

City of Charlottesville - City Planning Commission - Minutes: June 13, 2000

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**PLANNING COMMISSION REGULAR DOCKET
TUESDAY, JUNE 13, 2000 -- 7:30 P.M.
CITY COUNCIL CHAMBERS**

The Regular Meeting of the Planning Commission was held on this date with the following members present:

Mr. Tim Supler, Vice Chair

ABSENT:

Ms. Nancy Damon
Ms. Kathy Johnson Harris
Mr. Herman Key
Mr. Marshall Slayton
Mr. Kenneth Schwartz
Mr. Eldon Wood

STAFF PRESENT:

Mr. Jim Tolbert, AICP, Director
Mr. Ron Higgins, Planning Manager

City Council Members Present

Mr. Maurice Cox
Mr. David Toscano

ALSO PRESENT:

Ms. Meredith Richards
Mr. Pete Anderson, UVA Architect

Mr. Supler called the meeting to order at 7:30 p.m.

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

There were no matters raised by the public.

B. MINUTES

Mr. Supler asked if there were any changes or additions to be made to the May 9, 2000 minutes. Mr. Higgins indicated that Ms. Richards needed to be added to the list of City Council members present. Ms. Damon suggested that the phrase, "an economic development committee she couldn't remember the name of," be changed to, "Thomas Jefferson Partnership for Economic Development."

Mr. Schwartz made a motion to approve the minutes, with the corrections noted. Ms. Damon seconded the motion, and it carried unanimously.

Mr. Supler indicated that they did not yet have a quorum from the City Councilors, and suggested working backwards on the agenda until they arrived.

E. LIST OF SITE PLANS APPROVED ADMINISTRATIVELY

Mr. Supler indicated that there were two site plans up for approval, the Wade Apartment Complex and the Meade Park Tower.

Mr. Schwartz commented that Mr. Wade Trembley has been working very effectively and cooperatively within the Board of Architectural Review process in moving forward on the Wade Apartment Complex as well as a number of other developments on Wertland Street.

Ms. Damon made a motion to approve the list of site plans approved administratively. Mr. Schwartz seconded the motion, and it carried unanimously.

LIST OF SITE PLANS APPROVED ADMINISTRATIVELY 5/1/00 TO 6/1/00

1. File No. 1251 Wade Apartment Complex – Additions 1109-1213 Wertland St. for 21 Units and Renovation of 22 Units
2. File No. 1224-A Meade Park Tower – Additions to Rear of 1320 East Market tower at Wrights, Inc. Yard Street

F. COMMISSIONERS' REPORTS

Mr. Key indicated that he had been unable to attend the June 12th Venable Neighborhood Association meeting, but that meetings for the JPA and Lewis Mountain neighborhoods were planned for the evenings of June 14th and 15th, respectively. He added that the second charette for the corridor study had taken place last night as well.

Mr. Schwartz commented that the Courts Facilities Study Committee is continuing its work looking at the expanded courts facilities, and that he would keep the Planning Commission informed of developments in the site deliberations over the next several weeks. He added that he had been out of town frequently during the last month and apologized for having been unable to attend the Comprehensive Plan meetings in his neighborhood.

Ms. Damon indicated that she had attended the Venable Neighborhood Association meeting last night, and that they had worked on their action plan. She also attended the Fry Spring Neighborhood Association meeting two Sundays ago, and feels that the neighborhoods are moving forward well with their plans. She echoed Mr. Key's comments about schedules for the next neighborhood association meetings, then added that the wrap-up of the corridor study was scheduled for June 15th as well. She stated that she had also met with the director of the Thomas Jefferson Partnership for Economic Development to discuss the issue of whether new members may be admitted to the Thomas Jefferson Planning District Commission without actually coming to before the commission, and that they were still working on this and other issues.

Mr. Wood stated that he had attended neighborhood association meetings in Woolen Mills, Locust Grove, and Martha Jefferson, and had filled in for Mr. Schwartz at the Starr Hill meeting. He commented that the Starr Hill meeting was one of the most efficient and effective meetings he had attended anywhere. He stated that at the MPO meeting, a very good report was given concerning the background of the Eastern Initiative. He then mentioned the corridor studies going on that week, and said he would find out what hours the members of the study would be available.

Mr. Anderson commented he had received no response from the commission on his invitation to them. Mr. Supler commented that he had received an email that day stating the meeting was scheduled for August 14th at 4 p.m.

With the arrival of the other Council members, Mr. Supler suggested moving on to the joint public hearing portion of the meeting.

