

MINUTES  
CITY OF CHARLOTTESVILLE  
PLANNING COMMISSION  
TUESDAY, January 8, 2013 -- 5:30 P.M.  
CITY COUNCIL CHAMBERS

Commissioners Present:

Ms. Genevieve Keller (Chairperson)  
Ms. Lisa Green  
Ms. Natasha Sienitsky  
Mr. Kurt Keesecker  
Mr. Michael Osteen  
Mr. David Neuman, Ex-officio, UVA Office of the Architect

Not Present:

Mr. John Santoski  
Mr. Dan Rosensweig (Vice Chairperson)

Staff Present:

Ms. Missy Creasy, AICP, Planning Manager  
Mr. Willy Thompson, AICP, Neighborhood Planner  
Mr. Michael Smith, Neighborhood Planner  
Mr. Read Brodhead, Zoning Administrator

Also Present

Mr. Richard Harris, Deputy City Attorney

**II. REGULAR MEETING**

Ms. Keller convened the meeting.

**A. COMMISSIONERS' REPORT**

- Ms. Sienitsky-Nothing to report
- Ms. Green –The CDBG Task Force will be meeting this evening at 7pm and the MPO will meet January 15<sup>th</sup>.
- Mr. Osteen-Nothing to report
- Mr. Keesecker- Nothing to report

**B. UNIVERSITY REPORT**

Mr. Neuman discussed the J term that is in session at the University. Spring term will resume January 9<sup>th</sup>. He gave a report on the landscaping project at the intersection of Ivy Rd and Emmet St.

**C. CHAIR'S REPORT**

Ms. Keller mentioned that TJPDC did not meet, but she attended the PLACE Task Force meeting for the preliminary discussion for the Belmont Bridge repair.

**D. DEPARTMENT OF NDS/STAFF REPORTS/WORK PLAN**

Ms. Creasy reminded everyone that the award ballots are due this evening and that disclosure forms are due to the Clerk of Council by January 15<sup>th</sup>. She presented a brief overview of future work session topics.

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

Leslie Middleton of the Rivanna River Basin Commission commended the Planning Commission and staff for bringing information to the public. She was there to recommend a goal for a chapter

in the comprehensive plan and would like part of the RRBC mission added to the comprehensive plan.

**F. CONSENT AGENDA**

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

1. Minutes - December 11, 2012 – Pre meeting
2. Minutes - December 11, 2012 – Regular meeting
3. Minutes - November 13, 2012 – Regular meeting
4. Minutes – December 4, 2012 – Joint City County PC Meeting

Ms. Sienitsky moved for approval of the Consent Agenda.

All in favor. Consent agenda passed.

Ms. Keller called for recess. She reopened the meeting at 6:00PM.

**III. JOINT PUBLIC HEARINGS**

**G. JOINT PUBLIC HEARINGS**

ZT-12-12-15 Mobile Food Units - An ordinance to amend and reordain §34-420, §34-480 and §34-796 Use Matrixes; §34-1200 Definitions and to create and ordain §34-1175 Mobile Food Vehicle of the Zoning Ordinance of the Code of the City of Charlottesville, 1990, as amended, to provide allowance for mobile food units. **Report prepared by Read Brodhead, Zoning Administrator.**

Mr. Brodhead provided the staff report.

Following Mr. Brodhead's report, Ms. Green asked for clarity since provisional permits usually go with the land. How will the permit go with the truck? She asked what type of permit will there be for a land owner?

Mr. Brodhead clarified that staff has not developed a permit for the land owner. For the current provisional use permit process, the applicant applies and the land owner signs permission for the activity, so it will be no different than that. Staff feels that many of these trucks would setup on vacant parking lots since there are many lots on West Main Street.

Ms. Green stated that it would be no different than having a home occupation application, since the owner of the property has to sign off on the application. She also wanted to know if the trucks would be allowed to park in the city parks or near any of the schools. She wanted clarity on allowances for setting up tables near the trucks.

Mr. Brodhead stated that the first truck that arrives to the space for that day would get the space. He stated that there will not be multiple trucks on a site. If a truck wants to park in a park they would need permission from the Parks and Recreation department and if they wanted to park near a school there is separate legislation for this. The owner of a mobile food truck will not be allowed to setup tables outside of their truck.

Ms. Sienitsky asked if the dimension of a truck is restricted by size or the number of parking spaces it will occupy. Will the truck be allowed to have a sandwich board on the street to advertise?

Mr. Brodhead stated that the truck will take up the spaces allowed on the property and they will only be allowed to have a fixed sign to the vehicle.

Ms. Keller wanted clarity on the hours of operation and if the trucks be permitted in mix use areas. She also wanted to know if churches or other organization would need a special permit to have these types of trucks at special events and would a traffic study need to be included to make sure the space the truck is occupying is safe.

Mr. Brodhead stated if the property owner allows the truck to be there 24/7 then they can be there. He also stated that special events permits are issued on an annual basis and would be reviewed at the time of application.

Ms. Creasy stated that staff has the right to determine if a parking space is unsafe for the use.

Mr. Keesecker wanted to know what staff thought would be the downside/negative impact of having the landowner apply for the permit. He asked if mobile food unit folks have asked for seating.

