

**MINUTES  
CITY OF CHARLOTTESVILLE  
PLANNING COMMISSION REGULAR MEETING  
TUESDAY, MAY 14, 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, Director, AICP  
Mr. Ron Higgins, Planning Director, AICP  
Ms. Lisa Kelley, Deputy 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 April 9, 2002, minutes. Mr. Woods wanted a change of the commissioner's reports to show that he reported on the University district. Mr. Barton made a motion to approve the minutes as amended. Ms. Damon seconded the motion which carried unanimously.

Mr. Key, recognizing there was not a quorum of City Council members, suggested that the order of items be changed. He suggested they move forward with approval of site plans. The Commissioners concurred.

D. SITE PLANS

Fifeville Apartments/ commercial -- 225 units  
East End of Estes Street to 7th Street SW  
File Number T-02-000029

Mr. Higgins gave the staff report. This is a by right site plan. This development is on a large tract of land immediately south of the CSH tract. It is known as the "Old Train Master's Site." The applicant has proposed a complex of seven residential buildings and one commercial building. The residential buildings would contain 225 units. There would be 145 one-bedroom units; the remainder is two-bedroom units. It is designed for singles,

couples and people working in the area. It will have pedestrian connections. The buildings are designed with double frontage. They are all three- or four-story. There have been community meetings. The neighborhood has met with the developer from the early stages. The plan meets all but three of the transition zone guidelines. The developer felt a heavier mix of non-residential usage would be detrimental to the neighborhood.

Mr. Barton sought clarification that the parcel was within the transition zone and needs to abide by zoning regulations. Mr. Higgins stated that was so. Mr. Barton then asked for the city definition of "private streets," to see if it was simply a question of who owned the street. This led into his question of whether a private street allowed the owners to decide who could use the street. Mr. Higgins explained that a concern of the neighbors during the planning process was that private street becoming a gated community. There is no intention of this project being a gated community. They want to control the traffic flow west to east.

Mr. Higgins further pointed out that the proposed density was 38 units per acre. The transition zone allows for up to 43 units per acre. Ms. Damon sought clarification regarding the "by right" and "transition zone." Mr. Higgins explained that the transition zone tries to provide incentive for mixed use. Ms. Johnson Harris wondered if the Glass and Plastics building would be demolished. Mr. Higgins affirmed that would happen. Ms. Johnson Harris wanted information on the need to

gate of 7th Street. Mr. Higgins said the applicant was trying to avoid the residents coming back in through the development so the traffic flow would be west to east.

Mr. Key called for the applicant to expound on the matters presented in the staff report.

Mr. Winks, the architect for the project, commended the Charlottesville Planning Commission on the ordinance and zoning district due to it being progressive and far-sighted. He then addressed the concerns regarding the 7th Street entrance. There are no fences or gates in the project; however, the neighborhood had repeatedly suggested that an arm which would not allow traffic to come in from the 7th Street side would minimize traffic on Estes Street which has been recently narrowed. The plan is to minimize that traffic as well as through traffic. Pedestrian access is allowed.

Ms. Damon inquired how a traffic arm would decrease traffic on Estes. Mr. Metzger, the applicant, stated the idea was to avoid pulling traffic through the neighborhood on the 7th Street side and when exiting, only left turns would be allowed.

Mr. Barton wanted to know the dimensions of the private street based on the desire of limiting high-speed through traffic. The applicant stated that the dimensions were similar to those of Estes Street.

Mr. Barton further stated that with the perimeter parking, the community appears to be a gated community. The applicant stated that the railroad track was along one of the parking lots, which discouraged pedestrian use. There is also a large drop and a steep slope, which hide the parking when looking from Main Street toward the project. The other side of the project abuts neighboring private property, which did not want pedestrian access across their land. The applicant further stated that there were only three points of access to public streets. All other access would be across private property, which did not belong to the applicant.

Mr. Barton stated that he was troubled that the current plans meet the letter of the objectives of the transition zone, but he was not sure the plan met the spirit of the zone. The applicant explained that they had very little frontage on 7th Street and a little on Dice Street. At the request of Mr. Barton, the applicant displayed and explained the site plan. The current plan met the requests of the staff and the neighborhood.

Mr. Higgins explained that there was so little frontage on city streets and the street was created to accomplish the transition zone. He also stated that the transition zone was not intended to push buildings up against the property line.

Ms. Johnson Harris felt that the gate at 7th Street tells the 7th Street community that this is a gated community designated for University employees. She felt that the arm and gate should be forgotten and the street opened.