C. JOINT PUBLIC HEARINGS

1. SP--00-5-7: An application for a special permit to replace the 150' existing guyed tower at the rear of the Charlottesville/Albemarle Rescue Squad Facility at 828

McIntire Road with a new 150' free-standing tower. The general uses allowed in the R-1 Residential zones are single-family dwellings on separate lots at a density of three to seven units per acre, plus certain institutional uses such as churches, public parks and utilities. This property is further identified on City Real Property Tax Map #47 as a portion of parcel 17, having approximately 245 feet of frontage on McIntire Road, 295 feet of frontage on 250 Bypass and containing approximately 67,250 square feet of land or 1.54 acres. The general uses called for in the Land Use Plan of the Comprehensive Plan are single family detached dwellings at a density of three to seven units per acre.

Mr. Higgins made a brief presentation, referencing two maps on the wall and a small site plan. He described the location of the Charlottesville/Albemarle Rescue Squad for members of the Planning Commission, stating that the tower stands in a large wooded area adjacent to it. He indicated that the tower is structurally in pretty bad shape, with many of the guy wires broken, and that the Rescue Squad and their consultant have been looking at repairing it or replacing it for a year and a half. Because of the R-1 zoning, they need to obtain a special permit to do this. He discussed the various options explored by the Rescue Squad that would be the least destructive to the surrounding area, stating that they had decided upon a single structure freestanding tower to replace the old tower. He commented that the purpose of the tower is to provide an emergency communications system. He stated that the biggest concern has been the destruction involved in cutting a swath in the woods to bring in the new tower, and the least destructive route is what is being proposed. He described the nature of the structures surrounding the area, and stated that because of the R-1 zoning, a suggestion has been made that the tower be removed within 90 days if the Rescue Squad ever has any alternative source for communications, or if they ever change locations. He stated that the only very noticeable thing about the tower would be the safety light on top required by the FAA, but that the new tower would project to about the same height out of the woods as the current one.

Mr. Supler asked if it would be safe to say, if the commission didn't approve the tower, the old one could be kept in perpetuity; but if they did approve it, the Commission would have recourse if the situation changed. Mr. Higgins replied that they could not go in and ask the Rescue Squad to take the other tower down, unless it became a safety hazard. Only destruction or removal of fifty-percent of the tower would give the Commission right to request its removal.

Mr. Supler asked if the applicant would like to make a statement.

Mr. Gary Summers, of 175 Bon Lea Drive, Staunton, Virginia, stated that state law requires that the Rescue Squad maintain a separate VHF system in the event that a large disaster disables other communications systems. He indicated that the trunk system that many agencies will be adopting within the next year or so will not supplant the tower they are proposing. He stated that problems are being experienced with the repeater on Carter's Mountain, due to the vast amount of radio frequency coming off of the mountain, and so it is becoming more and more difficult to maintain radio contact with ambulance drivers. Quality has deteriorated over the past five or six years, and so they are anxious to install a reliable tower back up on the hill. Concerning the existing tower, he commented that it is crooked and has several guys pulled off it by trees growing across it and falling across it over the years.

According to the City Attorney, most jurisdictions hold that if more than fifty percent of such a structure is taken down and replaced, a special use permit is required. He indicated that they are not at all interested in providing any tower space for commercial providers, pointing out that the special use permit reads that the tower is limited to the use of the Rescue Squad only. He reiterated that they are interested in a self-support tower in lieu of a guyed tower because of the number of trees that would have to be cleared to make guy lanes for the latter. The self-support tower will require a face on the upper 30 to 50 feet that is several inches wider than the existing tower's upper portion.

Mr. Supler called for comments or questions from the public on this issue.

Mr. Daniel Bluestone, of 245 Hereford Station No. 2, Charlottesville, stated that he is about to become a neighbor of the site. He requested the Planning Commission to elect an advocate for the trees on that hill, to ensure that as many trees as possible are protected and preserved. He stated that a little flexibility in the requirements might allow them to save more trees, if they allow the tower to be placed somewhere within a wider radius than is currently allowed.

He stated he noticed that one of the hundred-foot-high trees near the old tower has an orange marker around it, and feels that cutting it down is unacceptable.

Mr. Supler then closed the public hearing and opened the floor to Commissioners and City Council.

Mr. Toscano stated he wanted to be sure that this tower was going to be for private use only and would not be opened up to commercial uses, and the applicant confirmed this.

