

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

Commissioners present:

Mr. Jason Pearson (Chairman)
Mr. Michael Farruggio (Vice-Chairman)
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:

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

City Council Members Present:

Mr. Dave Norris, Mayor
Mr. David Brown
Mr. Satyendra Huja

Also Present:

Mr. Richard Harris, Deputy City Attorney

II. REGULAR MEETING

Mr. Pearson convened the meeting at 5:33 p.m.

A. COMMISSIONERS' REPORTS

Mr. Emory had nothing to report.

Ms. Lewis stated she wished to use her committee report time to make an unorthodox request of City Council: Since it has been determined that the Grand Hotel which was to be located at Second and Main on the Downtown Mall probably won't be proceeding to be built in the near future, Ms. Lewis requested that the city street between Main and Water be reopened. As an alternative, she asked if they could relocate the staging area on the additional part of Second Street between Water and South Street to closer on the Mall to make the re-bricking more productive and efficient.

Mr. Osteen attended the January meeting of the BAR and there were no issues which needed to be brought forward to the Planning Commission.

Mr. Farruggio stated the Parks and Recreation Advisory Board met and discussed the updates on the parks: Meade Park is ahead of schedule and is slated to open in May; there is a proposal to use the eastern half of McIntire Park as a botanical garden. He stated there had been meetings about the tree canopy for the City.

Mr. Rosensweig attended the Metropolitan Planning Organization Technical Committee meeting at which the fiscal year 2010 annual work program was discussed; they also reviewed the MPO's public participation plan and the transit development plan.

Ms. Keller had no report on the CDBG as Ms. Celii would be making a presentation on the matter later in the meeting.

B. CHAIR'S REPORT

Mr. Pearson had not been able to attend the Thomas Jefferson Planning District Commission meeting.

C. DEPARTMENT OF NDS/STAFF REPORTS

Ms. Creasy stated the telecommunications request that was deferred for six months would be coming back in April; another request for deferral has been received. The Urban Tree Canopy group would be meeting 16 March in preparation for a meeting with Parks and Recreation on 20 March. The Residential Density group would be meeting on 16 March as well. In response to Ms. Lewis's concerns, Ms. Creasy stated there were efforts in place to secure the hotel site.

D. ANNUAL PLANNING AWARDS PRESENTATION

Outstanding Neighborhood Effort -- Meadowcreek Interceptor Landscape Plan. Several neighborhood organizations voiced concerns with Rivanna Water and Sewer Authority on the Meadow Creek Interceptor project and the loss of natural vegetation that would result. These residents successfully lobbied RWSA to include supplementary landscaping along several strategic portions of the new sewer pipe to maintain the wooded viewsheds once mature growth is reached.

Outstanding Plan of Development -- Grove Square. The Grove Square plan is a three phase mixed use development which takes into account pedestrian linkages, underground parking and provides facilities for the encouragement of multimodal movement.

Citizen Planner of the Year -- Carla Mullen. Carla was very concerned about a new accessory apartment adjacent to her home. She took the time to research apartment regulations, attend meetings and provide information in a constructive manner that has led to a review of the code, and proposed revision currently under review by the Planning Commission.

The Herman Key, Jr. Access to the Disabled Award -- 1707 Jefferson Park Avenue. The project featured a unique ramp access to the top floor rather than having a Handicapped accessible unit only on the lowest floor. The Access to the Disabled award is named for Herman Key Jr., a former Planning Commissioner and active Charlottesville citizen who was a big advocate for accessibility and visibility in the community.

The Eldon Fields Wood Design Professional of the Year -- Fred Wolf, for his work in designing 1709 JPA and for serving the community as Chair of the BAR for the past 3 years and continuing to be Chair this coming year. The Design Professional of the Year award is named for Eldon Wood, a former Planning Commissioner and active citizen in the community.

Neighborhood of the Year -- Oakhurst/Gildersleeve Wood neighborhood. The neighborhood was firm, but open during a complicated application bringing density and a change of use to the neighborhood, and expressed their needs clearly at public hearings and working with developer to come up with a positive solution to the Bed and Breakfast/Apartment application.

