

MINUTES  
CITY OF CHARLOTTESVILLE  
PLANNING COMMISSION  
TUESDAY, March 12, 2013 -- 5:30 P.M.  
CITY COUNCIL CHAMBERS

**Commissioners Present:**

Ms. Genevieve Keller (Chairperson)  
Ms. Natasha Sienitsky  
Ms. Lisa Green  
Mr. Kurt Keesecker  
Mr. John Santoski

**Not Present**

Mr. Michael Osteen  
Mr. Dan Rosensweig  
Mr. David Neuman, Ex-officio, UVA Office of the Architect

**Staff Present:**

Ms. Missy Creasy, AICP, Planning Manager  
Mr. Brian Haluska, AICP, Neighborhood Planner  
Mr. Willy Thompson, AICP, Neighborhood Planner  
Ms. Melissa Thackston, AICP, Grants Coordinator

**Also Present**

Mr. Richard Harris, Deputy City Attorney

**II. REGULAR MEETING**

Ms. Keller convened the meeting.

**A. COMMISSIONERS' REPORT**

- Ms. Green –MPO TECH will meet March 15, 2013.
- Ms. Sienitsky stated that the Parks and Recreation Board met last month and discussed the Meadowcreek Stream Valley Master Plan. They will be having a public hearing on this item on March 26, 2013.
- Mr. Keesecker- Nothing to report
- Mr. Santoski-Nothing to report

**B. UNIVERSITY REPORT**

No report

**C. CHAIR'S REPORT**

Ms. Keller stated that the West Main Street RFP is out. Consultants will be in town this week for SIA and the agenda is on the website. She attended a BZA meeting and the applicant deferred until next month. She has appointed a committee that consists of Mr. Osteen and Mr. Keesecker to meet with the Stonehenge developer to discuss concerns.

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

Ms. Creasy announced that there will be a work session after the regular meeting this evening. March 26 will be a regular work session. There will be many items for the regular meeting in April.

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

There were none

## F. CONSENT AGENDA

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

1. Minutes - January 8, 2013 – Regular meeting
2. Minutes - February 5, 2013 – Work Session
3. Minutes - February 12, 2013 – Pre meeting

Ms. Sienitsky made a motion to approve the consent agenda.

Ms. Green seconded the motion.

All in favor

Motion Carries

With City Council not present yet to start the public hearings, Ms. Keller opened up discussion on one of the work session items.

Ms. Creasy stated that changes were made to the demographic chapter of the comprehensive plan. Reorganizing material became a little problematic. She gave three recommendations on how to rectify the problem.

1. Go back to the original orientation of material
2. Remove the vision statement heading and take out sections where there are no data points.
3. Remove the chapter and use the VEC report as our data source.

Mr. Keesecker feels that if a hybrid was created with another attachment that could cover everything. If 3-5 statements were still linked to the vision that would work too.

Ms. Green would like for all of the chapters to be compatible.

Ms. Keller would like to find a way to include the environmental baseline data.

Ms. Green was concerned if a link was added and the data changed would the comprehensive plan need to be changed

Ms. Creasy stated that the main chapters will not change only the supplemental items will change as the outside source updates the information.

Ms. Keller feels that providing links to the chapter with data is very important.

Mr. Keesecker feels that if the city is a green city then it should list the ways we have worked towards becoming a green city.

Ms. Keller would like some clarity on how we would add links.

Ms. Creasy stated that a separate reference page needs to be added if we would like to go that way.

## III. JOINT PUBLIC HEARINGS

**1. Community Development Block Grant (CDBG) and HOME Funding—1<sup>st</sup> Year Action Plan, 13-14:** The Planning Commission and City Council are considering projects to be undertaken in the 1<sup>st</sup> Year Action Plan of the multi-year Consolidated Plan utilizing CDBG & HOME funds for the City of Charlottesville. In Fiscal Year 13-14 it is expected that the City of Charlottesville will receive \$390,441 for Housing and Community Development needs and \$66,000 in HOME funds for affordable housing from HUD. CDBG funds will be used in the City to conduct housing rehabilitation, assist low and moderate income homebuyers, construct pedestrian improvements to the Fifeville Neighborhood and fund Economic Development activities, as well as to fund several programs that benefit low and moderate income citizens and the homeless population. HOME funds will be used to support the housing needs of low and moderate income citizens. **Report prepared by Melissa Thackston, Grants Coordinator.**

Ms. Thackston provided the staff report. Then Ms. Smith asked if ABRI budget is looked at when making decisions.