Mr. Toscano then asked how the City and the County going to an 800 MHz trunk system dovetails with the use of the tower. The applicant responded that the tower is still necessary to maintain a VHF continuous communication capability for disaster relief situations, aside from normal day-to-day activities. He stated that the trunk system may suffice, but does not meet the legal requirement for this agency.

Mr. Supler indicated he was confused by the language in the application, which states that, in the event that the tower is no longer necessary or 800 MHz capability is realized, the tower would be removed within 90 days.

Mr. Higgins commented that that was his language, and that he had been unsure whether or not the 800 MHz system would replace the tower. Mr. Summers stated that it would not.

Mr. Higgins recommended that the "or" be struck from the application, stating that the Planning Commission would want the tower removed in the event it was no longer needed for any reason.

Mr. Summers indicated he has no problem with putting a condition on the application that they meet with a tree surgeon or another expert to see what can be done to preserve the one tree that Mr. Bluestone mentioned. He stated that with Staff's permission, he would be happy shift the tower up the hill a little, and then mentioned several other ways the expertise of a tree surgeon would be helpful in planning the exact placement of the tower.

Mr. Higgins suggested that they take a City arborist up to review the site.

Ms. Damon commented that it is clear that the tower is necessary and Mr. Summers is willing to work with the City to find the best solution, and so she would recommend approval of the application.

Mr. Schwartz asked about the depth of the pad of the tower. Mr. Summers replied that it would be approximately four feet, although they do not have the final design yet.

Mr. Schwartz initiated a general discussion on amendments to the application. He then formalized a motion for approval with the following conditions: 1) that in the event that the Rescue Squad is no longer in use of the property, the tower would be removed within 90 days, 2) that in the event that the tower is no longer required by state law, the tower would be removed within 90 days; 3) that there will be no commercial use on this tower, and 4) that the applicant will meet with a tree surgeon at the expense of the Rescue Squad, and with the City Arborist, who will work with the applicant and interested neighbors in establishing the final location, to preserve as much tree coverage as possible.

Mr. Supler indicated he wanted to make a friendly amendment. He suggested that number 2 read, "In the event that the tower is no longer needed or required by state law." Mr. Schwartz voiced his support for the amendment.

Mr. Schwartz moved that the Planning Commission recommend to City Council approval of the special permit to replace the 150' guyed tower at 828 McIntire Road and the 250 Bypass with a 150' freestanding tower for the following reasons:

The proposed tower is a replacement of an existing tower of the same height on a public safety site.

The proposed replacement will not have an undue impact on the surrounding neighborhood if conditions are met.

The proposed tower serves a use, which is beneficial to the health, safety and welfare of the community.

This approval is conditioned upon the approval of the site plan with all review comments addressed in accordance with the site plan review ordinance of the City Code and upon the following:

That, in the event that the Rescue Squad is no longer in use of the property, the tower would be removed within 90 days.

That, in the event that the tower is no longer needed or required by State Law, the tower would be removed within 90 days.

That the applicants agree to meet on site with a tree surgeon at their expense and City arborist with City staff and neighbors to work out a way to preserve as much of the tree coverage as possible.

That no commercial use of the tower take place.

Ms. Damon seconded the motion. The motion passed with the following recorded vote: AYES: Damon, Key, Schwartz, Supler, Wood. NOES: None.

2. SP--00-5-8: An application for a special permit amendment for Martha Jefferson

Hospital at 459 Locust Avenue, to add a one-story roof top addition to the Cardwell Center on the Lexington Avenue side at Taylor Walk. The general uses allowed in B-1 zoning of this portion of the site are for offices and related clinics along with some personal services and parking. This property is further identified on City Real Property Tax Map #53 as a portion of parcel 234, having approximately 630 feet of frontage on Lexington Avenue, 650 feet of frontage on Sycamore Street and containing approximately 419,483 square feet of land or 9.63 acres. The general uses called for in the Land Use Plan of the Comprehensive Plan are for Offices.

Mr. Higgins made a brief presentation, referencing two maps and a large drawing. He went over the layout of the hospital and the additions that had been made to it, pointing out the special permit area. He indicated that on the Lexington Avenue side of the hospital, there are a series of B-1 office lots, a parking lot and a small house. He then described the plans to add an angiography clinic onto the roof of a one-story wing near one end of Taylor Street, over the loading dock area. Because the clinic is an expansion of the hospital, rather than a detached, free-standing office, and falls partially on land that is zoned B-1 instead of B-3 Commercial, it requires a special use permit amendment for the hospital. He indicated that the use as an office space would generate 12 parking spaces. However, because the applicant is considering doing a second small addition later on, they are adding enough parking to accommodate both additions. If they don't do the second addition, they will end up with 24 spaces instead of 12. He indicated that compared to the square footage of the rest of the hospital, the clinic is fairly small and will generate relatively little traffic. He indicated that overall, the addition is a very benign change to the hospital, and that the main concerns that have been raised have dealt with parking and traffic management. He commented that the addition of parking spaces, if they are available for the staff, should help a lot. However, although the hospital meets all parking requirements for the complex, as far as the number of spaces available, the management of the parking is causing concern for the neighborhood.

