

City of Charlottesville - City Planning Commission - Minutes: September 12, 2000

**PLANNING COMMISSION REGULAR DOCKET
TUESDAY, SEPTEMBER 12, 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:

Ms. Nancy Damon, Chair Staff

Present:

Mr. Tim Supler, Vice-Chair

Mr. Jim Tolbert, AICP, Director

Mr. Marshall Slayton

Mr. Ron Higgins, Planning Manager

Ms. Kathy Johnson Harris

Mr. Herman Key

Also Present:

Mr. Eldon Wood

Mr. Craig Brown, Asst. City Attorney

Mr. Ken Schwartz

City Council Members Present:

Ms. Meredith Richards

Mr. Blake Caravati

Mr. David Toscano

Mr. Slayton called the meeting to order at 7:32 p.m.

A. ELECTION OF OFFICERS

Mr. Tolbert indicated that every year, during the September meeting, the Planning Commission is required to elect a chair and a vice-chair. He stated that a nominating committee had been appointed by the chair during the last meeting, and requested Mr. Key to present the recommendations of the nominating committee.

Mr. Key reported that the nominating committee recommended that Nancy Damon and Tim Supler be considered for the position of chair.

Mr. Slayton called for further recommendations. Seeing none, he called for a motion to close the nominations. Mr. Schwartz so moved. Ms. Johnson Harris seconded the motion, and it carried unanimously.

Mr. Slayton then called for a vote. A vote was taken in reverse order of the nominations, and Ms. Damon was elected chair of the Planning Commission for the next year by a vote of 5 to 2.

Mr. Slayton then asked if the committee had any nominations for vice-chair. Mr. Key indicated that Mr. Tim Supler had been nominated for the position. Mr. Slayton asked if there were any further nominations, and Ms. Johnson Harris nominated Mr. Herman Key.

Mr. Schwartz made a motion that the nominations be closed. Mr. Wood seconded, and the motion carried unanimously.

Mr. Slayton called for a vote in reverse order of the nominations. A vote was taken, and Mr. Supler was elected vice-chair of the Planning Commission.

Mr. Slayton turned the chair over to Ms. Damon.

Ms. Damon indicated she wanted to make a statement to the Planning Commission. She commented that the undying viewpoint of one of the Planning Commission's more outspoken chairs, Mr. Bill Harris, was that the Commission should hear and respect all viewpoints, and added that she is glad that the Commission has always been able to do that. She then indicated that there was a lot on the agenda for the next year, and borrowing from a bank phrase, commented, "Here we are; let's get started."

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

Ms. Damon asked if anyone in the audience had any items to present to the Planning Commission. Seeing none, she closed that portion of the meeting.

MINUTES

August 8, 2000 - Regular Meeting

Ms. Damon asked if there were any corrections or comments on the minutes for the August 8, 2000 meeting of the Planning Commission. No changes or corrections were offered.

Mr. Supler made a motion to approve the minutes. Mr. Key seconded, and the motion carried, with Mr. Schwartz abstaining.

D. JOINT PUBLIC HEARING

SP—00-8-12: An application for a special permit amendment for Martha Jefferson Hospital at 459 Locust Avenue, to add a one storey ground floor addition to the Cardwell Center on the Lexington Avenue side at Taylor Walk. The general uses allowed in the 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 High Street, 290 feet of frontage on Locust Avenue, 257 feet of frontage on Sycamore Street and containing approximately 419,438 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. **APPLICANT HAS REQUESTED DEFERRAL OF THIS ITEM. THEREFORE, IT WILL NOT BE CONSIDERED AT THIS MEETING.**

Ms. Damon indicated that the applicants had requested deferral of this item, and so it was not up for consideration at that time. She then asked Mr. Tolbert to comment on the progress of the project.

Mr. Tolbert indicated that it is moving toward resolution, with several possible alternatives being considered. He stated that they are hopeful that the final proposal will be suitable to all concerned, and are aiming to bring the project before the Commission during the October meeting.