Mr. Brodhead stated that staff felt that the owners of the mobile food units would be the ones going out and seeking areas to park their trucks, so they would be the ones applying for the permit. They were looking for opportunities for the mobile food units and not really looking at the property owners. There might be some opportunity in the future for the property owners to apply for the permit we are just not there yet.

Ms. Szakos wanted to know what happens if the owner no longer wants the truck on their property since they will own the permit.

Mr. Brodhead stated that the property owner would have the right to kick the owner of the truck off of the property.

Ms. Smith wanted clarity on whether the owner of the truck would be allowed to stay parked in a location for a month. She also wanted to know if other localities ordinances had been looked at to see how they are dealing with mobile food units and she used Boston as an example.

Mr. Brodhead stated that Health Department regulations will not allow them to be parked in one spot for that length of time. He stated that he only looked at Houston which has a very difficult process.

Ms. Galvin had a concern with trash and the removal of it from the site.

Mr. Brodhead stated that they are required to have at least one trash receptacle.

Ms. Green would like for staff to take a look at the Health Department guidelines and see if these regulations are compatible.

Mr. Brodhead stated that we are always in line with the Health Department. The applicant would need health department approval prior to zoning issuing a permit.

Ms. Keller opened the public hearing and with no one to speak, she closed the public hearing.

**Discussion**

Ms. Sienitsky is happy to see this item before them. She would love to see the ordinance allow for seating. She would like to see the permit be issued by the number of spaces allowed.

Mr. Osteen would like to also encourage seating and he is very appreciative of the work staff has done. He would like to see a different food cart every day on sites and feels this is going in the right direction.

Mr. Keesecker feels all points made this evening are valid. He would like to see things kept simple for the vendor. It's the property owner's parking space and if they want food trucks then they should have them if they are able. He feels a simpler and straight forward approach would be better.

Ms. Keller would like the property owner to be involved and she is also concerned about the trash. She would like the trucks to be limited to only selling food.

Ms. Green has a little conflict with the permit going with the truck and not the land. She feels that the owner should have more control. She would like the Health Department and ABC regulations reviewed and she is not inclined to allow seating. She feels seating would take away from the downtown mall.

Mr. Harris feels that more time is needed with all the issues that have been raised this evening.

Mr. Neuman feels that it will create a big trash issue since UVA has had problems with trash. He feels that one trash can isn't enough. There will be a problem with food trucks on the corner and in the Rugby Road area. He has concerns with the management of alcohol being sold from the trucks.

Ms. Smith would like to see some coordination with the Health Department. She would like other localities looked at as to how they deal with food courts.

Ms. Green made a motion to defer.

Mr. Osteen seconded the motion

Ms. Creasy called the question

Sienitsky	Yes
Green	Yes
Osteen	Yes
Keesecker	Yes

Keller            Yes

Motion Passes

#### **IV. REGULAR MEETING ITEMS**

##### **H. Preliminary Discussion**

###### **1. Elliot Avenue PUD**

Willy Thompson gave a brief overview of the project.

Don Franco presented a PowerPoint presentation for the project.

##### **Discussion**

The Commissioners had questions concerning alleys, parking and pedestrian amenities. Their main concern about alleys was identifying which streets would be alleys and which would not. There was concern that residents would be most likely to park in the alleyways They wanted to see more pedestrian amenities on the plans and have them on both sides of the street.

The Commission would like to see more character to the houses that will be fronting on Elliott Avenue. They are however satisfied with the affordable housing aspect of the project.

The Commission would like to see neighborhood connectivity in the plans as was done for Burnett Commons Phase II. They like the idea, but feel a few things need some attention. They would like to see specifications for the new street including speed information and would like to see more open space and reduction of alleys. The Tree Commission could look at more planting along the cemetery and more street trees could be added on Elliott Avenue to encourage walking.

##### **I. Comprehensive Plan Work Session**

Ms. Creasy gave an outline of future work sessions for the next couple of months. She explained that Amanda Poncy will attend the next scheduled work session on January 22<sup>nd</sup> to go over the transportation portion of the comprehensive plan.

##### **Environment**

Mike Smith reviewed the comments memo. Most commissioners were okay with the draft and goals in the environmental section of the plan.

Ms. Creasy stated that she has provided all of the links associated with the research that has been done and the activities of the Rivanna River Basin Commission in the document to use as background information when the creation of a River plan proceeds.

Ms. Keller stated that she felt comfortable leaving things up to Ms. Creasy, Mike and Leslie in completion of the language.

Ms. Green likes the partnership with the Rivanna Water Basin Commission and feels comfortable with the language as proposed.

Mr. Keesecker noted that everything makes sense. He would like the goals and objectives put into some order.

Ms. Creasy said that the final document will have a matrix showing how goals and objectives relate to one another in the context of the City Council vision.

### **Transportation**

The Commissioners would like for Amanda to take another look the goals and see what can be combined. They are concerned that the transportation appendix doesn't reflect all of the initiatives underway in the community.

Ms. Creasy stated that staff will work to integrate comments prior to the next discussion.

Ms. Green made a motion to adjourn to the second Tuesday in February @ 9:45PM.