Mr. Supler asked if the applicant would like to make a statement.

Mr. Ron Cottrell, of 3304 Heathcote Lane, Keswick, stated that the addition is to provide angiography services, which is a new diagnostic and therapeutic capability for the hospital. He stated that their initiative is to make sure that the new construction blends in with the existing facade of the exterior, by selecting the same brick color and using the same trim and window treatments. He indicated he agreed that parking is an issue, and mentioned programs that have been initiated to try to accommodate parking needs for the hospital. He acknowledged the inconvenience caused to neighbors by having so many employees parking in the neighborhood, and stated that they will continue trying to improve the situation. He indicated that they anticipate that during the first year, the laboratory will see 300 new patients, growing to 600 by the third year, and that it therefore should not have a significant impact on a daily basis to the parking demands. He added that staff that are parking in the front of the hospital will be relocated to the new additional lot, to allow patients to park close to the entrance to the Cardwell Center.

Mr. Supler called for comments or questions from the public.

Ms. Sue Weber, of 601 Locust Avenue, asked whether or not the new parking lot would be for staff. She indicated that people in the neighborhood did not anticipate a problem with traffic because they had heard the lot was going to be for staff, and Mr. Cottrell confirmed this.

Mr. Supler closed the public portion of the meeting and opened the floor to Commissioners and Councilors.

Mr. Supler commented that he understood that a lot of work had been done behind the scenes with the neighborhood association, ironing out details in the initial proposals that were unsatisfactory, and that he proposal before the Commission now was a result of that work.

Mr. Higgins concurred.

Mr. Wood asked what the time factor would be for handling 600 patients at the angiography clinic. Mr. Cottrell replied that the projection is that in three years, they will be handling that many patients per year.

Ms. Damon moved that the Planning Commission recommend to City Council approval of the special use permit for the addition of 3,660 square feet to the Martha Jefferson Hospital Ambulatory Care Center wing at the Lexington Avenue/Taylor Walk side, for the following reasons:

It is in harmony with the Land Use Plan of the Comprehensive Plan.

It will not have an adverse impact on the surrounding area if conditions are met.

The approval is conditioned upon the following:

Administrative approval of the final site plan with all requirements of the zoning ordinance met.

Implementation, monitoring and verification of a system which better results in employees parking in hospital parking facilities.

Mr. Key seconded the motion. After some discussion, the motion passed with the following recorded vote: AYES: Damon, Key, Schwartz, Supler, Wood. NOES: None.

3. SP--00-5-9: An application for a special permit for a child care facility for up to 12 children at 1214 Long Street. The general uses allowed in the R-2 Residential zoning of this property are medium density single and two family dwellings on moderate sized lots at a density of seven to twelve units per acre, plus certain institutional uses such as churches and public parks. This property is further identified on City Real Property Tax Map #51 as parcel 108, having approximately 84 feet of frontage on Long Street, 153 feet of frontage on the Street leading into Burnley Moran School, and containing approximately 14,462 square feet of land or .33 acres. The general uses called for in the Land Use Plan of the Comprehensive Plan are Two Family Residential units at a density range of seven to twelve units per acre and public or semi-public institutional uses such as schools and similar facilities serving a particular area of the community.

Mr. Higgins made a brief presentation. Using the third set of maps, he described the location of the house in question. He stated that construction work on a new addition is visible on the south side of the house. He indicated that the applicants, the Carters, have been operating day care services out of their house since they first moved in, and are now licensed for up to twelve children. If a facility serves six or more children at any given time, it must be properly licensed, and City regulations require that any day care facility, center or home also obtain a special use permit. He indicated that at present, around 600 feet of the existing house are used for child care activities during the day, and a portion of her yard is used as a playground. He stated that the parking requirement for day care for 600 square feet would be two spaces, but that there is room on the property to modify it to get three parking spaces with maneuvering space on-site. He commented that Staff supports the application because of the limited size and the relatively low volume of traffic, noise and other impact it will generate. He added that this site shows up on the Land Use Plan as public or semi-public, probably in deference to the school property, and so a somewhat institutional use is actually supported by the Comprehensive Plan language.