2. ZT--00-8-13: An ordinance to amend and reordain the following sections of the Charlottesville City Code (Zoning Ordinance), as amended:

a) Section 34-575. An application (to Board of Architectural Review), pertaining to the filing deadline for applications to the Board of Architectural Review to be increased from 10 days prior to 21 days prior to meeting.

b) Section 34-902. Preapplication Conference (for Site Plan Review), pertaining to the notice requirements for such conference to be increased from five days prior to meeting to a greater number.

c) Sec. 34-903. Submittal of final plan; review and approval, pertaining to Planning Commission review of the site plan and procedures for the meeting.

Mr. Tolbert commented that in an effort to make application processes more meaningful and thorough for the applicants, and to give the neighborhoods a better opportunity to comment and have meaningful input into the process, the three changes cited above have been recommended. He indicated that for site plans, they currently hold the pre-application meetings on the first and third Wednesdays of each month, giving the public five days' notice of the pre-application meeting. However, the five-day notice period has presented problems for people wanting to comment on the site plans, and if one staff member is out of the office, the comments might not get in at all, leading to incomplete representation of concerns at site plan meetings.

Therefore, staff is recommending a 21-day notice period, to allow the information to get out to the public and to be published on the web site, and to allow Staff to do a more thorough review. He commented that although he is in favor of speeding up the development process, by making it too short, they have perhaps caused problems on the back end of development processes that could have been eliminated if they had had more time on the front end in getting responsive answers to people. He added that he has noticed in the past year that there has been some confusion concerning site plan review, in that citizens are allowed to ask that a site plan come before the Planning Commission, but have not always been allowed to comment on it during Planning Commission meetings. Therefore staff recommends amending the ordinance to make it very clear that if a site plan comes to the Planning Commission, that the Planning Commission will open the floor for public comment by conducting a public hearing.

Concerning the Board of Architectural Review deadline of Friday at 5 p.m., he commented that that is a little short, as a staff member has to have packets in the mail to the Planning Commission by the following Tuesday, and the Board of Architectural Review has been averaging eight to twelve items a month. He indicated that this often leads to inadequate review and preparation of the applications, which in turn results in far too many items being deferred at the Board of Architectural Review meetings.

Therefore, Staff is recommending extending the deadline to the same 21 days, so there is some consistency, as well as instituting the same public notification procedure that they are doing for rezoning and special permits. Mr. Tolbert commented that this would solve several problems, giving the public time to respond, and giving Staff time to work with the applicants to develop a complete application.

Ms. Damon asked if there were any comments or questions from the general public.

--Ms. Sue Weber, of 601 Locust Avenue, commented that she was very happy to hear about the change in deadlines. Concerning site plan hearings, she indicated that she would like to request that architects provide elevation drawings, as site plans are generally difficult to read for people who are not engineers or architects. She then asked for clarification on Mr. Tolbert's comment that the public is able to request site plan hearings, since the web site mentions only adjacent property owners.

--Mr. Tolbert and Mr. Higgins both responded, indicating that although the ordinance only mentions adjacent property owners, the reality is that if there were enough people in the neighborhood that raised the issue, then either Staff or one of the Planning Commissioners would bring a site plan up for review.

Ms. Damon called for further comments from the general public. Seeing none, she called for questions or comments from City Councilors or Planning Commissioners.

--Mr. Toscano indicated he had a question about the general Board of Architectural

Review process, namely, whether or not there is something in the ordinance to allow for emergency review under certain circumstances. To illustrate this, he brought up the scenario of a wall falling down in the middle of rehabilitation of a building.

In such a situation, it would not matter whether the deadline was 10 days or 21 days.

--Mr. Schwartz responded that while he does not know the code, in his own experience,

the Board of Architectural Review has dealt with those kinds of circumstances under the current format. He conceded that the 10 or 21 days might not affect this one way or the other, but added that the members of the Board of Architectural Review clearly want to be able to respond under emergency circumstances.

--Ms. Richards suggested that maybe the chair should have the discretionary ability to make such a decision.