Mr. Wood then asked if the gate were being put in at the community's request. The applicant stated that he was unsure; however, the left-turn only was put in at the community's request. He further stated that throughout the process there had been a concern of "don't pull traffic through the neighborhood."

Mr. Higgins added that, in the neighborhood meetings, specific streets of concern were Dice, 6th and a half, 6th, Oak because of their narrowness. The applicant added that this was not to keep the neighborhood out, it was to keep their residents from dragging through the neighborhood.

Mr. Toscano inquired if this was an open public hearing or just a matter for the Planning Commission. Ms. Kelly responded that as a legal matter site plan approval is within the Commission approval process. Comments may be taken, but the Charlottesville Planning Commission mission is to evaluate the site plan based on specific standards set forth within the transition zone ordinance. The Charlottesville Planning Commission may consider the purposes set forth in the transition zone ordinance, but the focus needs to be on whether the applicant meets the specific standards.

Ms. Johnson Harris inquired about access of emergency vehicles. The applicant stated they would have a siren switch, which raises the arm.

Mr. Lynch inquired if traffic routing could be achieved with signage rather than the arm. Mr. Higgins explained that the neighborhood was concerned about site traffic coming through the neighborhood.

Mr. Tolbert further clarified that the neighborhood was not concerned by the arm, but by the possible traffic problems caused by site residents coming through the neighborhood.

Ms. Lewis could not think of any development in the City of Charlottesville that has a traffic arm at its boundaries with public property. The appearance of a traffic arm seems negative. She also wondered if this site plan meets objectives 1 and 7. Mr. Barton concurred with Ms. Lewis' statements. Mr. Barton made a motion to close the discussion. There being no second, he withdrew the motion.

Ms. Damon asked whether the parallel parking would be permit parking. Mr. Tolbert stated that it was private parking which could be restricted.

Ms. Damon then inquired about objective 7 of the transition zone. Mr. Tolbert stated that since this is the first transition zone development, it had made several things apparent in the zoning ordinances especially as it related to the commercial usage.

The location of this property does not lend itself to commercial mixed-use residential/commercial development because of the access.

Ms. Johnson Harris felt that a lot of thought had gone into the development, however she had a problem with the use of a traffic arm.

Mr. O'Halloran asked what options were available since they did not like the arm.

Mr. Barton asked if they could enact a conditional approval.

Mr. Tolbert informed the Commission that they could not add a condition that is not in the ordinance.

Ms. Kelly further informed the Commission that these would be privately maintained streets in a private development and approval of this site plan not be conditioned on a gate or an arm. There are reasonable traffic-related reasons for wanting to direct traffic. While the Commissioners may have preferences about directing traffic, the ordinance does not say you must use a sign instead of an arm. The Commission must consider what they are charged with administratively. If the applicant meets or exceeds these standards, approval must be granted. She also stated that denying approval of a site plan required reference to standards not purposes or goals of the zoning district.

Mr. Tolbert stated that he had conferred with Mr. Metzger who stated a willingness to work with the Commission to see if there was any way to deal with it without a gate or arm.

Mr. Key suggested that the placement of the gate be held back for six months or a year to evaluate the traffic impact. The applicant nodding at Mr. Key's suggestion, stated he would do that.

Mr. O'Halloran made a motion that the Commission approve the site plan, but that they would like to express distaste for the traffic gate/arm at the 7th Street entrance. Ms. Damon seconded the motion. Mr. Key called for discussion of the motion. Mr. Wood stated that it was still subject to review by staff in regard to drainage and details. Mr. Barton stated it should be amended to include all of the provisions cited in the memorandum. Mr. O'Halloran asked that that be added to the motion.

Mr. Key called the question. The motion failed on a three to four vote with Mr. Barton, Ms. Johnson Harris, Mr. Key, and Ms. Lewis voting against.

Mr. Barton made a motion that the Commission have a brief recess. Mr. O'Halloran seconded the motion which passed.

The Commission stood in recess from 9:03 p.m. to 9:10 p.m. whereupon Mr. Key called the meeting back to session.

Ms. Lewis moved that the Commission needed an Executive Session under the Virginia Freedom of Information Act for the purpose of obtaining legal advice from the City Attorney. Mr. Barton seconded the motion. The motion carried unanimously.

The Commission adjourned to an Executive Session from 9:12 p.m. to 9:31 p.m. whereupon Mr. Key called the meeting back in session.

Ms. Lewis certified on behalf of the Commission that only matters lawfully permitted to be discussed pursuant to Virginia Code Section 2.2-371187 were discussed in the closed session. Mr. Higgins called the roll. All Commissioners concurred.