Mr. Supler commented that he had driven past the property, and the only way he could access the site was off of Riverdale. Mr. Higgins replied that he must have come in from the low end of the Burnley Moran School gymnasium, which is an old road that has not been used for probably fifty years.

Mr. Supler indicated he was more concerned about the egress, which requires one to make a sharp turn into blind traffic on Long Street. Mr. Higgins described various routes to the property, indicating that it is not necessary to exit onto Long Street.

Mr. Supler asked if the applicant would like to make a statement.

Ms. Susan Riddle, of Free Union, Virginia, indicated she is a civil engineer representing Mrs. Carter. She gave background on the applicant's day care business, indicating that Mrs. Carter has worked hard to comply with the requests and requirements of City

Staff. She commented that she thinks Mrs. Carter has met all of their requests, and therefore would recommend approval of the plan.

Mr. Supler called for questions or comments from the public.

Silvia Mills, of 1965 Mills Lane, Charlottesville, Virginia, indicated she is president of the Jefferson Area Childcare Association and a board member of the Virginia Alliance of Childcare Associations, and so is very interested in quality childcare. She indicated that she has visited Mrs. Carter's facility, and feels that she is running a quality program.

Paul Cabell, of 509-B Harris Road, Charlottesville, Virginia, indicated that he has been an employee of Mrs. Carter for the past three years, and he feels she is providing some of the best day care service in the city of Charlottesville. He stated that she is a loving person who has done great things with the kids, and if he had children of his own, he would

consider the facility to be an ideal place for them.

Delshawn Daniels, of 212 Cream Street, Charlottesville, Virginia, commented that her son has been going to Mrs. Carter's day care for two years, and he loves it there. She stated that Mrs. Carter is a loving, sweet woman, who is very attentive to the parents.

July Gee, of 26 Rugby Road, Charlottesville, Virginia, commented that she wanted to reiterate everything that Ms. Riddle had said. She indicated that, from a business standpoint, it was her experience that Mrs. Carter had complied with everything the City wanted when she purchased the four lots adjacent to her property, and has been compliant on a number of other issues as well. She added that she feels that Mrs. Carter is a wonderful person, and when she has visited the day care facility, has personally observed that the children appeared to be happy and well cared for.

Jessica Lamb, of 211 Whitewood Road, Apartment 9, Charlottesville, Virginia, stated that she has two children who attend the day care center and feels that Mrs. Carter provides exceptional care. She indicated that she is in need of these services, and respects all of the care that is given to the children.

Ronald Wingate, of 1900-A Englewood Drive, Charlottesville, Virginia, stated that he has known Mrs. Carter for many years. He commented that she has tried to be very professional in her business, and with the problems that arise in day care, he feels that is of great concern. He then commented on his children's loving relationship with Mrs. Carter and on the Christian atmosphere she provides in her center.

James L. Jones commented that Mrs. Carter provides day care for one of his great grandchildren. He has checked out her facility and feels she has many things that other day cares don't have, such as central heat and air and up-to-date equipment. He added that his grandson loves the center even more than he does, and so he feels it is a great asset to Charlottesville.

Mr. Supler closed the public portion of the meeting. He added that he wanted to commend Mrs. Carter on her work, and then opened the floor to questions and comments from the Councilors or Commissioners.

Ms. Damon commented that she has visited the facility and it appears there is a parking lot there now that can accommodate three cars. Mr. Higgins confirmed this, adding that the lot is going to be redesigned to allow for people to turn around in it. Ms. Damon then stated that she was concerned about the lack of fencing around the outdoor play area. Mr. Higgins commented that she could address that issue in a motion.

Mr. Key asked if the applicant could comment on the fencing issue. Nancy Carter, of 1214 Long Street, commented that she does plan to put a fence around the play area. The reason she has not done it yet is because she wanted to see the site plan first, to ensure that she didn't put the fence up on City property.

Mr. Supler asked if the "For Sale" sign he saw there earlier is on one of Mrs. Carter's pieces of property, and she replied that it is not.

Ms. Richards asked if neighbors immediately adjacent to the property had been consulted. Mr. Higgins replied that they were all notified, and that a site plan conference had been held separately on the proposed use, even though it involves fairly small site improvements. He added that the Burnley Moran School had gotten very involved in earlier changes to the site.

