

City of Charlottesville - City Planning Commission - Minutes: October 10, 2000

**PLANNING COMMISSION REGULAR DOCKET
TUESDAY, OCTOBER 10, 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

Ms. Tarpley Vest, Neighborhood Planner

Mr. Herman Key

Mr. Eldon Wood

City Council Members Present:

Mr. Blake Caravati, Mayor

Mr. Maurice Cox, Vice-Mayor

Mr. David Toscano

Mr. Kevin Lynch

Ms. Damon called the meeting to order at 7:35 p.m.

A. 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.

B. MINUTES

Ms. Damon asked if there were any questions or corrections regarding the minutes for the September 12, 2000 regular meeting of the Planning Commission. No questions or corrections were offered.

Mr. Supler made a motion to approve the minutes as submitted. Mr. Slayton seconded, and the motion carried.

Ms. Damon then asked if there were any questions or corrections regarding the minutes for the September 27, 2000 special meeting of the Planning Commission.

No questions or corrections were offered.

Mr. Slayton moved to approve the minutes; Mr. Supler seconded the motion, and the motion carried.

C. JOINT PUBLIC HEARING

1. SP--00-7-11: An application for a special permit for higher density residential at 1718 Jefferson Park Avenue and Maywood Lane.

Ms. Thomas summarized the request. She stated that the applicant was requesting a special permit to convert two existing recreational spaces in the basement of a new apartment building at 1718 Maywood Lane into a handicapped-accessible unit, since this would raise the total number of dwelling units on the site above the number permitted by right. Ms. Thomas emphasized that the actual number of people on the site would not change from the current number, because the occupancy in the small cottage at the rear of the site was decreasing from four to two, which balances the two additional handicapped units proposed for the basement spaces. She stated that the recreational space that previously was approved for the basement area would move to the basement of the middle building, known as the main house, in the center of the site. She stated that it would be accessible to everyone on the site, and characterized it as a rearrangement of uses. However, because more units were proposed, the parking requirements would go up, and therefore the applicant was also requesting three additional parking spaces within the setbacks: Two within the front setback, and one within the side setback. She stated that one of the reasons for this parking request is that Staff took a strong stand on having handicapped parking placed immediately outside the proposed basement handicapped units, and the handicapped spaces with the loading zone between them would displace some pre-existing parking spaces.

Ms. Thomas noted a correction to the Staff Report on page six, at the top, under number four: The sentence should read, "In this application, the property owner has voluntarily reduced density from four to two occupants in the cottage, but has indicated that he does not wish to further reduce the density." The word "not" had been left out.

Ms. Thomas stated that Staff did recommend approval of this property owner's request, because they felt that the handicapped units were valuable and in short supply in the community, and could be accommodated on the site without undue adverse impact. She said that there were some conditions to the recommendation for approval: First, amending the landscaping in the front to provide a denser screen, so that the vehicles parked in the front setback would be minimally visible from the entrance corridor; second, approving the encroachment of the spaces into the setback; third, placing the loading area and the handicapped spaces adjacent to the unit, and the recreational space in the basement of the main house. Finally, she listed the permitted occupancy on the site, because it was a little complicated, due to the different buildings and the different occupancy levels.

Ms. Thomas offered to point out the areas under discussion on the site plan, and/or answer any questions.

Ms. Damon asked if there were any questions for Ms. Thomas at this point. No questions were raised. She then asked if the applicant had any comments for the Planning Commission.

Mr. Jim Stultz, the property owner, stated that he would love to provide the three handicapped spaces and not increase parking at all, but the City Code does not allow that. He indicated that he owns a house within 200 feet of the building under discussion, but stated that he believes Staff thinks that because it's across the street, it probably would not be wise to use it. He stated that he hopes the Planning Commission will vote in favor of the proposal, because he believes there is a need for handicapped units in Charlottesville.

Ms. Damon stated that Elizabeth Kutchai had signed up to speak.

Ms. Kutchai, a resident of 528 Valley Road for 27 years, stated that she has seen a lot of development in her neighborhood, and every time a developer develops a parcel, they develop it to the maximum allowable by law. She stated that this is what the developers of the property under discussion did, before they thought about the handicapped. Ms. Kutchai pointed out that she herself is handicapped; her legs are paralyzed from the knees down. She commented that she knows what it is like to navigate around Charlottesville in a wheelchair. However, she indicated that she resents someone coming before the Planning Commission to request increasing the density beyond that allowed by law, because they feel that they need to help the handicapped. Ms. Kutchai stated that she attended a preliminary meeting, at which the public was allowed to ask the developer questions, and said that she had asked several questions. First, she asked what guarantee there was that

these efficiencies would be rented to handicapped people, and was informed that the units would be filled "first come, first served." She commented that she walks by the proposed location every day, and thinks that the handicapped deserve better than to live in a little basement hole in the wall. She then indicated her second question had been why the developer had not designed handicapped-accessible apartments in the first place as part of the ten that are allowed by right, and was informed by the developers that the ten units were already built and rented, but were not handicapped accessible. Ms. Kutchai commented that the addition of handicapped-accessible units is an afterthought, to allow them to increase the number of units they could put on this site. She mentioned several other questions she had asked the developers, and then commented that since developers hold the City to the letter of the law, in that they build the maximum allowable number of units, they should therefore hold themselves to the letter of the law as well. Ms. Kutchai indicated that she wanted to conclude with a rhetorical