

**MINUTES
CITY OF CHARLOTTESVILLE
PLANNING COMMISSION REGULAR MEETING
TUESDAY, APRIL 9, 2002 -- 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. Craig Barton
Ms. Nancy Damon
Ms. Kathy Johnson Harris
Mr. Herman Key, Chair
Ms. Cheri Lewis
Mr. Kevin O'Halloran
Mr. Eldon Wood

City Council Members Present

Mr. Blake Caravati
Mr. Maurice Cox
Mr. Kevin Lynch
Mr. David Toscano

STAFF PRESENT:

Mr. Jim Tolbert, AICP, Director
Mr. Ron Higgins, AICP, Planning Manager
Ms. Lisa Kelley, City Attorney
Mr. Key called the meeting to order at 7:33 p.m.

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

Mr. Key requested matters not on the agenda. There being none, that portion of the meeting was closed.

B. MINUTES

Mr. Key called for approval of the March 12, 2002 meeting minutes. Ms. Damon asked that the Commissioner's Reports reflect that the topic of her committee meeting was adult entertainment, however the actual committee is the Zoning Committee. Ms. Lewis made the motion to approve the minutes as submitted with the revision that Ms. Damon stated. Mr. Barton seconded the motion which carried unanimously.

C. JOINT PUBLIC HEARING

Item C-1, Closing of Alley off of Chestnut Street was withdrawn from the agenda by the applicant's request.

2. Closing of Midland Street right-of-way: A petition to vacate the unimproved portion of Midland Street at a width of 40 feet and running approximately 360 feet northeast of Mason Street to its end.

Mr. Higgins gave the staff report. The applicant, Mr. Ryan, had applied on behalf of other property owners in requesting to vacate the street so that the property can be reconfigured for development potential. The area is zoned R-2, single or two-family dwellings. The value is 2.75 per square foot; the total is almost \$40,000. There are no public need issues and utilities in the right-of-way. Staff recommends closing the right-of-way since there is no public benefit in keeping it open.

The applicant was not present.

Mr. Key called for public comment. There being none, he then called for discussion from the Commissioners.

Ms. Damon asked if there would be enough land to subdivide. Mr. Higgins stated that he believed so. Mr. Wood inquired about the ownership of the lots on Franklin Street. Mr. Higgins explained that they were residences.

Mr. Key called for thoughts, comments, or questions from the Councilors. There were none.

Mr. Barton made a motion for the approval of the closing of Midland Street as described in the memorandum of staff, and would ask that Council consider the property of 14,000 square feet valued at approximately \$2.75 and try to recoup those costs from the owner. Ms. Damon seconded the motion. Ms. Johnson Harris offered a friendly amendment that the approval be conditioned that the easement be granted. The amendment was added and Mr. Higgins called the role. The motion passed unanimously.

3. Closing of Bartlett Lane right-of-way: A petition to vacate a dedicated but unaccepted right-of-way, known as Bartlett Lane at a width of 20 feet, a distance of approximately 283 feet between Rugby Road and Preston Place.

Mr. Higgins gave the staff report. The request is being made by four property owners. This has served as driveways for the four houses and been maintained as such. There are no utilities in the right-of-way. The approximately 5600 square feet of property has a value of \$4.18 a foot which totals almost \$24,000. No development rights will be realized by vacating this land.

Gregg Kendrick, of 622 Preston Place, spoke on behalf of all applicants. He spoke on the valuation of the property. The property has been used as a driveway and will continue to exist as is after the change. The property owners have paid maintenance costs for the property for decades. He felt that maintenance costs exceed the value that would be sought and asked that the right-of-way be reverted to private ownership at no cost to the property owners. The property owners plan to modify their deeds so that each will receive their right-of-way access so that it may be maintained as a driveway.

Mr. Key called for public comment. There being none, he called for questions and comments from the Commissioners. Ms. Lewis expressed favor for the plan. However, she did think that the additional 1400 square feet per property owner would increase the value of their properties.

Mr. Wood made a motion that the request be granted with the stipulation that in deeding the property to the four owners that they do take care of the right-of-way granting to each of the four owners.

Mr. O'Halloran seconded the motion. Ms. Lewis made a friendly amendment that no cost be assessed for this in consideration of the owners entering into an easement and driveway maintenance agreement. Mr. O'Halloran seconded the friendly amendment. Mr. Wood agreed to the friendly amendment. The amended motion passed unanimously.

Mr. Key closed the joint public hearing. He then apologized for not acknowledging the presence of the UVa School of Architecture students earlier.

D. SIDEWALK WAIVER REQUEST

Request of Jefferson Area Builders, Inc. 1511 East Market Street -- New construction of single-family dwelling

Mr. Higgins gave the staff report. A new house is being built on the north side of East Market Street. There are no sidewalks for 7 or 800 feet in either direction. Market Street is a sidewalk priority in the Comprehensive Plan. Staff options were to waive it, bring it before the Commission or get a payment in lieu, as long as it is on a sidewalk section that could get built in the future. A sidewalk built at this time would be an obstruction.

Mike Sadler, of 520 Greenfield Terrace, Charlottesville, asked that the sidewalk be waived. If not waived, he felt that he personally could do it for under \$2,000. He then asked if they put money in the CIP account and the City built the sidewalk on the south side of Market Street, would the money be refunded. The City Attorney advised that

the money would have to be accepted in a manner similar to a payment in lieu of bonds and the Finance Department would have to identify it.

Mr. Key called for public comment.

Mr. Chris Kenzig, of 1115 Elliot Avenue, spoke in favor of having the money put aside somewhere for future use.