Mrs. Richards commented that there is some confusion in the background material as to whether the property is zoned R-1 or R-2, and Mr. Higgins confirmed that it is R-2.

Mr. Key made a motion to approve the special permit for Mrs. Carter's day care, with the conditions that there be a limit of 12 children in the day care facility and that the final site plan be administratively approved. Ms. Damon seconded the motion.

Mr. Schwartz indicated he wanted to add an amendment. He asked that some reference be made to the applicant's commitment to put a fence in around the play area as the third condition to approval.

Mr. Key moved that the Planning Commission recommend to City Council approval of the special permit for the child care facility for up to 12 children at 1214 Long Street for the following reasons:

The proposed use will not have an undue adverse impact on the surrounding neighborhood, if conditions are met. The proposed day care would be in harmony with the provisions of special permits in R-1A zones, which is substantially in accord with the intent of Comprehensive Plan and such uses anticipated in the "Public or Semi-Public" designation and adjacent residential areas.

This approval is conditioned upon the following:

Limit of 12 children in the day care facility to be housed in the main house as proposed.

Administrative approval of the final site plan with all provisions of the City Code addressed satisfactorily.

That appropriate fencing be provided around the play area and shown on the site plan.

Ms. Damon seconded the motion. The motion passed with the following recorded vote: AYES: Damon, Key, Schwartz, Supler, Wood. NOES: None.

4. ZM--00-5-10: A petition to rezone from R-1A Residential to Transition Zone, the three lots at 916 Grove Street and 911 King Street. The general uses allowed under current R-1A zoning are single-family dwellings on small lots at a density of five to seven units per acre. The general uses allowed in the Transition Zone would be residential, mixed commercial and light industrial uses under certain development

standards. These properties are further identified on City Real Property Tax Map #30 as parcels 77, 78 and 84 having approximately 70 feet of frontage on Grove Street, 70 feet of frontage on King Street and containing, collectively, 10,500 square feet of land or .24 acres. The general uses called for in the Land Use Plan of the Comprehensive Plan are low density residential varying from three to seven units per acre.

Mr. Higgins made a brief presentation. He mentioned an application that came before the Planning Commission last month, namely the rezoning of the old Lee Tennis Products property, and stated that the applicant, Mr. Hewitt, has acquired through property trade with Piedmont Housing Alliance three lots which are zoned Transition Zone. In considering developing these properties, he has acquired several R-1A zoned lots behind them, to give him 140 feet of depth, which he considers necessary to make a viable development. The reason for the application is to extend the Transition Zone to encompass these properties. Mr. Higgins indicated that the Land Use Plan does not recognize the new Transition Zone, but it does call for all of the corridors in this area to be commercial at some point. He commented he is hopeful that as part of the Fifeville Comprehensive Plan process, a category will be developed that

is more appropriate and representative of the Transition Zone Committee in that area. He stated that a downside of the proposal is that it would involve the removal of two housing units, but by rezoning it Transition Zone, there is an incentive for replacement in residential use. He commented that it would be possible to more than regain the residential units if this property were developed as a single block.

Mr. Supler called for any comments from the public.

Seeing none, he closed the public hearing and called for questions, comments or concerns from Commissioners and Councilors.

Mr. Key stated that one of the principles of the Transition Zone ordinance is to engage the neighborhood in the process, and asked the applicant to comment on how he has involved the neighborhood in this rezoning request.

Mr. Richard Hewitt, of 1930 Blue Ridge Road, Charlottesville, stated that in terms of going forward with the project, he plans to work closely with the City to develop it in the spirit of the Transition Zone. He added that the neighbors that are immediately adjacent are renters and tenants, and so he has not pursued engaging them in the plan to rezone.

Mr. Supler commented that letters have gone out to all of the owners of the adjacent properties, and asked if there has been any response. Mr. Higgins replied that no phone calls have come in from owners, but the neighborhood association has called.

Mr. Key asked if there was any plan concerning the displacement of the renters. Mr. Hewitt replied that no tenants would be displaced. The renters are on the adjacent properties, whereas the homes Mr. Hewitt is purchasing belong to a Mr. Shifflett, who is moving to another home.

Mr. Cox stated he wanted to speak to this issue as well. He indicated that the Fifeville Neighborhood Association helped to craft the Transition Zone ordinance, and that the forum for involving the neighborhood is through the neighborhood association, which has been incredibly supportive of developers. He stated he would encourage the applicant to engage the neighborhood association as part of the development process, and added that they are currently participating with the Piedmont Housing

Alliance in the development directly across from the site in question. He commented that this formation of alliances between developers, property owners and residents is precisely the spirit of cooperation which the Transition Zone was designed to foster.

