

**MINUTES
CITY OF CHARLOTTESVILLE
PLANNING COMMISSION REGULAR MEETING
TUESDAY, JULY 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
Mr. Herman Key, Chair
Ms. Kathy Johnson Harris
Ms. Cheri Lewis
Mr. Kevin O'Halloran
Mr. Eldon Wood

City Council Members Present

Mr. Blake Caravati
Mr. Kevin Lynch
Mr. Rob Schilling

STAFF PRESENT:

Mr. Jim Tolbert, AICP, Director
Mr. Ron Higgins, AICP, Planning Director
Ms. Lisa Kelley, City Attorney
Ms. Tarpley Vest, Neighborhood Planner
Ms. Claudette Grant, Neighborhood Planner
Mr. Key called the meeting to order at 7:29 p.m.

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

Mr. Key called for those matters not on the agenda.

Mr. Arthur Lichtenberger, of 2024 Minor Road, president of the Lewis Mountain Association, spoke about the traffic study which had been commissioned by UVa. He stated the neighborhood was alarmed by some things in the study. The neighborhood

association, along with eight other neighborhood associations, commissioned a study by Wilbur Smith Associates. He stated there were three major problems with the UVa study: faulty data, faulty assumptions and faulty analysis.

Mr. Key called for other matters from the public. There being none, he closed that portion of the meeting.

B. MINUTES

Mr. Key called for approval of the June 11, 2002, minutes. Ms. Lewis mentioned paragraph three on page five; the property was zoned for industrial, it was her belief that nobody in the community wanted the parcel to continue in an industrial use given changes in the downtown area. Mr. O'Halloran made a motion to approve the minutes as amended. Ms. Johnson Harris seconded the motion which carried unanimously.

C. JOINT PUBLIC HEARINGS

1. SP--02-06-08: An application for a special use permit to use the property and building at 415 10th Street NW as a day care center. The R-1A zoning of the existing New Covenant Pentecostal Church site permits single-family residential and churches, but requires special permits for private schools and day cares. This property is further identified on City Real Property Tax Map Number 4 as parcel 46, having 75 feet of frontage on 10th Street NW, 105 feet of frontage on Grady Avenue and containing approximately 7,875 square feet of land or .18 acres. The general uses called for in the Land Use Plan of the Comprehensive Plan are for single-family detached residential at a density of three to seven units per acre.

Ms. Grant gave the staff report. The application was submitted by New Covenant Pentecostal Church and Ivy Square Realty. New Covenant Pentecostal Church,

which is a tenant in the building, seeks permission to use a portion of the building for a childcare center for up to, and not more than, ten children. As a religious institution, they are exempt from state regulations. They have no on-site parking. The traffic engineer has looked at the site and found that there was sufficient room to create a

drop-off/loading zone directly in front of the door with a 15 minute time limit for drop-off. There have been no negative comments from the neighborhood. Staff recommends approval contingent on two conditions: staff parking be provided at the Dairy property and that the City will restripe the lane to provide the drop-off parking. The childcare center will advise the parents that it is not to be used for permanent parking.

Bishop Nowell, of 601 Dice Street, stated he was pastor of New Covenant. The church has been there about 20 years. They deal with children. There have been no complaints or problems.

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

Mr. Wyatt Johnson, of 1005 Ridge Street, stated he knew Reverend Nowell. He supports the day care center.

There being no further comments from the public, the public hearing was closed for discussion.

Ms. Damon asked if the Dairy should sell, would the parking spaces remain for the day care center. She also asked if that could be a clause in any sale of the Dairy. She was told the current requirements were that if the parking were lost for any reason,

they would have to find suitable replacement parking.

Mr. Barton asked what the hours of operation would be. The applicant stated the hours would be 7 to 5:30. Mr. Barton also asked who could use the center. The applicant stated the center was for children from the neighborhood.

Ms. Damon stated she was in favor of the proposal due to the neighborhood's expressing a need for more childcare. Ms. Lewis concurred with Ms. Damon's

statement.

Mr. Barton stated he could support the application, but he had some concerns which included the property boundary. He also wanted specifics about the drop-off arrangements.

Ms. Johnson Harris made a motion to accept application SP--02-06-08 including the staff suggestions. Ms. Lewis asked to detail the conditions so that all could be in agreement. The conditions would include restriping the lane for drop-off, the creation of two staff spaces off-site, which would be at the Dairy property, the applicant would devise a drop-off plan and notify all the parents and children about that plan. She also asked for a condition that the special use permit is for the hours between 7 a.m. and 5:30 p.m., Monday through Friday. Ms. Johnson Harris accepted those conditions. The motion passed unanimously. Mr. Key advised the applicant that the application would move forward to City Council on the first Monday in August.

