreation Advisory Board had not met.

Mr. Osteen had not been able to attend the Board of Architectural Review meeting; however, he had reviewed the actions of the meeting. Several projects had come forward that the BAR was recommending increased tree planting that was not mandated in the Zoning Ordinance.

Mr. Emory had nothing to report.

B. CHAIR'S REPORT

Mr. Pearson attended the Thomas Jefferson Planning District Commission meeting at which a presentation had been made about a computer software to help seniors identify services in their localities. There had also been a report by JABA about a local food initiative.

Mr. Pearson asked Mr. Farruggio to report on the work session.

Mr. Farruggio stated he would. First, Mr. Farruggio noted the director of the Parks and Recreation Advisory Board had moved to Arizona; the City Manager has appointed Brian Daly to serve as interim director.

Mr. Farruggio stated the Planning Commission had discussed the four strategies that would be moving forward this year: dealing with density; tree coverage; the Rivanna River corridor; and aligning the Comprehensive Plan with the current zoning and land use issues.

C. DEPARTMENT OF NDS/STAFF REPORTS

Ms. Creasy stated the Commission had received invitations to a symposium at UVa on 19-20 April about climate change and health (https://eventcal.itc.virginia.edu/eventcal/event/display?event_id=1231342464001). She stated Planning Awards would be given at the March meeting. Subcommittee meetings were being held about the tree canopy and the density discussions.

Mr. Pearson asked Mr. Farruggio to report on the pre-meeting. Mr. Farruggio explained that some Commissioners had noticed that schools and cemeteries were zoned R-1 and R-2; discussion had been held about the possibility of putting a park overlay or some other protection to reduce the zoning on schools and cemeteries to avoid development.

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

Ms. Colette Hall, of 101 Robertson Lane and President of the North Downtown Neighborhood Association Board, read a prepared statement about an E-mail she had sent to the Commissioners about a chicken coop being built in the North Downtown Neighborhood. She stated she had sent the E-mail to provide an example of how neighborhoods were not notified of situations.

E. CONSENT AGENDA

1. Site Plan and Subdivision approval list

2. Minutes -- November 11, 2008, Regular meeting

3. Minutes -- December 9, 2008, Regular meeting

4. Minutes -- January 13, 2009, Pre-meeting

5. Minutes -- January 13, 2009, Regular meeting

6. Minutes -- January 27, 2009, Work Session

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

a. Staff requested zoning ordinance amendments -- driveway regulations, definition of building height and grade, removal of four unrelated from R2U, revised requirements for final site plan signature panel,

and de novo BAR appeals.

b. Accessory Apartment Ordinance

Mr. Pearson stated there had been a request to pull item 7b from the consent agenda.

Mr. Rosensweig stated he had submitted minor changes to Ms. Creasy. He asked that the first bullet point on page 2 of the January 27 minutes be corrected to note that he asked to consider the river corridor as a separate chapter in the Comprehensive Plan and that there seemed to be consensus among those in attendance that this was of such great importance and it would require a public process very similar to the public process that goes into the creation and generation of the Comprehensive Plan that that was the will of the Commission at that time.

Mr. Pearson was not sure that he had contributed the information attributed to him in the fourth paragraph from the bottom of page 18 of the November 11 minutes.

Mr. Farruggio moved to approve the Consent Agenda as read. Mr. Osteen seconded the motion. The motion carried unanimously.

Mr. Pearson then called for discussion of item 7b, the Accessory Apartment Ordinance.

Mr. Brodhead gave the staff report. In fall, 2008, a resident of the North Downtown Neighborhood pleaded with the Planning Commission that the ordinance may need to be reworded because of an exterior accessory structure that was being built on a property adjacent to hers. The structure seemed to follow the letter of the law; however, it seemed to emulate a single family residence. Staff created maximum square footage limitations for accessory structures and increased the setback for any that would be taller than 16 feet.

Mr. Farruggio wanted to know if the idea behind accessory buildings was to have them ancillary or subordinate to the primary house. Mr. Brodhead confirmed that was the intent.

Mr. Pearson sought clarification that the matter before the Commission was an initiation to study this issue and they had been provided draft text of changes that might be made to the Zoning Code. Mr. Brodhead confirmed Mr. Pearson's understanding.