--Mr. Craig Brown commented that the time limitation Mr. Tolbert is proposing has to do with the initial application. He stated that if there is an emergency, then the Board of Architectural Review has the discretion to meet promptly, as soon as it can

give prior notice and get a quorum. From what he understands Mr. Schwartz to be saying, not having this issue addressed in the code has not caused problems in the past. He stated that he personally does not see a need for a provision that would allow for a waiver for an emergency situation, but if one were requested, it would not be hard to put in.

--General discussion followed, and Mr. Tolbert concurred that it might be appropriate to put language in that says that in an emergency situation, the chair can waive the 21-day requirement.

--Mr. Higgins commented that there is a similar provision for the Planning Commission to be able to waive the seven-day notice requirement.

--Ms. Richards asked if there is flexibility in Board of Architectural Review notification and application requirements for an applicant to participate in a series of meetings in order to resolve a specific conflict. She added that although it is not a good idea to be so flexible that the Board of Architectural Review is essentially making up the rules as it goes along, applicants appear to want the opportunity to work more directly with the Board of Architectural Review, rather than this rather fixed process of application-vote-appeal.

--Mr. Brown replied that that is not specifically addressed in the ordinance now, but it could be. He indicated that the only constraint that he is aware of is the Open Meeting Act, in which any meeting with two or more members of the Board of Architectural Review has to be notified, to give the public the opportunity to attend. Other than that constraint, there is nothing that could legally preclude an applicant from having a dialogue with selected members of the Board of Architectural Review about possible resolution of an issue.

--Ms. Richards asked if meetings with the Board of Architectural Review are still possible after a decision has been reached.

--Mr. Brown indicated that after a decision has been made and is appealed, the next step for further dialogue is for the applicant to go before the City Council, because that is where the case is. City Council can be requested to send the issue back to the Board of Architectural Review. He added that although this procedure is not spelled out in the current ordinance, neither is it precluded.

--Mr. Caravati asked how one goes about finding two members of the Board of Architectural Review to meet with. Mr. Brown indicated that any type of appointment by the chair of a subcommittee or a small group, even just of two, is considered by law to be a public body, and is subject to the Open Meetings Act. However, if a staff member were simply to talk to several members about a given appeal, that might not be considered in the same light. He indicated he would have to check on that.

--Mr. Caravati commented that that would be helpful, particularly from the point of view of facilitation of projects that are particularly contentious in nature. Mr. Brown replied that it would be best to talk to the Board of Architectural Review about this, as some might regard this as a sort of "divide and conquer" approach.

--Ms. Richards indicated she was speaking more about the chair appointing people to represent the Board of Architectural Review, not about people simply being able to communicate. She stated she is looking for some potential for negotiation and compromise, and therefore feels it is important to define what the chair can do with the Board of Architectural Review in terms of working with a project that has already had a decision.

--Mr. Brown indicated that this has already happened in the case of D&R Development, in which the initial decision was appealed, but dialogue continued, which resulted in a new application being submitted to the Board of Architectural Review. Therefore, appeal of a decision does not necessarily preclude some type of process continuing with the members of the Board of Architectural Review.

--Ms. Richards asked if there was subsequent dialogue in the case of D&R Development's application. Mr. Schwartz commented that there was, in that there was dialogue at the level of Staff, as well as opportunity for an open tour of the building.

--Mr. Key brought up the issue of pre-application hearings. Mr. Brown commented that Mr. Tolbert is suggesting extending the time limit from 10 to 21 days in order to give more time to resolve some of the issues in an application.

--Mr. Schwartz commented that a developer who is a member of the Board of Architectural Review has brought up concerns that the extension of the deadline might pose problems both to developers and private applicants. He stated that although he is the only one who brought up the concern, it is important that that concern be mentioned in this meeting. Mr. Schwartz added that he personally supports the extension, but wants to ensure that the change is advertised as widely as possible, to make sure that developers, engineers, architects, landscape architects, planners and citizens are aware of it.

--Mr. Tolbert commented that if this change is made, staff would propose that it not go into effect until the first of the year, to allow enough time to notify people. He added that Staff is going to be very sensitive, to make sure that they are not causing problems in development through undue delays.

--Mr. Wood indicated he wanted to bring up a separate matter having to do with Board of Architectural Review controls and methodology. He moved that the present statutes be amended to allow projects subject to Board of Architectural Review approval at any level be subject to Board of Architectural approval at the request of the Planning Commission.