2. ZM--02-06-09: A petition to rezone from R-3 Residential Multiple Dwelling and B-2 Business to PUD (Planned Unit Development) the property on the proposed Burnet Street between Elliot Avenue and Lankford Avenue (known as Burnet Nursery Site). The R-3 and B-2 zoning allows multi-family development at 21 units per acre and various neighborhood commercial uses. This property is further identified on City Real Property Tax Map number 27 as parcel 91.1, having frontage on both Elliot and Lankford Avenues and containing approximately 5.437 acres of land. The general uses called for in the Land Use Plan of the Comprehensive Plan are for single-family detached buildings at three to seven units per acre.

Ms. Grant gave the staff report, showing the Commission a plan of the proposed PUD. The applicant, Steve Melton, is the agent for the owner, Burnet Land Trust. The plan is to construct 36 single-family, detached dwellings. There would be 115,674 square feet of common open space. Each lot would be served by off street parking. The overall

proposed density would be 6.6 units per acre. The neighborhood is in favor of the plan. Staff recommends conditional approval based on administrative approval of the final revised site plan with the following additions: submit land disturbance permit application to the Zoning Administrator; address maintenance of trees that are not in the public right of way, provide ten-year storm water calculation -- include pre- and post-development calculations; show the City standard entrances off all City owned streets; indicate no parking on the street from Lankford Avenue; tie eight inch water line into Lankford Avenue; add or adjust necessary fire hydrant assembly such that the distance between the hydrants is no more than 300 feet by travel way; indicate City standard details for sidewalk, curbs, curb tops; provide or indicate the location of any proposed pedestrian crossing; provide the following details on retaining walls -- materials, construction methods, height; indicate all existing and proposed utility easements on drawing; and the Fire Department would like to add one hydrant at the entrance to Burnet Court near the entrance to the driveway for the Region Ten building, hydrants on the island need to be removed to the area between the curb and the sidewalk, and the curbing needs to be marked at the hydrant locations with yellow paint for no parking; a soil and erosion control plan will need to be submitted; all utilities need to be placed underground; all required homeowners association documents be approved by the City Attorney and the Department of Neighborhood Development Services prior to the final approval; the units should be designed for sale as single family residences in accordance with the design concept; screening shall be provided along the rear boundaries of all the residential PUD

lots adjacent to other residences; all streets shall be dedicated to the public for the purposes of ensuring consistent maintenance, snow removal, trash removal and accommodations of emergency vehicles.

Mr. Steve Melton, of 195 Riverbend Drive, is the project coordinator for Burnet Commons. He presented the Commission with brochures of the three different models. He stated his belief that all of the staff conditions had been met on the revised site plan. He gave details of the open common, including a proposed tot lot. The site plan meets and exceeds the lighting requirement.

Ms. Damon asked about the additional parking. Mr. Melton explained that parking was not for the houses. Each house had a carport.

Mr. Barton asked about the width of the connecting street. Mr. Melton thought it was 18 feet which would be adequate for emergency vehicles. Mr. Higgins stated that 18 feet is the minimum allowed without parking.

Mr. Key asked if there was any way to lower the prices of the homes. Mr. Melton explained the factors that were influencing the prices including the rising costs of materials and the need to bring in new dirt to the site due to its past usage.

Mr. Key also asked if any of the designs would have an entrance at grade level to allow for ADA compliance. Mr. Melton stated that ADA compliant housing in Northern Virginia was being redesigned because there was not use for something like that.

Mr. Key stated his concern was wider doorways, access on level, maneuvering space within the bathroom to allow accommodation if needed. Mr. Melton stated he

understood, but a market study would be necessary to see if there were a need.

Mr. Barton expressed a desire for specifics regarding the handling and administration of the open space. He also expressed concern regarding tree planning and asked for a more specific landscape plan. The applicant stated his belief that they had met the City standards for planting. He further stated that due to the size of the lots, they had to be careful with the placement of trees. He also stated that recreation facilities in the open space would be determined later. Ms. Johnson Harris asked if it had met the City requirements. Mr. Melton concurred that PUD requirements had been met.

Mr. Caravati mentioned the diminished road width in Kellytown due to parking which causes problems for the Fire Department. He asked if there would be a problem with this proposal. Ms. Grant informed him that the Fire Department was okay with it. He

further inquired if Staff were confident that this issue would not be troublesome for Police and Fire.

Mr. Tolbert stated that the Kellytown streets were not public streets.

Mr. Key called for public questions and comments. There being none, the public hearing portion was closed. He then called for discussion from the Commissioners.

Ms. Lewis asked if they could require No Parking signs. Mr. Tolbert stated that, under current policy, the City places signage.

Ms. Johnson Harris made a motion to accept ZM--02-06-09 as presented by staff, based on the public necessity, convenience, general welfare and good zoning practice. Ms. Lewis seconded the motion.

The motion carried unanimously.