Outstanding Sustainable Development -- 208 Hartman's Mill Road. The Nimmo House is an unusually successful example of how a historic house that is deemed unsalvageable can be revived in both an economically and environmentally-sustainable manner. The rejuvenation of the Nimmo House counteracts this trend and provides a practical alternative to demolition and rebuilding, or simply demolition by neglect. The project was a result of cooperation among the property owner, Preservation Piedmont and a contractor, all working within the context of the City's historic preservation ordinance; each contributed equally, building a sense of community while saving an integral piece of the service sector of the Ridge Street neighborhood's history.

NDS Staff Member of the Year -- Ebony Walden. This year's recipient of NDS Staff Member of the Year is Ebony Walden, for her detailed and comprehensive staff reports and for continually providing recommendations on applications to the Planning Commission giving us a range of choices and options to consider, as well as spelling out in detail implications of votes in staff reports, and shepherding through the process some of the most complicated projects in the city.

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

There were no matters from the public.

F. CONSENT AGENDA

1. Site Plan and Subdivision approval list
2. Minutes - February 10, 2009 – Pre-meeting
3. Minutes - February 10, 2009 – Regular meeting
4. Minutes – February 24, 2009 – Work Session

Mr. Pearson stated item 3 was being pulled from the consent agenda.

Mr. Rosensweig asked that his concern that passing a single ordinance of this sort could end up being too blunt of a regulation and too much of a one size fits all approach be added to the discussion chronicled in the second full paragraph of the 24 February minutes.

Ms. Lewis moved to approve the consent agenda items 1, 2, and 4 as presented on their agenda. Mr. Emory seconded the motion. The motion carried unanimously.

Mr. Pearson called for a recess until the Joint Public Hearings. The meeting stood recessed at 5:52 p.m.

Mr. Pearson reconvened the meeting at 6:33 p.m.

III. JOINT PUBLIC HEARINGS

G. JOINT PUBLIC HEARINGS

1. Community Development Block Grant and HOME/ADDI Funding—2nd Year Action Plan, 09-10: The Planning Commission and City Council are considering the second 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 '09-'10 it is expected that the City of Charlottesville will receive approximately \$555,000 for Housing and Community Development needs and \$150,000 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.

Mr. Rosensweig, noting he was the Executive Director for Habitat for Humanity which was one of the organizations that was recommended for funding, stated he was recusing himself from the proceedings.

Ms. Celii gave the staff report. The CDBG Task Force has been looking at requests for proposals for the CDBG funding. The CDBG was actually looking at closer to \$630,000. For the HOME money, they were anticipating about \$150,000. Ms. Celii stated these were estimates. She explained the budget was for housing programs as well as social programs.

Mr. Pearson called for questions from the Commissioners.

Mr. Osteen sought clarification of how the administration and planning funds were spent. Ms. Celii stated it was spent on staff salaries as well as ads and publications needed to run the program; additional interns are sometimes hired out of the funding as well. She stated approximately 80 percent is used per year and the remainder is rolled over to the next year.

Mr. Emory wanted to know what was meant by reprogramming. Ms. Celii explained that the social programs had one year to be expended and sometimes the money could not be spent in that timely manner and the reprogramming funds were past years' funds that weren't able to be expended.

Mr. Pearson opened the public hearing.

Mr. Overton McGehee, of Habitat for Humanity of Greater Charlottesville, thanked the Commission and City Council for all that Charlottesville does for affordable housing.

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

Mr. Farruggio noted from previous experience that a lot of time and thought are put into the process. He stated he was looking forward to endorsing what was being put forward.

Mr. Pearson seconded Mr. Farruggio's comments.

Ms. Keller stated she had been working with this task force and there had been a number of interesting proposals this year. She stated it was a good mix of physical and social programs that did make a difference in the community.

Ms. Lewis recognized the Chair of this committee for her hard work; she also thanked Ms. Keller and Ms. Celii for their work on this. Ms. Lewis felt home ownership needed to be supported, especially in this economy.

Mr. Emory suggested that future proposals include funding from the previous year.

Ms. Lewis moved to recommend to Council adoption of the 2009-2010 CDBG budget allocations recommended by the CDBG Task Force on February 3rd of '09 as set forth on the schedule that they were provided in this meeting. Ms. Keller seconded the motion. The motion passed, 6-0-1; Mr. Rosensweig abstained from the matter.