Ms. Thackston stated that they try to keep that process separate when making CDBG decisions.

Ms. Keller opened the public hearing. With no one to speak she closed the public hearing.

Ms. Smith asked if the fact that City Council had already given funding to Belmont Cottages had been considered?

Ms. Thackston stated that CDBG tries to keep their funding decisions separate.

Ms. Sienitsky asked if there were people waiting on funds and Ms. Thackston stated that there were.

Ms. Green asked if the economy played a part in how funds are allocated and Ms. Thackston stated that it does.

Mr. Santoski asked how neighborhoods are chosen.

Ms. Thackston stated that they have a cycle and they present to City Council to see if they would like them to proceed in that direction or go in another direction.

Mr. Huja wanted to know how neighborhoods qualify.

Ms. Thackston stated that they are reevaluated every 10 years through the use of Census data.

Mr. Keesecker would like to see if this program could be aligned with the strategic investment area.

Ms. Smith wanted to know if there were any restrictions to who could receive money.

Ms. Thackston went over who could and couldn't apply and stated that there are some stipulations.

***Mr. Santoski made a motion to recommend approval of the proposed CDBG budget.***

Mr. Keesecker seconded the motion

With no further discussion Ms. Creasy called the question.

Sienitsky	Yes
Green	Yes
Keesecker	Yes
Santoski	Yes
Keller	Yes

The motion carries.

- 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.

Ms. Green asked about the stipulations of a block party and Mr. Brodhead stated that they would have to go through Parks and Recreation because that would be a special event.

Ms. Green asked if the applicant would need another permit from the Health Department if they wanted to provide

seating.

Mr. Brodhead stated that there is nothing in the Virginia Ordinance that talks about mobile food units with seating.

Ms. Green wanted to know why would we allow seating if other localities don't allow seating.

Mr. Brodhead stated that we are not other localities and some people have express interest in seating.

Mr. Santoski likes the idea of mobile food units but wanted to know what would stop the truck being permanently parked on the owners' property.

Mr. Brodhead stated that Health Department regulations will not allow the trucks to be permanently parked because they would have to go to a commissary to reload and remove refuse.

Ms. Creasy stated that it is a part of the Health Department application to have a place to go to and dump refuse and other waste.

Mr. Norris asked if any mobile food vendors were caught off guard since the last meeting and have any contacted Mr. Brodhead.

Mr. Brodhead stated that a few more have come on board since then.

Mr. Huja asked how far the trucks should be from residences and businesses.

Mr. Brodhead stated that the trucks should be 100ft from residences and 30ft from businesses.

Mr. Huja asked if it was legal to restrict downtown parcels from having a food truck next to restaurant.

Ms. Creasy stated that we are only restricting the location of the trucks.

Ms. Keller opened the public hearing.

Kelly Haus, 575 Gilliam Ridge Rd, is a mobile food truck applicant with the health department and they are really strict. She stated that they require you to get rid of the grease and gray water and the truck has to meet their requirements. The health department has to give you permission concerning what commissary can be used. A lot of big trucks look for the food trucks and she would like to see a rotation and have everyone work together.

Stanton Braverman, 226 Douglas Ave, is in favor of the food trucks and he was very engaged with them while visiting Durham.

Ashley Florence, 203 Douglas Ave, is in favor of allowing food trucks. She has seen them in other cities

Ms. Keller closed the public hearing.

### **Discussion**

Ms. Sienitsky supports the mobile food trucks and feels we should approve and see what happens.

Ms. Green thanked staff for the intense report and stated that she is in favor of eating out of food trucks. She is not although in favor of the seating. She supports the fact that they can't be within 30ft of a restaurant. She feels we have a lot of great restaurants and would not like to see them go away.