--Mr. Tolbert suggested taking this item to Craig Brown and studying it further before responding to it.

--Mr. Brown replied that the code provides for two types of administrative approval of design issues. One is for entrance corridor properties, in the way that the code is currently written, and staff makes that decision. If the applicant does not like that decision, they have the option of appealing it to the Board of Architectural Review. The other circumstance in which staff has administrative approval is for very minor changes in the property, and those are spelled out in the code. He commented that the staff administrative review was added to relieve developers of having to go through the full-blown Board of Architectural Review process for what were seen as relatively minor changes to the property.

--Ms. Damon asked Mr. Wood if he wished to proceed with his motion, following Mr. Brown's explanation. Mr. Wood indicated he would like the Planning Commission to have some responsibility and power to request that items be reviewed by the Board of Architectural Review, particularly if they are unhappy with a decision made by Staff.

--Mr. Brown indicated that since this particular amendment had not been advertised, the Planning Commission could not take action on it at that time. He stated his initial concern is the extent to which such an amendment would lengthen the process.

--Mr. Wood withdrew his motion until the appropriate time. Mr. Supler made a motion for approval of ZT--00-8-13, and Mr. Key seconded.

--Mr. Key then indicated that they had not addressed the issue brought up by Ms. Weber about requiring elevation drawings at site plan hearings. Mr. Tolbert replied that elevation drawings are required for projects in the entrance corridors. Outside of entrance corridors, a new amendment would be required. He indicated that he would be glad to look into that.

Ms. Damon called for a vote on the motion, and the motion carried unanimously.

3. Closing of Alley between 3rd & 4th Street, NE: A petition to close 10' alley right-of-way running east approximately 103' from 3rd Street, NE between High and Jefferson Streets.

Mr. Higgins made a brief presentation. Using a map on the wall, he located the alley in relation to the First Virginia Bank, the Temple Beth Israel and the McGuire, Woods, Battle & Boothe law office. He indicated that the adjoining property owner, with attachments from all three adjoining entities, has submitted a petition to close the alley, mainly to allow the Temple Beth Israel to widen parking to include room for three more spaces. He stated that currently, the alley serves no purpose, as far as adjoining owners are concerned. He indicated that ownership of an alley is split equally between the adjoining owners, and therefore policy and state law both require that any public right-of-way be closed down the center. It is also necessary to look at public benefit offered by the alley, in terms of access needed for utilities or for anything else. He indicated that in this case, that is not an issue. The last thing that policy requests is consideration of the relative value of land adjoining the alley. In this case, the value is theoretically \$22,600. This does not mean that this piece of land in and of itself is worth that much. He indicated that this is just a general figure to consider, and that City Council has the right to request payment or negotiate payment, according to state law. He indicated that Staff has looked at the petition based on policy guidelines and would recommend closure of the alley, leaving the payment issue to City Council.

Ms. Damon asked if any members of the public wished to speak on this issue.

--Ms. Kristin Peura introduced herself, indicating she represented Great Eastern Management Company, the manager of the Court Square building. She stated that the application is the result of their neighbor's request, and Great Eastern Management highly endorses it. She then used a digital camera to show the Planning Commission the area they were discussing.

--Mr. Higgins commented that the photo shows that the tree that was planted as part of the office building would not be affected by the alley. Only the grass area would be affected.

--Ms. Peura commented that she feels the petition meets all of the ten criteria for the closing of the alley.

--Mr. Tolbert asked if Great Eastern Management is planning to do construction if the alley is closed. Ms. Peura indicated that she did not know the answer to that question.

--Mr. Dan Doernberg, of the board of directors for the congregation of Temple Beth Israel, indicated he wanted to thank both Great Eastern and the bank for coming together and joining them to sign the petition to close the alley. He stated that there had been no board meeting between the arrival of the letter that announced the Planning Commission meeting and the meeting itself, and therefore the board had asked Mr. Doernberg to come down and request a deferral of action on the matter. From what he understands, even if the closure of the alley is approved by the Planning Commission, that would not constitute approval to go ahead and do the construction of the extra parking space. Therefore, the board of directors feel it might be better to wait until they arrive at a formal arrangement with Great Eastern.