2. CP—09-02-01: Amendment to the Comprehensive Plan to remove language in Chapter 5, Land Use and Urban Design, concerning industrial land in the Woolen Mills neighborhood.

Mr. Haluska gave the staff report. Victoria Dunham, on behalf of the Woolen Mills Neighborhood Association, has made two requests, the first of which is an amendment to the Land Use map of the City. Staff feels that the language of this request is vague in nature, requesting that the City address the intermingling of residential and industrial zoning in the Woolen Mills neighborhood. The Land Use Map should not be amended in a piecemeal fashion as it lays out vision for the entire city. The issues raised by the residents of the neighborhood were presented to a joint work session in the summer of 2006. The minutes of that meeting show that the assembled Commissioners and Councilors did not come to a conclusion on how to proceed on this issue. Based on these concerns, Staff recommends that the proposed amendment of the Woolen Mills section of the Land Use Map be considered under a comprehensive review of the entire City's Land Use Map, if the Commission decides to initiate such a process in the future. The second request is for deletion of a sentence in the section of the Comprehensive Plan dealing specifically with the Woolen Mills area: The challenge with industrial land is finding somewhere to place it; no one wants to have it in their backyard. Staff agrees that the sentence is poorly worded but the content of the sentence is important as a preface to the current land use issue in the Woolen Mills neighborhood. Staff recommends that the Association's letter be amended to read as follows: Industrial land presents a challenge when regulating the land use of a community. Industrial uses have traditionally been the backbone of a local economy, but they also can create impacts on surrounding property, especially low-density residential. For example, the parcels zoned for Industrial activity on the Woolen Mills neighborhood's southern boundary, adjacent to the Southern Railroad are the parcels the residents would like to have re-zoned from Industrial to Residential.

Mr. Pearson called for questions of Mr. Haluska.

Mr. Emory noted he was a resident of the Woolen Mills neighborhood. He stated it would not have an effect on his participation in the discussion.

Mr. Rosensweig wanted to know if the proposal to the neighborhood to go let the Commission know what areas they wanted rezoned in the minutes of the 2006 meeting regarding this issue had been followed through with. Mr. Haluska stated it did not happen at that time.

Mr. Emory wanted to know if Mr. Haluska had been able to look through City papers for any previous mention of such a request coming forward from the Woolen Mills. Mr. Haluska stated he had not gone much beyond what he had found for 2006 and 2003.

Ms. Keller wanted to know if this was a mapping issue or a matter of redesignating what industrial meant. Mr. Haluska stated it could be tackled either way. He also noted the Zoning map and Land Use map did not match parcel for parcel in terms of what is designated.

Mr. Emory, stating that he associated industrial processes with heavy truck traffic, releases of particulate matter and stuff into the air, and bad odors and visual blight, wanted to know if Mr. Haluska thought these factors diminished quality of life and undermined the stability of the neighborhood. Mr. Haluska noted the Woolen Mills neighborhood had been founded around industrial uses. He also noted that changes brought about by a new business could impact a neighborhood, but that would be determined by the type of business and its processes.

Mr. Emory wanted to know if it had ever been considered good zoning practice to intermingle industrial zoning and residential. He stated his understanding that zoning had been developed to prevent this sort of intermingling. Mr. Haluska thought zoning was developed with ideas of nuisance.

Mr. Norris sought clarification of the applicant's process concerns especially dealing with the lack of direct follow through. Mr. Haluska stated the request had been received December 30th and this was the first meeting where it could be put on the agenda.

Mr. Pearson recognized the applicant.

Ms. Victoria Dunham, of 2000 Marchant Street, stated she was the president of the Woolen Mills Neighborhood Association. She stated the Neighborhood Association had been trying to work with the City for 21 years to straighten out this zoning issue.

There were no questions for the applicant.

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

Mr. Pearson reminded the Commission they were to consider the issue of the language change.

Mr. Farruggio stated he would not be able to solely discuss the issue before the Commission. He thought the property could be used in a much different and friendlier way to the City. He thought there was an inadequate job of buffering the residents from this.