Mr. Keesecker asked about the noise that the trucks generates.

Mr. Brodhead stated that it all depends on what the truck is providing. There may be no need for a generator which is the cause of noise.

Mr. Keesecker is not for the seating but he is for the trucks. He feels that if property owners allow the trucks on their parcel they should go for it.

Mr. Santoski agrees with Mr. Keesecker and Ms. Green on the seating. He feels that it should be what it is - mobile. He feels they should have written permission, not just verbal from the property owner. He asked Mr. Brodhead if an issue comes up with the property owner, who resolves it.

Mr. Brodhead stated that the property owner could call and say that they revoke the truck being on the property.

Ms. Keller has a problem with the trash and noise. She feels Mr. Brodhead has done a great job in addressing that.

**Ms. Green said I move to recommend approval of this zoning text amendment request as proposed to amend and reordain Sections 34-480, 34-796, 34-1175, and 34-1200 of the Code of the City of Charlottesville, 1990, as amended (Zoning Ordinance) relating to permitting mobile food units with a provisional use permit on private property with the following condition; for the mobile food truck owner to have written permission from the property owner.**

Mr. Santoski seconded the motion  
Ms. Creasy called the question

Sienitsky	Yes
Green	Yes
Keesecker	Yes
Santoski	Yes
Keller	Yes

Motion Carries

- ZM-13-01-01 (Lyman Street):** A petition to rezone the property located on Lyman Street from R-1 Single Family Residential District and Planned Unit Development (PUD) to Downtown Extended (DE). The property is further identified as Tax Map 58 Parcels 289.2 and 358E having road frontage on Lyman Street and containing approximately 8,613 square feet of land or 0.2 acres. The general uses called for in the Land Use Plan of the Comprehensive Plan are for Industrial. **Report prepared by Brian Haluska, Neighborhood Planner.**

Mr. Keesecker recused himself from this item and left chambers.

Mr. Haluska provided the staff report.

Ms. Green disclosed that she lives in the neighborhood but has no financial interest and this will not affect her decision. She asked if there are other properties in the area with similar zoning and someone wanted to create a building 9 or 10 stories what would be there limitations.

Mr. Haluska stated that the building could be 8 or 9 stories.

Ms. Keller asked if there had been any discussion with applicant on any other uses that would have an effect on adjacent properties and what are the most generous buildings that can be built on a downtown extended use.

Mr. Haluska gave a list of things that could be built such as, multifamily dwellings, banks, health clinics and etc. He also stated that there is nothing in city code where we can use proffers to limit uses.

Ms. Creasy stated that there are many things that lead to site limitations such as zoning and setbacks.

Mr. Santoski asked if the other side of Belmont Lofts where the park was proposed is owned by the City and if the City could still develop the property?

Mr. Haluska stated that discussion of the park was on the other side of the property and the front parcel was formally the Lyman Street right of way. He also stated that the city could still develop this property if they obtained the right of way.

Ms. Green asked if there was a 50ft setback and could parking be allowed in the 10ft setback and Mr. Haluska stated that there is a 10ft minimum setback in front with 50ft maximum and parking is not allowed in the 10ft setback.

Ms. Smith asked if a Music Hall is allowed

Mr. Haluska stated only by a provisional use permit.

Mr. Wardell the applicant was present and provided a PowerPoint presentation.

**Ms. Keller opened the public hearing.**

Luke Waldren, 203 Douglas Avenue feels that Lyman Street is very narrow and it should be limited to a one way street. He feels that an R-2 zoning offers more protection and will allow the applicant to have more options to develop. He feels there is no rush in rezoning this property and maybe R-2 should be looked at more.

Ashley Florence, 203 Douglas Ave stated that the railroad is really dividing the Downtown extended zoning of this property. Lyman Street has a car accident almost every day. She stated with no plans from the owner to develop this property in the future, why rush.

Stanton Braverman, 226 Douglas Ave stated that the street is very dangerous. There are delivery trucks on this road daily and they make it dangerous to pass. Cars are side swiped on this road daily and there is no handicapped parking at all.