He then added that he had two questions to ask, which might allow them to reach a decision right away. He asked first of all whether or not it would be possible, instead of doing the lengthwise division, to divide the alley sideways.

--Mr. Higgins indicated that that was not within the City law.

--Mr. Tolbert commented that the first division would have to be down the middle, deeded to each side, but each side could then transfer the property back and do what Mr. Doernberg was suggesting.

--Mr. Higgins commented that that fairly frequently happens.

--Mr. Doernberg then asked if it made sense for the Planning Commission to approve closing of the alley contingent on Temple Beth Israel reaching an agreement with Great Eastern.

--Mr. Tolbert indicated that the Planning Commission is not the final authority. He indicated the Commission could act and make a recommendation to City Council that night, to keep it moving forward, but the matter could be held off of the City Council agenda until an agreement had been reached between the respective parties.

--Mr. Doernberg indicated that he would be more comfortable deferring the issue.

--Ms. Damon reminded Mr. Doernberg that the Planning Commission only makes a recommendation. She commented that it might be more appropriate for the Planning Commission to go ahead and do so, and then the applicant could use the time before the matter came before City Council to reach an agreement with Great Eastern. If an agreement could not be reached, then the applicant could inform City Council at that point that they did not wish to go ahead with the matter.

--Mr. Key asked if the applicant had thought about making the new parking space handicapped accessible. Mr. Doernberg replied that he believes that one of the two spaces that they already have is handicapped accessible.

--Mr. Higgins commented that there has to be an accessible route from the space to the building, which already exists. General discussion followed about the existing parking facilities.

--Mr. Brown commented that since the church is not the applicant, they do not have the authority to withdraw the application. They can only request that it be withdrawn.

--Mr. Doernberg then requested that the application be deferred for one meeting.

--Mr. Slayton asked how many spaces the temple would be able to add if the alley were closed. Mr. Higgins indicated there would be room for only one space.

Mr. Supler made a motion to defer the application. Mr. Key seconded, and the motion carried, with Mr. Schwartz abstaining.

Mr. Higgins indicated that the Planning Commission has the option of continuing the public hearing and advertising it again for the next meeting, or just having the final action take place. The commissioners agreed to continue the public hearing until the next meeting.

E. SITE PLANS

1. Medical Arts Site Offices

916/920 East High Street and 325 10th Street, NE.

Ms. Damon indicated that this item had been withdrawn from the evening's agenda. She asked Mr. Tolbert if he had any comments he wanted to make about it.

Mr. Tolbert commented that the item had been withdrawn because Staff felt that all the neighbors' concerns had not been looked at, in particular the comments about access. He indicated that the applicant has expressed willingness to take a long,

hard look at the access and other issues that were raised by the neighborhood, and Staff has promised the applicant that they would request the Planning Commission to schedule a special meeting on the September 20th to consider this item prior to the Work Session.

--Mr. Key asked if they were planning to bring the solution to the neighborhood at that time. Mr. Tolbert replied that the applicant is going to respond to the issues raised by the neighborhood concerning lighting, massing and access.

--Ms. Damon asked if the applicant is expecting the Planning Commission to vote on the site plan during the special meeting. Mr. Tolbert indicated that the applicant would like that, but the action could be deferred until all concerned feel the issues have been adequately addressed.

--Ms. Damon asked if the commissioners preferred to hold the special meeting at the beginning or the end of the Work Session, and they indicated they would prefer to do it at the beginning.

--Mr. Wood asked if this meeting would have to meet the requirements of a public hearing. Mr. Higgins indicated that it would not be a public hearing, but agenda notification would be made to the neighborhood and the news media, as well as the affected property owners.

Mr. Slayton made a motion that the special meeting be scheduled for the beginning of the Work Session on the 20th of September, in order for the Planning Commission to review the site plan amendment proposed by the developer. Ms. Johnson Harris seconded the motion.

Ms. Damon called for any discussion.