Mr. Rosensweig commended Mr. Brodhead and Staff for drafting language which better conjoins the letter with the spirit of the ordinance. He expressed concern about the timing within the context of the ongoing work plan.

Mr. Farruggio thought this was a wise thing. He thought Staff had come up with a code that would meet the requirements.

Mr. Osteen stated he would be in favor of initiation but did not expect to see it as an agenda item in the coming month.

Mr. Pearson concurred with Mr. Osteen as to initiation. He also concurred with Mr. Rosensweig that if initiated, the Commission should be attentive to the fact they had another process with very related issues ongoing.

Mr. Farruggio moved to initiate a proposed amendment to the City's Zoning Ordinance, to wit: amending Article IX, Division 6, Building and Structures Generally, and Division 9, Standards for

Provisional Uses concerning Accessory Apartments. Mr. Emory seconded the motion. The motion carried unanimously.

With no other business to discuss at the time, Mr. Pearson recessed the meeting until the Joint Public Hearing. The meeting stood recessed at 6:01 p.m. Mr. Pearson reconvened the meeting at 6:34 p.m.

III. JOINT PUBLIC HEARINGS

F. JOINT PUBLIC HEARINGS

ZT-08-10-38 -- Zoning Map Update -- An ordinance to amend and reordain Section 34-1 of the Code of The City of Charlottesville, 1990, as amended (Zoning Ordinance), to allow adoption of an updated zoning district map. Updates include:

- * All zoning layers are represented with greater accuracy, made possible by new software
- * Planned Unit Development zoning will now have a separate color
- * Individually Designated Properties will now be shown with an overlay
- * Properties in the Entrance Corridor overlay district will have their entire parcel represented and
- * Two corrections, identified upon review of the previously adopted zoning map are proposed:
 - i. Parcel 530008000 (336 Parkway) was rezoned from R-3 Residential to R-1S Residential by City Council in 2002. The zoning shown on the Zoning Map approved September 15, 2003, does not reflect this change. This will be corrected to R-1S Residential.
 - ii. Parcel 530013000 (407 Hedge Street), Parcel 530014000 (405 Hedge Street) and Parcel 5300162000 (501 Hedge Street) were inadvertently zoned R-1S Residential, R-1S Residential, and R-2 Residential, respectively, on the Zoning Map approved September 15, 2003. These will be corrected to R-3 Residential.

Mr. Herndon gave the staff report. This matter was deferred at the November meeting in order to allow more time for public review. Since that time, the public has been advised of the proposed redesign in a number of ways. Staff has received a number of inquiries and have assisted residents in reviewing the maps. The resulting map is as accurate as possible at this point. Staff audited City Council records from September 15, 2003, to present to assure that the present and proposed Zoning Maps were up to date. To prevent errors in the future, Neighborhood Planners will monitor all items that come before them to verify that they are properly listed on the Zoning Map. The Zoning Administrator will research and monitor Special Use Permits to remove those that have expired and to verify the SUP boundaries are accurately represented on the map. The Zoning Administrator will keep a file documenting any issues discovered with the zoning map.

Mr. Pearson opened the public hearing.

Ms. Colette Hall, of 101 Robertson Lane and President of the North Downtown Neighborhood Association Board, read a prepared statement to the Commission. She stated North Downtown was grateful to Mr. Herndon, Neal Currie, and the Planning Commission for their acknowledgment of the utmost need of accuracy in the proposed new zoning map.

Mr. Peter Kleeman, of 407 Hedge Street, thanked NDS Staff; they had been helpful, friendly, to the point, and supportive of his request to correct the zoning error on his property. However, he was disappointed that a public hearing was required to correct what was clearly an error and should have been an administrative fix. He suggested the Commission put in a simple mechanism for correcting errors in the future.

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

Mr. Emory thanked NDS Staff for their work. He thought this process had yielded important benefits.

Mr. Farruggio moved to recommend adoption of proposed Zoning District Map dated February 9th, 2009, including correcting 336 Parkway to R-1S Residential zoning and correcting 405, 407, and 501 Hedge Street to R-3 Residential zoning and to amend and reordain the City Code of the City of Charlottesville Article I, Division 1, Section 34-1, to reflect this adoption on the basis that the change would serve the interests of the general public welfare and good zoning practice. Mr. Osteen seconded the motion. Mr. Pearson seconded the comments of commendation to Mr. Herndon, Mr. Currie, and other members of Neighborhood Development Staff, including Mr. Harris and his support of that staff in a process that took longer than many members of staff expected. Mr. Pearson addressed Mr. Kleeman's comments, stating the Commission did strive for a balance between simplifying the process and making sure they undertake a sufficiently public process to highlight the importance of what may seem to be administrative changes but actually are significant changes in the law of the City. The motion carried unanimously.