Linda Renfroe, 202 Douglas Ave, stated that having a commercial building there will create a lot of traffic. There is no guarantee that a residential building will go there and she feels residential will be better.

Maria Bell 202 Douglas Ave, she agrees with what has been said. She feels this neighborhood is overlooked. She feels if Lyman Street would have been built the way it was supposed to we would not have this problem.

Joan Schatzman 204 Douglas Ave would like to see the R-2 zoning considered and she feels that the Downtown extended zoning is the wrong way to go.

Steven Kephart, 509 Stonehenge Ave, agrees with the traffic concerns and the problems it causes.

Eugenia Schettini, 214 Douglas Ave, really appreciates the work Bruce has done. She feels that downtown extended is the wrong way to go.

Judy Zeitler, 200 Douglas Ave, has concerns about the downtown extended zoning. She feels that traffic would be a problem, but maybe underground parking should be considered.

With no one left to speak, Ms. Keller closed the public hearing.

**Discussion**

Mr. Santoski feels there is a lot of logic to the DE zoning. The R-2 zoning and M-1 makes sense. DE makes more sense by default and is the best thing to put there. Maybe there should be no on-street parking on Lyman and permit parking on Douglas. The main concern he has is traffic. He also does not like the fact that the applicant can't guarantee that he will actually build on this property.

Mr. Santoski asked Mr. Haluska if we could limit the amount of on street parking and make some of these streets one way.

Mr. Haluska stated that staff has the means to make streets permit parking now. He feels that some of these issues still need to be addressed.

Mr. Huja asked if the applicant could offer proffers.

Ms. Creasy stated that we would have to advertise again.

Ms. Sienitsky is very sympathetic to the neighborhood concerns about traffic. She feels really torn and she agrees with Mr. Santoski. She stated that it is not within our power to say how the property will be developed. She feels the neighborhood would feel better if the applicant could place some restrictions on what can be built on the property.

Ms. Green stated that she drives, runs and walks on those streets daily. She feels that the access to the property is not logic. She is torn by the rezoning.

Ms. Keller is very impressed that the applicant took the opportunity to talk to the adjacent property owners. She feels that traffic is a problem and very challenging. She would feel more comfortable with a rezoning that would guarantee the result is a residential structure being built.

Mr. Keller suggested that the applicant would like to request a deferral.

Mr. Wardell asked for a deferral.

Ms. Green made a motion to accept the applicant request for a deferral.

Mr. Santoski seconded the motion

The Planning Commission accepted the applicants request for a deferral

- ZM-13-01-02 (Johnson Village PUD amendment):** A petition to amend the allowable uses for one block of the Johnson Village PUD. The property is further identified as Tax Map 22B Parcels 177 through 182 having road frontage on Cleveland Avenue and containing approximately 34,725 square feet of land or 0.8 acres. The PUD zoning allows an applicant to present a proposal independent of established zoning categories for consideration by the governing body. The current uses allowed in this block include multifamily and commercial. The change would allow townhome units to be included as an allowable use on these parcels. The general uses called for in the Land Use Plan of the Comprehensive Plan are for Two Family Residential. **Report prepared by Willy Thompson, Neighborhood Planner.**

Mr. Thompson provided the staff report.

With no questions from the Commissioners Ms. Keller opened the public hearing

John Via, 513 Harris Rd would like to see the developers provide adequate parking. He has people park in front of his house now that do not live on his road, since they can't find parking where they live.

With no one left to speak Ms. Keller closed the public hearing.

### **Discussion**

Ms. Green asked if required parking has to be on site and will this make changes to the current PUD. She feels that she could be in favor of this change.

Ms. Keller asked if the parking would be more of an impact with the townhouses.

Mr. Thompson stated that there are some parking requirements and that will be reviewed at site plan level. There will be no changes to the current PUD.

Ms. Sienitsky feels this is a reasonable use for this area and she would be in favor of the project.

Mr. Santoski hasn't really heard of any negative feedback from neighbors that don't approve and he could be in favor.

Mr. Keesecker stated that he also would not have a problem with the townhouses and they are allowed.

