

**MINUTES
CITY OF CHARLOTTESVILLE
PLANNING COMMISSION
TUESDAY, NOVEMBER 19, 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, Vice Chair ABSENT:
Ms. Kathy Johnson Harris Ms. Nancy Damon
Mr. Herman Key
Ms. Cheri Lewis STAFF PRESENT:
Mr. Kevin O'Halloran, Chair Mr. Ron Higgins, Planning Manager
Mr. Eldon Wood Ms. Lisa R. Kelley, City Attorney
City Council Members Present
Mr. Maurice Cox
Mr. Kevin Lunch
Ms. Meredith Richards

Mr. O'Halloran called the meeting to order at 7:38 p.m. He stated that the meeting was a continuation of the meeting held on November 12th. Three public hearings would be held.

JOINT PUBLIC HEARINGS

1. SP--02-10-15: An application to amend Special Use Permit SP--97-55, which allowed a portion of the buildings at the Charlottesville Ice Park on the Downtown Mall to be used for an amusement arcade.

Mr. Higgins gave the staff report. This is an amendment to a Special Permit that was granted under what was then the new ordinance for amusement arcades. They are allowed as accessory uses. An amusement arcade is anything with three or more machines that are operated by coin or token. The applicant wants to move the machines

to a different level to create an event area where birthday parties and the like can be held. Staff has no problem with the application because it is in the spirit and the letter of what was intended.

Mr. Timothy R. Slagle, of 2121 Wisteria Drive, spoke on behalf of the applicant. The applicant seeks a change in the amount of square footage allowed, from 1000 square feet to 1500 square feet, as well as a move from the first floor, lobby area to the second floor, Water Street Terrace portion. To provide for the safety of arcade users, the Water Street door would become an emergency exit only. The applicant plans to install security cameras in that area.

Mr. O'Halloran called for questions or comments from the public. There were none.

Mr. Higgins stated that staff had received a number of calls regarding the proposal. Concerns expressed by residents of Lewis and Clark Square regarded kids hanging out at the Water Street door. Their concerns were calmed by the fact that the door would be an emergency exit.

Mr. O'Halloran called for questions and comments from the Commissioners and Councilors.

Mr. Wood asked what criteria were to be used. Mr. Higgins stated his belief that the original criteria are part of the ordinance with 1500 Sq. ft.

Ms. Johnson Harris wanted to know the hours of operation of the Ice Park. Mr. Slagle stated the hours varied depending on the time of year, but generally 9 a.m. to 10 p.m. On the weekends, it would be longer.

Mr. Barton asked if the applicant envisioned the proposed space having hours extending beyond the normal operating hours. Mr. Slagle stated this was an accessory use.

Ms. Lewis made a motion to recommend approval of the amended Special Use Permit to enlarge the square footage with the conditions that are noted in the staff report. She further clarified condition A that the door on the Water Street side be opened for emergency use only and that main access be through the lobby. Ms. Johnson Harris seconded the motion. Ms. Johnson Harris also commended the applicant for opening up more activities for school-aged children in the City. Mr. Higgins called the question. The motion carried unanimously.

2. SP--02-10-13: An application for a Special Use Permit to use the property at 1405 East Market Street for a daycare facility for up to 14 children.

Mr. Higgins gave the staff report. The church located at 1405 East Market Street is proposing to use existing classroom space for a daycare facility. The church predates the site plan review. The zoning is R-1A. The applicant is required to pave three parking spaces. Staff's concern was that there be an on-site drop off area.

Ms. Sandy Kelso, of 830 Beverly Drive, as pastor of Living Stones Chapel explained the plan to use the existing building and parking lot. The building is vacant except for Wednesday nights and Sunday mornings so they would like to extend a service to the community. She stated that they had received approval from the Fire Marshal, licensure from the Department of Social Services, the Health Inspector. Documentation had been submitted to the state.

Mr. Higgins stated that staff's concern was that there was no improved parking for the required amount. There were two reasons to improve the parking: one, it was the minimum standard and, two, the Building Code issues regarding handicapped access dictate that handicap access be provided.

Ms. Kelso expressed a desire to not pave since the church was not required to pave its 40 parking spaces for church use.

Mr. O'Halloran called for questions or comments from the public.

Ms. Michele Mattioli, of 1404 East Market Street, spoke in favor of the proposal with two requests. One, that the minimum amount of impervious surface necessary be used. Her second request was that the street lights be shielded. Mr. Higgins explained that the City would request shielding of the street lights in question.

Ms. Allison Ewing, of Chesapeake Street, and president of the Woolen Mills Neighborhood Association, spoke in support of the proposal. She questioned the City's standards for parking requiring impervious paving.

Mr. O'Halloran called for questions and comments from the Commissioners and Councilors.

Ms. Johnson Harris stated her understanding that they could not get around requiring three parking spaces put in place to make it viable for all children and parents to take advantage of the wonderful resource the community could use one more of. She could not see supporting it without that.

Mr. Barton asked if it would be possible to approve the application with some latitude for studying alternate surfaces and in the event that an alternative could not be found, they could be asked to put in the three spaces with traditional surfacing. Mr. Higgins stated there were provisions for looking at an alternate surface approved by the City. Ms. Kelly stated that they could not craft a condition that says we'll study this for six months, and if we haven't figured out a solution, then at that time, you'll have to pave the parking lot.

Mr. Key expressed concern over access not being provided especially since only three spaces needed to be paved and not the whole parking lot.

Mr. Key made a motion to approve the Special Use Permit with the three parking spaces being paved, recognizing that there was still some level of discussion to be had in terms of looking at alternatives that meet access and provide a better option than what exists currently. Ms. Johnson Harris seconded the motion.