Mr. Barton, in light of the fact the Commission failed to approve a motion to approve the Fifeville Apartment site plan, made a motion to defer final action on said site plan until the next regularly scheduled meeting of the Planning Commission, which would be June 11th. Ms. Damon seconded the motion. There being no discussion, Mr. Higgins called the roll. The motion to defer passed unanimously.

Mr. Barton urged the applicant to work with staff to meet the conditions set out in Mr. Higgins' letter and to address the concerns raised by the Commission and members of City Council.

Mr. Key noted changes to the agenda. The closing of the alley off of Monticello Avenue was deferred until the June meeting at the request of the applicant. LUP--02-04-05 was also deferred until the June meeting.

Ms. Lewis made a motion that those items be deferred until the next meeting in June. Ms. Johnson Harris seconded the motion. Mr. Key asked if the Commission should also defer the Charlottesville Bicycle and Pedestrian Master Plan.

Mr. Tolbert felt it would be prudent to defer due to the lateness of the hour. He also stated the Plan would be displayed on the website. Mr. Barton offered apologies to the consultants from Denver who were unable to make their presentation. Mr. Key also offered apologies to those members of the public who had waited for the presentation. Mr. Barton stated that deferral was in no way indicative of a lack of interest in the issue. The motion for deferral carried unanimously.

Ms. Lewis made a motion to approve the subdivision and site plans approved administratively by staff from April 1st to May 1st. Mr. Barton seconded the motion. Ms. Johnson Harris asked about the location of number four listed in the packet. Mr. Wood clarified the location for her. The motion carried unanimously.

## LIST OF SUBDIVISIONS APPROVED ADMINISTRATIVELY

4/1/02 TO 5/1/02

1. Parcel X Combination TM 57-161 through 164

No new lots  
Carlton Road & Carlton Avenue  
Carlton Properties, LLC  
File No. 1280  
Preliminary & Final  
Final Signed: 4/3/02

2. Storm Sewer Easement – Carlton Commercial

No new lots  
Center  
Carlton Road  
Carlton Properties, LLC  
File No. 1281  
Preliminary & Final  
Final Signed: 4/3/02

3. Division of Lots 179-183 “Highland Park”

One new s.f. lot  
1645 Mulberry Avenue  
Trio Properties, LLC  
File No. 1235  
Preliminary & Final  
Final Signed: 4/29/02

4. Subdivision of Lots 2 & 8, block B, “Oak Lawns”

One new s.f. lot  
2730 Jefferson Park Avenue at Harris Road  
Trio Properties, LLC  
File No. 1236  
Preliminary & Final  
Final Signed: 4/29/02

## LIST OF SITE PLANS APPROVED ADMINISTRATIVELY

4/1/02 TO 5/1/02

1. File No. T-01-000008  
Madison Place P.U.D. – 16 Units  
Madison Avenue

2. File No. T-01-000018  
Camden Place Apartments –  
222 14th St., NW  
34 New Units

## F. COMMISSIONERS' REPORTS

Ms. Damon reported that Mr. Kevin O'Halloran would be taking over her spot on the Planning District Commission.

Mr. O'Halloran reported that the University Precinct Committee is finished and has made its draft proposal to the Zoning Committee.

Mr. Barton stated that the Urban Design Commission had to reschedule its meeting. He felt no need to report on the Board of Architectural Review meeting since it had been widely covered in the press.

Ms. Johnson Harris had no report.

Mr. Wood went to the same meeting attended by Mr. O'Halloran.

Ms. Lewis stated that the next scheduled Zoning Appeals meeting would be deferred for lack of a quorum.

#### G. CHAIR'S REPORT

Mr. Key has meetings scheduled with the Parks and Recreation Advisory Board and the Community Development Block Grant Task Force. He stated there was some question regarding his participation on the Jefferson School Renovation Committee because his term as a Commissioner ends in August.

#### H. DEPARTMENT/STAFF REPORT

Mr. Tolbert stated that an UNJAM meeting was scheduled to take place at the Buford School. He also stated that he was working on a memo for the Commissioners outlining decision points and a recommended process regarding the zoning ordinance.

Ms. Johnson Harris asked about an update on the Sperry property. Mr. Tolbert stated he would be meeting with Albemarle County representatives.

Ms. Damon sought an update regarding the transit center. Mr. Tolbert stated a Steering Committee meeting was scheduled for May 30th, 20002.

Ms. Damon made a motion to adjourn the meeting until the next Public Hearing on June 11th, 2002. Mr. Barton seconded the motion which carried unanimously. Whereupon the May meeting was adjourned at 9:53 p.m.

Respectfully submitted,

James E. Tolbert, AICP, Secretary

APPROVED:

Herman Key, Chair