--Mr. Key stated he wanted to strongly encourage the applicant to try to provide the neighborhood with the proposed amendment.

--Mr. Tolbert stated that Staff would make an effort to ensure that the neighborhood gets it, if it is provided in time. Otherwise, it would be provided at the meeting, with opportunity for public comment.

Ms. Damon called for a vote, and the motion carried.

Mr. Slayton indicated he wanted to make one comment on the record. He commended Mr. Tolbert for taking responsibility for the mistake that was made by Staff, and for working to remedy the problem.

F. LIST OF SUBDIVISIONS AND SITE PLANS APPROVED ADMINISTRATIVELY

Mr. Supler made a motion for approval. Mr. Slayton seconded the motion, and it carried unanimously.

LIST OF SUBDIVISIONS APPROVED ADMINISTRATIVELY

8/1/00 TO 9/1/00

Parcels E & F, Redivision of TM 56-40, 42.3, One new residential lot
109 & 113

East Market & Franklin Streets Burgess Lane Properties, Inc.

File No. 1044 Preliminary & Final

Final Signed: 8/2/00

LIST OF SITE PLANS APPROVED ADMINISTRATIVELY

8/1/00 TO 9/1/00

1. File No. 1243 Wade Apartments – Parking Lot 1025& 1107 Wertland Street

Adjustments

2. File No. 790-A North Wing – Barracks Road Barracks Rd. at Emmet St.

Shopping Center – Parking Lot

Changes

3. File No. 908-E Martha Jefferson Hospital 759 Locust Avenue at

Angiography Addition and Parking Taylor Walk/Lexington Ave.

Space Additions

4. File No. 1171 Maywood Lane Apartments- 1718 Jefferson Park Avenue

Landscaping and parking/site at Maywood Lane adjustments

5. File No. 168 Cavalier Inn & Adjacent Properties Emmet Street at Ivy Road

- Site Improvements, Plantings

6. File No. 1253 Community Services Housing 1210 Carlton Avenue at Group Home Carlton Road

G. COMMISSIONERS' REPORTS

--Mr. Wood indicated that the only thing he had been involved with during the past month was the neighborhood meetings, of which there were two he attended and one that he did not attend. He stated that he also attended the MPO Technical Committee meeting the previous week, and that there were some interesting reports being worked on.

--Mr. Slayton indicated he had nothing to report.

--Mr. Supler commented that he had some good news: Senator Couric had sponsored some legislation so that state government could donate used surplus equipment to non-profit organizations, and that legislation has passed. Several organizations have now received their first donation of Pentium computers. He stated that he wanted to thank Senator Couric for that.

--Ms. Johnson Harris indicated that she had missed the last Court Studies Committee meeting due to a death in the family. She stated that she attended the QCC meeting the previous Saturday, and is now serving on a committee to come up with incentives for teachers and policemen to live within the City. She also participated on September 5th in proposals concerning the CSX property that will be turned over to City Council to make the final decision.

--Mr. Schwartz commented that the Board of Architectural Review had an active month in August. He stated he wanted to thank Jim Tolbert and Tarpley Vest for the way in which they handled the D&R Property request for demolition. In particular, he thanked them for following up on the recommendation to retain an outside consultant to look at the questions of historic significance, financial feasibility and other issues that were very active in that application. Concerning the Court Facilities Study Committee, he indicated he wanted to give the Planning Commission a briefing of the Court Facilities work to date. He distributed a handout to the commissioners, and called to their attention a list of the alternatives actively being considered. He added that the jail has been an interesting point of conversation, in that it is a contributing structure in an historically designated district, and is considered as an integral complex. The jail is owned by the County, and the City Attorney's office is looking at the issue of whether or not the County has to go through the City Board of Architectural Review process with a County-owned property. He indicated that if the commissioners had any questions, they could direct them to him or Ms. Johnson Harris. He then stated that he had found an interesting article on urban housing strategies from a magazine called The Professional Builder, which talks about innovative housing solutions that have been built in other

communities and how they have been packaged, how the financing has worked, and how the different partners and players came together to create a mixture of uses and income levels. He suggested that the commissioners might look at these case studies in their consideration of housing as part of the Comprehensive Plan.