IV. REGULAR MEETING ITEMS (Continued)

G. Preliminary Discussion

1. Corner of Cherry Avenue and Ridge Street

Ms. Walden gave the staff report. This is a preliminary discussion for rezoning to a Planned Unit Development for seven parcels on the corner of Cherry Avenue and Ridge Street. The parcels together are about 2.8 acres. The City currently owns about half an acre and is in contract with the property owner/developer. The applicant has not submitted a formal application yet. They have had a preliminary discussion with the Board of Architectural Review. They are proposing 40 units of housing and 40,000 square feet of commercial space. There will be six structures, two levels of structured parking, LEED Certification, internal greenspace and an internal driveway. By-right the applicant could do between 60 and 70 dwelling units.

Mr. Keith Lancaster, of Southern Development, gave a brief presentation to the Commission. He stated there were three different zoning districts among the parcels. Green roofs were proposed for the major portions of the impervious rooftops. Bioswales were proposed through the site. They would incorporate a six foot sidewalk adjacent to the road. Also proposed were rows of trees staggered along either side of the sidewalk. He stated they were trying to preserve a group of significant trees.

Mr. Pearson wanted to know where the parking was accessed. Mr. Lancaster stated there were two points of access to the property and demonstrated where they would be on the model of the proposal.

Mr. Rosensweig wanted to know if there would be a one-way or two-way road. Mr. Lancaster stated they had met with the traffic engineer and discussed the scope of what would be required of the traffic study.

Mr. Farruggio thought the following items would be helpful: making the sidewalk wider would mitigate increased pedestrian traffic; having large shade trees planted in the right of way between the sidewalk and the road to mitigate the loss of trees; any other traffic and pedestrian improvements such as crosswalk improvement, a bench or water fountains; tree preservation; affordable housing units or in kind donation; a bicycle storage facility; and minimizing the driveway cuts and having the driveway designed where it meets the sidewalk to be as narrow as possible and accommodating to pedestrians.

Mr. Rosensweig noted the things he liked: the effort to push the buildings up to the street to create more presence on the street; the piazza. He was concerned about the curb cuts where the driveways hit Ridge and Cherry. He was also concerned about the possibility of cut through traffic. He added there would be affordable housing effects which would have to be mitigated.

Mr. Osteen thought it was great so much parking had been structured. He wanted to know if there would be a proffer to limit the development in perpetuity of the area with the existing trees. Mr. Lancaster stated they could proffer an easement of some sort over that area. Mr. Osteen liked the basic concept. He suggested more landscape buffer between the adjacent sites. He expressed concern about the amount of roadway. Mr. Lancaster explained it was necessary for fire trucks.

Mr. Farruggio wanted to know if there would be trails through the green area around the pond. Mr. Lancaster stated the intent was to have a walking trail meandering through the trees.

Mr. Emory expressed concern about cut through traffic.

Mr. Pearson noted the importance of activating the pedestrian realm on Cherry. He thanked the applicant for coming forward. Mr. Pearson thought the park could be a better utilized asset for the neighborhood and suggested this project could help that become a reality.

Mr. Pearson stated that several of his colleagues had approached him during the recess about needing a half hour break and whether the Commission should be gathering later than 4:30 for the pre-meeting and/or pushing the regular meeting to 6 p.m. He asked Ms. Creasy and Mr. Harris their opinions. Ms. Creasy felt it flowed with the agendas. She noted the next meeting would have the planning awards which would take some time.

Mr. Osteen felt what they were doing was the best average they could have.

Mr. Rosensweig felt they should take this under review over the next few meetings and if a significant gap was maintained something should be done.

Mr. Pearson stated he would entertain a motion to adjourn. Mr. Farruggio so moved. Mr. Osteen seconded the motion. Mr. Pearson stated they were adjourned until the Work Session. The Commissioners left the meeting at 7:30 p.m.