Mr. Emory moved to refer Ms. Dunham's Land Use Plan amendment request to the Planning Commission Committee charged to assess and improve the alignment of the Code with the intent of the Comprehensive Plan to the March 24th Work Session meeting to assess and enable an effective study of the 2025 Land Use Plan; this study would include consideration of overall City zoning architecture through the lens of environmental justice concerns and zoning best management practices such that their study would include focus on land use issues noted in the 2007 Comprehensive Plan via information provided through the neighborhood plan process and updated via input of change conditions solicited by the committee from the neighborhoods and it would bear hope that the committee would report back to this Commission in the fourth quarter of this year. Mr. Harris stated this brought something that was not formally on the agenda so he did not think it would be appropriate.

Mr. Emory moved that they make a recommendation of approval to City Council for an amendment to the 2007 Comprehensive Plan for the City of Charlottesville to remove the following sentence in Chapter 5 Land Use and Urban Design of the published document, found on page 85: "The challenge with industrial land is finding somewhere to place it; no wants to have it in their backyard." This motion is made on the grounds that the sentence in question does not serve to promote or guide the coordinated adjusted and harmonious development of the territory of the City of Charlottesville nor does it promote the health, safety, and welfare of City residents. Ms. Lewis seconded the motion. Ms. Keller sought clarification as to why Mr. Emory chose the suggested motion which only removed the sentence but did not replace it. Mr. Emory stated the deletion was straightforward but there were no grounds for the replacement. The motion carried unanimously.

3. ZT-09-02-02 -- Zoning Ordinance Changes -- An ordinance to amend and re-ordain portions of Chapter 34 of the Code of The City of Charlottesville, 1990, as amended (Zoning Ordinance), to correct zoning discrepancies. Specific sections include:

1. Board of Architecture appeals to Council -- Limit City Council review of BAR appeals to determining whether the BAR correctly applied the criteria, standards and guidelines for approval. (Article II. Overlay Districts -- Section 34-286)
2. Unrelated Persons per dwelling unit in R2-U -- Reduce the by right occupancy in the R-2U (Residential) District to no more than 3 unrelated persons. (Article III. Residential Zoning Districts -- Section 34-420)
3. Signature Panel -- Require only the Director of NDS to sign off on final site plans (Article VII. Site Plans -- Section 34-828)
4. Design Specifications -- Revise language to direct compliance with the requirements and specifications for street and pedestrian access in the Standards and Design Manual (Article VIII. Improvements Required for Developments -- Sections 34-896 and 34-897)
5. Parking Garages -- Increase the minimum parking garage driveway width to 20 feet for one lane of traffic and increase the driveway width at the street line to be not greater than 36 feet (Section 34-934)
6. Driveways -- Consolidate and amend code sections concerning required location, orientation, dimension and area of driveways, parking spaces and garages. (Article IX. Generally Applicable Regulations -- Sections 34-372 and 34-976)
7. Building Height and Grade Definitions -- Amend the definitions of "building height" and "grade" and replace the corresponding graphic of "building height" (Article X -- Section 34-1200).

Mr. Rogers gave the staff report. He explained that Staff maintains a list of zoning issues that are identified such as typos and discrepancies. Most of the public comment received has been in response to the R-2U zone proposal to reduce the unrelated persons occupancy.

Mr. Pearson noted that in the pre-meeting there had been little problem with items 3, 5, and 7 and therefore could be dealt with quickly. He called for questions of staff as related to items 3 through 7.

Mr. Rosensweig wanted to know the rationale for expanding the minimum driveway widths. Mr. Rogers stated it was based on the changes he had worked on with Mr. Butler to tighten the driveway ordinances as they wanted to mesh driveway entrances of City standards with the Zoning Code.

Mr. Pearson opened the public hearing.

Mr. Morgan Butler, of 822 East High Street, was speaking on behalf of the Southern Environmental Law Center. He stated the concerns the SELC had with the proposed driveway and parking changes had been discussed with Staff. He expressed gratitude for Mr. Rogers' willingness to discuss these concerns.

With no one else wishing to speak to the matter, Mr. Pearson continued to discussion of items 3 through 7.

Mr. Neuman thought the driveway expansion had to do with public necessity for emergency vehicles.

Mr. Pearson noted that there had been a great deal of discussion about item 6 and suggested the Commission continue discussing this item as they may want staff to do more research on this issue.

Ms. Keller stated she would like to see something that would allow very small driveways. She felt small driveways would add to the stability of life.