--Mr. Supler indicated he wanted to take a moment to thank Commissioner Slayton for his year as Chair of the Planning Commission. He stated that he did a great job, and he wanted to commend him for his effort.

--Mr. Key indicated that the CDBG process has begun. He stated that if anyone had any thoughts or suggestions, they should feel free to get involved.

--Ms. Damon asked if there was going to be a joint meeting with the CDBG. Mr. Key indicated he was not sure, but it might be in October. Mr. Higgins commented that it might be in November.

--Mr. Schwartz indicated that he had forwarded the email from Madison Spencer to Jim Tolbert and asked him to address the email to all members of the Planning Commission. Mr. Tolbert indicated he would comment on that in a moment.

H. CHAIR'S REPORT

Referring to a packet on the Legislative Program that she had passed out, Ms. Damon reminded the commissioners that last year, Marshall Slayton had suggested they take a look at what is happening in the legislature to see if they could influence it in any way. She indicated that the information in the packet was presented to the Thomas Jefferson Planning District Commission as the issues that, in consultation with the localities, lobbyist David Blaut will be pushing. She stated that she believed Mr. Blaut would be making a presentation before the City Council sometime soon.

--Mr. Slayton suggested requesting Mr. Blaut to make a presentation to the Planning Commission at the next meeting. He stated that that would allow the commissioners time to review the material and to have some direct discussion or comment with him.

Ms. Damon indicated she would make that request.

--Mr. Supler asked if the Planning District Commission had crossed out the line which read, "Relax the Dillon Rule to the extent necessary." Ms. Damon indicated they had crossed it out because they felt it was an awkward way to put it and wanted to approach the issue more diplomatically.

Ms. Damon indicated that the Planning District Commission is getting ready to vote to change their name. She stated the most likely choice would be Thomas Jefferson Regional Planning Commission. She then added that the neighborhoods are wrapping up and having their final meetings.

I. DEPARTMENT/STAFF REPORT

Mr. Tolbert indicated that the date for the CDBG Task Force/Planning Commission Joint Meeting has been set at the 21st of November. The City Council will be invited to attend as well.

Referring to a handout on the Parking Study and an email sent the previous Friday, he stated that the results of the study would be presented to City Council at their meeting the following night at 7:00 p.m. He commented that it is an excellent report, with a lot of good information, and some difficult decisions to be made. He indicated that after that discussion at City Council, there would be a discussion on Meadowcreek Parkway.

He reiterated what Ms. Damon had said about the neighborhood meetings wrapping up, adding that several interesting issues have arisen out of them.

The neighborhood people have requested that some joint meetings be held with different neighborhoods in attendance, so they can look and see what each other have proposed. He indicated that three such joint meetings

have been set for October 15th, 21st and 22nd, from 2 p.m. to 4 p.m., with five to seven neighborhoods scheduled to be in attendance at each. He stated that refreshments will be provided, as well as activities for the children, and displays with the action statements and maps will be set up for people to walk up and see. Mr. Tolbert then extended his appreciation to two commissioners who were in attendance at this Planning Commission meeting rather than out celebrating their anniversary and birthday, respectively.

Lastly, referring to the email from Madison Spencer regarding development on McIntire, he stated that the project has a soil erosion permit and a land disturbance permit, and is in full compliance with both. There is a bond posted, and contrary to rumor, the developer has not abandoned the project. He indicated that there was a dispute between the owner and the contractor, and a new contractor may be hired. He stated that if the site remains undisturbed or dormant for more than 30 days, then staff has the option of calling the bond and stabilizing the site. However, he understands that the owner has no intention of doing that and is working to settle the dispute. He stated that staff is monitoring the site on a daily basis, and as long as the site is in compliance, can do no more than that.

Mr. Supler made a motion that the next Planning Commission meeting be held on October 10th, 2000. Mr. Wood seconded, and the motion carried unanimously.

Whereupon, the meeting was adjourned at 9:00 p.m.

Respectfully Submitted:

James E. Tolbert, AICP
Secretary

APPROVED:

Nancy Damon, Chair