Mr. Key then called for comments from the Charlottesville Planning Commission . Ms. Damon, while appreciating the concept of waiving the sidewalk at this point, did feel that it would be appropriate, if the City requires sidewalks, that an acceptable amount of money be figured and placed in a fund for future sidewalks no matter which side of the street received the sidewalk. Mr. O'Halloran expressed support for Ms. Damon's remarks.

Ms. Damon made a motion that Mr. Sadler not be required to build a sidewalk at this time, but that he be required to place enough money, at his estimate, in the CIP budget to cover the cost of building a sidewalk in the future. Mr. Higgins explained that would typically be done for a contractor if they knew what it was going to cost at current prices. Ms. Johnson Harris seconded the motion. The motion carried unanimously. Mr. Sadler gave his estimate as \$1,520.

E. LIST OF SUBDIVISIONS AND SITE PLANS APPROVED ADMINISTRATIVELY

Ms. Damon made a motion that the list of subdivisions and site plans approved administratively be approved. Mr. O'Halloran seconded the motion which carried unanimously.

LIST OF SUBDIVISIONS APPROVED ADMINISTRATIVELY

3/1/02 TO 4/1/02

1. Madison Place PUD

16 new s.f. lots

Tax Map 37-85 – Madison Avenue

Kellytown, LLC

File No. 1275

Preliminary & Final

Planning Commission: 1/15/02

Final Signed: 3/12/02

2. Combining TM4-292 & 295 “Camden Place”

No new lots

222-230 14th Street, NW

Keith O. Woodard

File No. 1274

Preliminary & Final

Final Signed: 3/12/02

3. Revised Lots 70 & 71, Block J, “Ridgecrest”

No new lots

Hartford Court – Ridgecrest at Rives St. Westwood Assoc. – L.C.

File No. 1195-B

Preliminary & Final

Final Signed: 3/12/02

4. Combining TM 33-236 & 237 “Paramount Theater”

No new lots

215-219 East Main Street

Paramount Theater, Inc.

File No. 1273
Preliminary & Final
Final Signed: 3/12/02

5. Parcel "X" Redivision of A1 & A2
No new lots
Block XIII, 'Rugby', Revision
Anne Kane McGuire & Rosser Lane & Westview Road
Nora M. Brookfield
File No. 1272-A
Preliminary & Final
Final Signed: 3/14/02

1. File No. 1181-A
Krispy Kreme – Storage
1805 Emmet Street

Building & Screen Addition

2. File No. 1271
Druid Hill Residences - Druid Avenue at
18 Townhouses
Monticello Avenue

3. File No. T-01-000015
City Center for
115 Water Street at
Contemporary Arts
2nd Street, SE

LIST OF ENTRANCE CORRIDOR (ECH) DISTRICT ADMINISTRATIVE APPROVALS -- 3/1/02 TO 4/1/02

1. File No. 1271
Druid Hill Residences
Druid Avenue at
Monticello Avenue

F. COMMISSIONERS' REPORTS

Mr. Wood has been involved with the Jefferson Zoning Area. Progress is being made.

Mr. Barton had no report.

Ms. Damon mentioned the summer retreat for the Planning District Commission and that a new representative be appointed in time to attend that retreat.

Ms. Lewis nominated Mr. O'Halloran to be the new Planning District representative. Ms. Johnson Harris seconded the nomination. Mr. O'Halloran accepted the nomination.

Ms. Damon further stated that the Zoning Committee had a meeting regarding parking and reducing parking in R-1 neighborhoods. The Planning District Commission reviewed an environmental statement from UVa regarding the smokestack.

Mr. O'Halloran met with the UVa Precinct Committee. There were discussions about specifics for the draft ordinance. There was no MPO Technical meeting.

Ms. Johnson Harris had no report; the CIP had not met. She did attend the QCC meeting, but had been unable to go on their North Carolina trip. She also attended the Housing Zoning Residential Committee meeting which discussed accessibility and affordable housing.

Ms. Lewis attended the Board of Zoning Appeals meeting. She also attended the Historic Preservation Subcommittee meeting.

Mr. Barton brought before the Charlottesville Planning Commission the lack of planning at the University in regards to parking garages. He hoped that the Charlottesville Planning Commission would be able to offer advice on setting up and activating a planning process. He asked that the Charlottesville Planning Commission draft a letter of recommendation to the University that would identify the benefits of a planning process. The Commissioners offered agreement and support of this proposal.

G. CHAIR'S REPORT

Mr. Key had no report.

H. DEPARTMENT/STAFF REPORT

The fourth session of the Neighborhood Leadership Institute was completed.

Mr. Tolbert sought a work session with the Commission to revise staff reports so that the Commissioners information needs would be met.

An update of the Jefferson/Fontaine Area B study was being planned.

The Planning District Commission will meet May 8th regarding the new transportation planning process.

The Urban Design Committee has several upcoming projects including the new Live Arts facility at Second and Water.

The Norcross building received tax credits and will be rehabilitated.

City Council will be receiving a list of streets for 24/7-type permit parking in the streets adjacent to the University.

Staff met with the County Planning staff regarding the Sperry development/ Albemarle Town Center development. There are concerns about the development impact of the site. They are not proposing direct access to Seminole Square which may have an economic impact. Ms. Damon suggested that all Neighborhood Leadership Institute alumni be e-mailed about the proposed meeting so that they may take part in it.

Ms. Lewis made a motion that the next public hearing be held May 14, 2002. Ms. Damon seconded the motion which carried unanimously.

Ms. Lewis then made a motion to adjourn the meeting. Mr. Barton seconded the motion. With a unanimous vote, the meeting was adjourned at 9:15 p.m.

Respectfully submitted,

James E. Tolbert, AICP
Secretary

APPROVED:

Herman Key, Chair