Mr. Farruggio expressed concern that they were taking this issue to places it was not intended.

Mr. Farruggio made a motion that they approve item ZT-09-02-02, sub item 6, Driveways, to consolidate and amend the code section concerning required location, orientation, dimension and area of driveways, parking spaces and garages. (Article IX. Generally Applicable Regulations -- Sections 34-372 and 34-976). Ms. Lewis asked if the motion was pursuant to the March 10 memo from Staff that was received at 4:30 that afternoon. Mr. Farruggio concurred that it was pursuant to the March 10th memo from Nick Rogers. Mr. Emory seconded the motion. Ms. Keller wondered if it would be possible to include some diagrams that would show the variety of ways that these requirements might be met. Ms. Keller asked if Mr. Farruggio would accept a friendly amendment which would call for the inclusion of some alternative diagrams. Mr. Farruggio thought that was an internal thing for engineering to do. Mr. Harris stated if they wanted to add a diagram, picture, or drawing into one of these sections, that would be perfectly fine as it fit within what was advertised pursuant to state Code; however, an amendment or change to the design material would have to be discussed another day. Mr. Farruggio accepted Ms. Keller's friendly amendment. The motion passed, 6-1; Mr. Osteen voted against.

Mr. Farruggio moved that they recommend approval for ZT-09-02-02, Zoning Ordinance Changes: sub item 3, Signature Panel -- Require only the Director of NDS to sign off on a final site plan; 4, Design Specifications -- Revise language to direct compliance with the requirements and specifications for street and pedestrian access in the Standards and Design Manual; and, 5, Parking Garages -- Increase the minimum parking garage driveway width to 20 feet for one lane of travel and increase the driveway width to the street line not to be greater than 36 feet; and sub item 7, Building Height and Grade Definitions -- Amend the definitions of "building height" and "grade" and replace the corresponding graphic of "building height." Mr. Rosensweig seconded the motion. Ms. Keller stated she had a problem with the graphics which illustrate building height. Mr. Farruggio stated he was willing to accept that friendly amendment. Ms. Keller asked that the illustrations be drawn to more closely approximate the kinds of housing they have and would like to encourage in Charlottesville, suggesting that Mr. Rogers work with Ms. Scala to come up with something. The motion carried unanimously.

Mr. Pearson noted there was a recommendation from Staff to defer discussion of item 2 pending further research, but that the Commission hear public comment at this time.

Mr. Rosensweig wanted to know if this reduction seemed consistent with the density increases surrounding UVa as part of the creation of R-UHD and R-UMD districts. Mr. Rogers stated this was a difficult question for him as he did not coordinate development review in the University area. Ms. Creasy stated she also was unsure how to help with that matter.

Mr. Pearson opened the public hearing on item 2.

Mr. Keith Lancaster, of 1613 Meadowbrook Heights Road and a property owner on Fontaine Avenue, expressed support for Mr. Rogers' recommendation of deferral pending further research. He also requested they not make a chaotic mess of nonconforming structures. He offered his assistance to Staff in researching the matter.

Ms. Lewis asked Mr. Lancaster about the compromise which allowed four unrelated people. Mr. Lancaster explained it went back to when Maurice Cox was the mayor. He stated the Fontaine Corridor which was to implemented referenced R-3 as far as density. That matrix chose the R-1U district as three and the R-U2 district as four because that zoning district was taken off the table. Mr. Lancaster added there were other districts which were less dense that allowed four unrelated people.

Mr. Farruggio moved to defer ZT-09-02-02, sub item 2, Unrelated Persons per dwelling unit in R2-U -- to reduce the by right occupancy in the R-2 Residential District to no more than three unrelated persons to be deferred. Ms. Lewis seconded the motion. Mr. Farruggio stated he was looking for Staff to provide a little more rationale why R-1 and R-1A was still four unrelated and these other areas of higher density are going to be considered for three unrelated. Ms. Keller wanted to know how other university areas handled this matter. The motion carried unanimously.

The Commission began discussing item 1.

Mr. Rosensweig wanted to know if the primary issue was the inconsistency between the appeal process for normal BAR decisions and that of appeals of Conservation District decisions. Mr. Rogers felt that was one element. Ms. Scala provided a history of the matter. She stated the existing process wasted the time of City Council. Ms. Scala stated the state Code does not address the standard of review except in the matter of appeals of demolition requests.