Ms. Damon commented she understood the concept of neighborhood participation, but asked whether Mr. Key or Mr. Cox perceived rezoning to Transition Zone as problematic. Mr. Key replied that if they approve the application without making neighborhood involvement a critical part of the process, then they are defeating the spirit of what they are trying to accomplish with the Transition Zone ordinance, and therefore he would recommend deferring the request. He commented that last month another rezoning was approved without community engagement, and if they do so again, then they are not holding themselves to a high standard on community involvement and participation. Mr. Schwartz commented that he feels the proposal is very reasonable and a logical one in terms of the depth necessary to make an effective development. He stated he is also very pleased to hear about the coordination between this property and the applicant's adjoining property across the street. However, like Mr. Key, he would be very much in support of a deferral for a month, to give the applicant time to meet with the Fifeville Neighborhood Association and any other points of contact that could emerge.

Mr. Supler commented he understands these sentiments, but feels they might be putting the cart before the horse. He stated he understands that Mr. Hewitt has worked in depth with the City Staff to accommodate all of the requirements of the Transition Zone, and that the time to engage the Fifeville Neighborhood Association would be at the time of development, to ask for their input if necessary. He commented that he does not think it is proper to defer, given that everyone has done what they were supposed to do and there are no perceivable downsides to the development.

Mr. Key referred to several projects where developers have engaged the neighborhood beforehand. He added that

since he has not heard any specifics from Mr. Hewitt on how he plans to develop the site, he considers now to be the appropriate time to engage the neighborhood.

Mr. Hewitt commented that he is in the assembly stage, and does not have problems talking with folks in the neighborhood association, but he does not see the sense in delaying the process when he has already gone forward and put a reasonable request before the commission, nor in starting a conversation at this point with the neighborhood association when he is not sure when he is even going to begin developing the site.

Mr. Key stated that that supports his own position: By the time the applicant does get to the development stage, he already will have had input from the neighborhood association. He commented that as a commission, they have made a commitment to community involvement and participation, and so it is not unreasonable to be requesting that at this stage.

Mr. Toscano said he wanted to raise a legal question. As the houses are zoned now, someone could purchase them, tear them down and rebuild new houses on them without having to go to the neighborhood association for anything; whereas, by rezoning the property to Transition Zone, the developer would be forced to go to the neighborhood to discuss the proposal. Mr. Key said his concerns do not relate to residential development, but to mixed use of the property.

Mr. Cox commented that regularizing the site to make a developable mixed use property is completely in the spirit of what the neighborhood intended to happen. He stated that he felt the importance of dialogue was being undervalued, however, and cited an example in which the developer approached the neighborhood association before ever deciding to buy the property. He suggested that one way to proceed might be to approve the rezoning, and have Mr. Key facilitate a meeting in the next month with the neighborhood that begins to explore the possibilities of the site. He added that he did not see a good reason to delay the approval.

Ms. Richards commented that approving the rezoning would actually reinforce Mr. Key's request that the neighborhood become involved in the development, as that is one of the principles of the Transition Zone.

Mr. Supler voiced his agreement. He stated he did not feel he was in a position to reject the request when no one has stepped forward to say there was a problem, and the Transition Zone does have requirements and is designed to work with the neighborhood. He indicated he supported approving the application, with Mr. Cox's request that Mr. Key facilitate a charette or something similar.

Mr. Schwartz commented that Mr. Supler's comments were an example of planning in a reactive mode. He stated that making a motion for deferral is not the same as putting a nix on a request, but rather arguing for dialogue. His concern is to encourage a more proactive way in which dialogue is not seen as putting the cart before the horse, but as a fundamental principle and potential for creative work in these development areas. He stated he had two questions: 1) What do they know about City Staff's conversations with the applicant, and why hasn't the type of conversation being discussed been encouraged already; and 2) Why wait for public outcry to know there is a problem, when dialogue beforehand can lead to creative and cooperative development of ideas? Mr. Schwartz then added that he would vote in favor of the rezoning, because he has been convinced of the benefit that it will have, no matter who develops it; but he is uncomfortable with the conversation that suggests that trying to reinforce the principles that emerged out of two and a half years of neighborhood and private property developers' input is somehow wrong.

Mr. Supler stated that that was not what he was suggesting.