D. SITE PLANS AND SUBDIVISIONS

1. New Covenant Pentecostal Church Day Care
415 10th Street NW at Grady Avenue
(Considered with SP--02-06-08)

2. Burnet Commons, Lot 1-36
Elliot Avenue, Burnet Street and Lankford Avenue
(Considered with ZM--02-06-09)

3. Coleman Street Housing Development
Seven (7) Duplex lots.
End of Coleman Street off of Bellevue Street

Ms. Vest gave the staff report. This application is for a major subdivision which intends to extend Coleman Street and create seven new lots with the intention of building 14 units. It is a by right subdivision. Staff has reviewed the standards in the subdivision ordinance. The application meets the standards with an exception. The ordinance states: "If such subdivision fronts on an existing street without a sidewalk along its frontage, the applicant shall construct a sidewalk at least four feet wide exclusive of curb according to City standards along such frontage. The Director of Planning, or the Planning Commission may waive this requirement and shall base decisions on such waivers on the criteria for sidewalk construction set forth in the Comprehensive Plan of the City." The existing Coleman Street frontage does not meet that standard. The applicant is seeking a waiver for that sidewalk where the grade drops as you enter into the site. Staff cannot support the sidewalk waiver request due to criteria number 11, Residents Desire. Staff recommends approval of the by right subdivision with the exception of the requested sidewalk waiver and subject to final administrative approval of the subdivision plat.

Mr. Stan Tatum, of 540 Park Street, stated he was one of the owners and represented the other owners in the project. They hope to begin development on the property soon. Current access meets no standards. He felt the improvement of the streets and provision of permanent housing would be a positive improvement.

Mr. Key inquired about on grade access to houses. The applicant stated they were not opposed to that although there were some slope/grade issues with the site.

Mr. O'Halloran wanted information on the need for a waiver. The applicant stated he thought it was an oversight. There is sidewalk on both sides of the street within the property boundary as well as on the opposite side of Coleman. Mr. Tatum further stated that he felt they had not requested a waiver.

Mr. Wood asked if there would be on street parking. Mr. Tatum stated that there would be on one side. The proposed street will be 24 feet. He also stated there would be assigned parking spaces.

Ms. Damon made a motion for approval of the subdivision plan on the grounds that it conforms to all applicable requirements of the City subdivision ordinance and with final administrative review and approval by staff. Mr. Barton clarified that the applicant was not seeking a sidewalk waiver. Ms. Lewis seconded the motion which passed unanimously.

E. LIST OF SUBDIVISIONS AND SITE PLANS APPROVED ADMINISTRATIVELY

Ms. Damon asked if the subdivision at Price Avenue and Piedmont was a subdivision of one lot into two.

Mr. Higgins informed her that there was a house on Piedmont which was having what looked like a separate yard carved off to build a single-family home.

Ms. Damon made a motion to approve the list of subdivisions and site plans that had been approved administratively. Mr. Barton seconded the motion. The motion carried unanimously.

LIST OF SUBDIVISIONS APPROVED ADMINISTRATIVELY

6/1/02 to 7/1/02

1. Parcels A & B, Division of Tax Map 17-26 One new lot
2323 Price Avenue & Piedmont Avenue
Margery S. Dawson
File No. 1266
preliminary & final
Final Signed: 6/12/02

2. Combination of Lots 51-A & 51-B
No new lots
"Meadowbrook Hills" & 20' sewer easement
Jessie T. Hook
Blue Ridge Road & Hilltop Road
preliminary & final
File No. 1287
Final Signed: 6/12/02

LIST OF SITE PLANS APPROVED ADMINISTRATIVELY

6/1/02 to 7/1/02

1. File No. 1174-0
"Robinson Woods" - Storm Drain

Robinson Woods off of
Amendment
Cabell Avenue

2. File No. 1107
Barracks Road Shopping Center
1114 Emmet Street
Ruby Tuesday Renovation - expansion

3. File No. 860
Wright's Salvage Yard - Amendment
Rear of 1308 East

Market Street

4. File No. 363
Arby's Restaurant Renovation
1230 Emmet Street

F. COMMISSIONERS' REPORTS

Ms. Johnson Harris requested that a letter be drawn up for a Commissioner to sit on the Task Force for the Jefferson School project because Mr. Barton had been placed there as a parent. Mr. Tolbert stated it would be done the next day.

Mr. Barton stated he would be resigning from the Board of Architectural Review. He would be replaced by Ms. Lewis.

Ms. Lewis stated she would be happy to serve as an alternate to the BZA if Mr. Barton would take her position there. Ms. Lewis then made a motion to appoint Mr. Barton to the BZA. Ms. Johnson Harris seconded the motion which carried unanimously.

Ms. Lewis also reported that she was attending the commissioner training program in Blacksburg.

G. CHAIR'S REPORT

Mr. Key stated his desire to schedule a work session about housing affordability.

H. DEPARTMENT/STAFF REPORT

1. CIP Update

The department/staff report was deferred.

Ms. Damon made a motion to adjourn the meeting. Mr. Barton seconded the motion. The motion passed unanimously whereupon the meeting stood adjourned at 9:05 p.m.

Respectfully submitted,

James E. Tolbert, AICP, Secretary

APPROVED:

Mr. Herman Key, Chair