Mr. Barton wanted to know how exterior play areas were going to be controlled. Mr. Higgins stated that was a fairly typical issue in consideration of a preschool or daycare. Mr. Barton asked if it were possible to approve a Special Use Permit conditioned upon the submittal of a site plan that is reviewed administratively. He further stated he could support the Special Use Permit but he did want a site plan that identifies all issues. Mr. Barton made a friendly amendment that a site plan be submitted as part of the formal process. Mr. Key and Ms. Johnson Harris accepted the amendment. Ms. Lewis thanked the applicant for talking about bringing daycare to that neighborhood. Mr. Higgins called the question which passed unanimously.

3. SP--02-10-14: An application for a Special Permit for higher density residential on the property at 222 South Street, downtown. This would allow for the conversion of the front house at 222 South Street from offices to up to five units for a total on-site of ten units.

Mr. Higgins gave the staff report. The house has been the Charlottesville Weekly offices. The property is zoned B-4, the downtown district, which allows residential density at 21 units an acre. It also allows commercial, office and service uses. Most of South Street is residential. The proposal is to put two units on each floor and one in the basement. Each unit would be one bedroom. A parking lot was provided between the old building and the new building.

Mr. Bill Chapman, of Tolman Road, stated his thought that it would be good to return that row to residential use. Right now, the parking lot is used for C'ville employees. Currently 20 people work in the building; he envisions five living in the building.

Mr. O'Halloran called for questions.

Ms. Lewis asked how many parking spaces were in the parking lot. Mr. Chapman informed her there were nine. Ms. Lewis then asked how it would be determined who got the spaces. Mr. Chapman stated he was not sure since he would not be managing the facility; however, he thought there may be an extra charge.

Mr. Key asked about handicapped access to the units. Mr. Chapman stated there was a ramp from the rear parking lot to the front building.

Mr. O'Halloran called for questions and comments from the public.

Mr. Brent Nelson, of 214 South Street, expressed approval of the conversion of the front building into residential units, he was opposed to the density being requested. There is not enough parking for residents. He felt that apartments of that size would only appeal to a limited segment of the population. He also expressed concern over the way the property has been managed. The tenants do not abide by the trash ordinance.

Ms. Mary Gillium, of 218 South Street, expressed her favor with residential there, however she opposes the density. She also expressed concern over the trash problem with the residents of the back property at 222 South Street.

The public portion of the hearing was closed. Mr. O'Halloran called for comments from the Commissioners.

Mr. Key sought clarification on the trash pickup situation. Mr. Higgins explained that the City would not approve a dumpster because it could not be accessed safely. Mr. Chapman stated he did not know what system the tenants used, the Charlottesville Weekly had a commercial trash system using a private hauler. He was not aware of a trash problem.

Mr. Key asked if he paid for the commercial pickup. Mr. Chapman concurred that BFI was paid to pick up the trash from the front building. Mr. Key asked if the applicant could pay for commercial pick up for the tenants. Mr. Chapman thought it could be done.

Mr. Wood asked if the same management company would be used for both the front and the back properties. Mr. Chapman said it would.

Ms. Lewis expressed concern over the density of the property since the neighbors spoke of ongoing problems. She did not want to intensify the use and aggravate the problems. Ms. Lewis stated she would support adding no more than three residential units to the existing front building.

Mr. O'Halloran asked Mr. Higgins what could be done by right. Mr. Higgins stated they could use it for anything other than residential.

Mr. Barton stated his support for Ms. Lewis's analysis of the issue. He suggested they allow four one-bedroom units.

Mr. Chapman stated there were difficulties with the layout of the building.

Mr. Wood sought clarification that they could approve four units. Mr. Higgins confirmed that they could approve five or less.

Mr. Key stated he could support the notion of four units. He asked that the condition that trash pickup be part this Special Use Permit given the prior history of a problem with trash and since the applicant is currently doing that for his business.

Mr. O'Halloran sought advice as to the ability to impose that condition. Ms. Kelly stated that she thought they could. The trash issue is an adverse impact.

Ms. Lewis sought clarification that the owner would provide trash pick up at his own cost to the units. Mr. O'Halloran concurred.

Ms. Johnson Harris asked if they could state that he would have to provide containers. Mr. O'Halloran concurred.

Mr. O'Halloran stated that some sort of commercial service would lessen the negative impact to the neighbors of having more units on that site. He further stated he would be in favor of supporting that.

Mr. Barton made a motion to recommend approval of the application for a higher Special Density Use Permit for four units more than allowed by right on the basis the proposal would serve the interests of the general public welfare and good zoning and conditioned by a requirement that the applicant provide commercial trash pick up to

mitigate the adverse impact of curbside problems with trash. Mr. Key seconded the motion. Mr. O'Halloran called for discussion of the motion.

Mr. Key sought clarification that Mr. Barton had earlier mentioned four one-bedroom units. Upon Mr. Barton agreeing, Mr. Key asked if he would want to specify that in the motion. Mr. Barton stated he would specify that the motion was for four one-bedroom units. Mr. Key seconded and agreed to that amendment. Mr. Wood stated that the management would have to be responsible for the trash pick up because without that there would just be a greater problem than at present. Mr. Higgins called the question which passed unanimously.

Mr. Lynch asked that Mr. Higgins provide Council with the history of when the back units were originally built. Mr. Higgins stated he would check to see if that had been before the Planning Commission and provide the minutes.

Ms. Lewis made a motion to adjourn until December 10th at 6 p.m. Mr. Barton seconded the motion which passed unanimously whereupon the meeting stood adjourned at 8:50 p.m.

Respectfully submitted,

James E. Tolbert, Secretary

APPROVED:

Herman Key, Chair