*Mr. Santoski said, I move to recommend the approval of this application to amend the Johnson Village PUD to allow up to 12 townhouses in Block C2, on the basis that the proposal would serve the interests of the general public welfare and good zoning practice*

Ms. Green seconded the motion.

With no further discussion Ms. Creasy called the question.

Sienitsky	Yes
Green	Yes
Keesecker	Yes
Santoski	Yes
Keller	Yes

Motion Carries.

- 4. ZM-12-12-16 (Elliott Avenue PUD):** A petition to rezone the property located off Elliott Avenue from R-3 Multifamily Residential District to Planned Unit Development (PUD). The property is further identified as Tax Map 29 Parcels 266 and 272.1 having road frontage on Elliott Avenue and containing approximately 156,816 square feet of land or 3.6 acres. The PUD zoning allows an applicant to present a proposal independent of established zoning categories for consideration by the governing body. This proposal consists of up to 50 dwelling units in a variety of housing types, including single-family detached, single-family attached, townhouses, cottages and a group home with a density of no greater than 13.8 DUA as well as a non-residential use. Proffers include affordable housing, funding for and/or improvements to the Oakwood Cemetery property. The general uses called for in the Land Use Plan of the Comprehensive Plan are for Public- Semi Public. **Report prepared by Willy Thompson, Neighborhood Planner.**

Mr. Thompson provided the staff report.

After Mr. Thompson finished his staff report, Ms. Smith asked why the developer would be removing trees from the site.

Mr. Thompson stated that he would let the applicant address that question.

Ms. Green wanted clarification of what type of job opportunities this development would bring.

Mr. Thompson stated that it is more in line with the developer creating jobs while the project is under construction.

Ms. Keller asked about non-residential uses.

Mr. Thompson stated that with the flexibility, Region Ten will be offering housing.

Ms. Smith asked if Oak St will be upgraded.

Mr. Thompson stated that no but that Oak Lane (the cemetery access) will be upgraded.

Don Franco, the applicant provided a PowerPoint presentation giving an overview and details of the proposed project. He stated that one of the proffers would be to provide funding to Parks and Recreation to maintain the trees in the cemetery.

Ms. Smith asked if the project construction would disturb the trees.



Mr. Franco stated that construction will not harm the trees. Construction will actually be on the opposite side to where the trees are located. He gave an explanation of how all the streets would be maintained by the City if they are public and the only roads that aren't public would be the alleys. He stated that there are plantings shown on the plans and if they are approved at site plan level they will be completed.

Mr. Huja asked if there will be mailboxes on double loaded streets and will they be wide enough to allow trash trucks to pass.

Mr. Franco stated that he did not know where the mailboxes would be and yes the streets will be wide enough to allow a trash truck to pass.

Ms. Green had concerns of how the picnic tables and common area would be designed.

Mr. Franco stated that they will wait on the residents and see how they would like it designed. This is a very important feature.

Ms. Green would like to see the sidewalk extended all the way up Ridge Street and Mr. Franco stated that they would work with the Public Works department to make this happen.

Ms. Keller opened the public hearing.

Jeanne McCusker, 400 10<sup>th</sup> St NE is in support of the project. She is a Habitat board member and feels this is a great way a non-profit and for-profit can work together.

Ms. Keller closed the public hearing.

#### **Discussion**

Mr. Keesecker thinks it is a great project and really can't find any negative aspect. He also likes the use of the double loaded streets and the fact that everyone will be allowed to enjoy the open space. He feels the applicant has done a fine job in creating an excellent PUD and this project could be used as an example.

Ms. Green would just like to see the sidewalk extended. She feels that needs to extend to Ridge Street.

Ms. Keller feels the applicant has been very responsive and feels this raises the bar for PUD expectations.

Mr. Santoski hopes that what they will approve on paper will be exactly what the developer builds.

Ms. Green said I move to recommend approval of this application to rezone the subject properties from R-3 to PUD, with the following proffers:

Ms. Sienitsky seconded the motion.

Ms. Creasy called the question

Sienitsky	Yes
Green	Yes
Keesecker	Yes
Santoski	Yes
Keller	Yes

**IV. ADJOURN @ 9:45 to move to the NDS Conference room for a work session.**