Ms. Lewis stated her remembrance that, pre-2003, Deputy City Attorney Lisa Kelly reiterated several times that City Council's review was always de novo. Ms. Lewis wanted to know why, if there were so few appeals, the process needed to be changed. Mr. Pearson stated Ms. Scala had answered that by saying it wasted Council's time and tied their hands. Ms. Lewis stated the memo they had received said it was because of a change in the relationship between City Council and BAR; this had not been addressed during this meeting. She cited the memo: "The City Council of that period did not want to restrict development possibilities, and saw the BAR as a potential obstacle. In this, Council put in place the de novo process to avoid this concern. The current code is a product of this era, and does not reflect City Council's modern relationship with the BAR." Ms. Lewis wanted to know which members of City Council asked for this ordinance to be changed. She stated this specific language would greatly limit the power that City Council currently holds. Ms. Scala stated she had not had any conversation with Council members on this since 2006.

Mr. Farruggio wanted to know changing "shall" to "may" would fix the situations. Mr. Harris stated it would not as this would make the standard of review discretionary.

Mr. Farruggio stated he agreed with Ms. Lewis. He would prefer leaving it as it was.

Mr. Huja stated his recollection based on his 35 years of experience was that City Council had always had the flexibility till what is proposed now.

Mr. Pearson called for public comment. There being none, he closed the public hearing and called for discussion.

Ms. Keller agreed with Mr. Huja's comments. She also noted that in the late '90s and early 2000s to ensure Council did not feel bound to go by what the BAR had done, Ms. Kelly used the term "de novo" with great vehemence and great frequency so that Council must consider an appeal as if it was de novo.

Ms. Lewis stated she saw a continuum of four different standards of review which could be formulated or mixed under the review of Mr. Harris: one, all decisions of the BAR come to City Council and are presumed correct and will not be overturned unless Council says the decision of the BAR is arbitrary and capricious; two, Council reviews the BAR's decision on its face and consults with the BAR; three, a de novo review; and, four, that Council may consider the additional factors in making their determination.

Mr. Rosensweig stated he had not heard any overriding policy rationale to remove the de novo appeal power of City Council.

Mr. Farruggio thought this should be deferred so Staff could get with City Council and look at Ms. Lewis' proposal.

Ms. Keller wanted to see the City use the language that is in the state Code.

Ms. Lewis moved to recommend denial of the Zoning text amendment to amend and reordain Section 34-286 of the Code of the City of Charlottesville, 1990, as amended to limit City Council review of BAR appeals. Mr. Farruggio seconded the motion. Ms. Keller stated she might be able to accept the spirit of it but was troubled by the use of the word "limit." Ms. Lewis stated she would accept a friendly amendment to deny the proposed text amendment. Ms. Keller stated the discussion had centered around the idea that only applicants would appeal to Council; however, the most recent appeal came from members of the public. She felt they should look at this as providing opportunities on both sides of an issue. Ms. Keller asked Ms. Lewis to read back her motion. Ms. Lewis stated her motion was to recommend denial of the zoning text amendment to amend and reordain Section 34-286 of the Code of the City of Charlottesville. Mr. Pearson expressed his understanding that the language of "de novo" was tied to a presumption that Council should go over all the same issues again, but that was effectively an instruction to Council to redo the work of the BAR. Mr. Pearson did not want to send that message to Council and thought a more nuanced language would be more appropriate. Ms. Keller thought it was worth having some discussion about their intent, if they voted to deny the change in language, of making another recommendation or coming up with other language. Ms. Lewis stated she thought they should visit this issue, but her motion was just to deny the language which had been presented to the Commission. Ms. Keller wanted to know if it would be appropriate to include some other language. Ms. Lewis stated she probably would not accept any at this hour. Mr. Pearson asked that the question be called. The motion passed, 6-1; Mr. Pearson voted against.

IV. REGULAR MEETING ITEMS (Continued)

H. FUTURE AGENDA ITEMS

Ms. Creasy noted the March 24th work session would be on the Land Use Map.

Ms. Lewis moved to adjourn until the second Tuesday of April. Mr. Pearson declared the meeting adjourned at 10:16 p.m.