Ms. Damon commented that everyone agrees that they would like to see neighborhood input before anything happens with the property. She then asked if there was any reason to believe the neighborhood would prefer that the property remain zoned R-1A, since changing to Transition Zone would actually give them more control over it.

Mr. Key said that that is the issue: They don't know what the neighborhood wants.

Mr. Supler stated that notices have been mailed out to all adjacent land owners and posters have been put up in the area asking for public comment.

Mr. Key said only the adjacent property owners have been notified. Mr. Higgins replied that the president of the neighborhood association has been informed as well, and public notices have been put up.

General discussion on dialogue with the neighborhood association followed, and Mr. Hewitt commented that he had attended the corridor study and planned to attend the Comprehensive Plan meeting on Thursday. He added it would be helpful to have something concrete in hand to discuss with them, so he knows what he has, because the space as it exists now is not very developable.

Mr. Wood asked if there has been neighborhood involvement in the development of the property across the 9th-10th

Street connector. Mr. Higgins replied that the Piedmont Housing Authority has been talking with the neighborhood regularly.

Mr. Toscano asked what the zoning is on the PHA site, and Mr. Higgins replied that it is Transition Zone.

Mr. Cox commented that the logic emerging is that if the property is rezoned to Transition Zone, that will encourage the process they all want to see happen.

Mr. Tolbert commented that perhaps it was an oversight on his part to encourage the applicant to come before the Planning Commission before consulting with the neighborhood association, but it was his assumption that rezoning to Transition Zone would actually facilitate greater community involvement. He suggested building into the Transition Zone ordinance or policy, guidelines on how to actually bring in citizen involvement, to make the process clearer for developers in the future.

Mr. Schwartz moved that the Planning Commission recommend to City Council approval of the rezoning of 916 Grove Street (with lot) and 911 King Street from R-1A Residential to Transition Zone for the following reasons:

It is more in keeping with the intent of the Transition Zone guiding principles for development if developed in conjunction with the adjacent property out to 9th/10th.

It will not adversely affect the adjacent neighborhood if developed in accordance with Transition Zone guiding principles as a single property unit.

Mr. Wood seconded the motion. The motion passed with the following recorded vote: AYES: Damon, Key, Schwartz, Supler, Wood. NOES: None.

Ms. Damon offered an amendment that the applicant proceed with Mr. Key to have a meeting within the next month. Mr. Hewitt commented that he had already given Mr. Key his word, and Ms. Damon withdrew the amendment.

G. CHAIR'S REPORT

Mr. Supler stated that he was unable to make the monthly Neighborhood Association Presidents meeting due to illness. He indicated he had finished his final, fourth neighborhood meeting, and commented that it had been a great process and that he had learned a lot both from the common threads that transcend all the neighborhoods, as well as the unique issues arising in individual neighborhoods.

H. DEPARTMENT/STAFF REPORT

Mr. Tolbert indicated that although they had not yet heard from Mr. Wood and Mr. Key on times, they went ahead and accepted August 14th at 4 p.m. as the meeting time for the tour of the stadium. He stated he wanted to call everyone's attention to a clerical error that had led to flyers with an outdated meeting notice on the back being passed out to the public. He reminded Commission members of the Work Session scheduled for the following Wednesday at 5:30 p.m.

He then went over the various corridor charettes taking place over the next few days, and encouraged Commissioners to attend the Thursday meeting and to get by and see the work in progress if possible. He stated that the County Planning Commission meeting that was set for the 27th has been cancelled, but the July meeting is still scheduled to take place.

Ms. Richards mentioned the absence of her name on the May minutes, and Mr. Tolbert replied that her name had been included.

Mr. Tolbert made some final comments on the meeting on the 3rd, and added that there had been some very positive feedback concerning the Starr Hill meeting. He stated that there are some citizens who are not thrilled with the process, particularly those people in neighborhoods that are well advanced who are frustrated with the slow pace necessary to accommodate the neighborhoods that are farther behind, and asked the Commissioners to help explain the process to those who have raised concerns.

Ms. Damon asked how they are going to integrate information from the Quality Community Council. Mr. Tolbert replied that if any issues are raised that differ from those raised in the neighborhood meetings, then they will be included in the Community Plan.

Ms. Damon made a motion that another public hearing be held on July 11th at 7:30 p.m. in the City Council Chambers. Mr. Schwartz seconded the motion, and it carried unanimously.

Whereupon, the meeting was adjourned at 9:33 p.m.

Respectfully Submitted:

James E. Tolbert, AICP, Secretary

APPROVED:

Tim Supler, Vice-Chair