

MINUTES  
CITY OF CHARLOTTESVILLE  
PLANNING COMMISSION  
TUESDAY, MARCH 11, 2003 -- 6:30 P.M.  
CITY COUNCIL CHAMBERS

The Regular Meeting of the Planning Commission was held on this date with the following members present:

Mr. Kevin O'Halloran, Chair  
Mr. Craig Barton, Vice-Chair  
Mr. Bruce Appleyard  
Ms. Karen Firehock  
Ms. Kathy Johnson Harris  
Ms. Cheri Lewis  
Mr. Eldon Wood

STAFF PRESENT:

Mr. Jim Tolbert, AICP, Director  
Mr. Ron Higgins, AICP, Planning Manager  
Ms. Lisa Kelley, Deputy City Attorney  
Ms. Missy Creasy, Neighborhood Planner  
Ms. Claudette Grant, Neighborhood Planner  
Ms. Mary Joy Scala, Neighborhood Planner

City Council Members Present

Mr. Maurice Cox, Mayor  
Mr. Blake Caravati  
Mr. Kevin Lynch

Mr. O'Halloran called the meeting to order at 6:23p.m.

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

Mr. Ray Smith, a local video storeowner, had questions about the adult use section of the ordinance. He sought a map of the Charlottesville area detailing the areas where an adult use establishment would not be allowed to open according to the current draft of the ordinance. He further informed the Charlottesville Planning Commission that he represented a coalition of businesses, which was gathering a petition against the adult use section of the ordinance. He presented the Commissioners with some of the literature that would be given to people. He sought information regarding who had helped draft the ordinance.

Mr. O'Halloran and Mr. Tolbert informed Mr. Smith that the Zoning Committee had discussed the adult use section. Mr. Tolbert promised to send Mr. Smith a list of people who served on the committee.

Mr. Smith also asked if the City had permission to use the MPAA's regulatory standards in legislation.

Ms. Kelly stated not at this time.

Mr. Art Lichtenberger stated it would be helpful if the changes to the Zoning Ordinance were noted on the online document with a different color or font. He also had concerns regarding home occupation versus home business. He also had questions regarding the proposed side-yard setback change.

B. MINUTES

1. February 11, 2003 -- Regular Meeting

Ms. Lewis made a motion to approve the minutes as submitted. Mr. Barton seconded the motion. The motion carried unanimously.

C. LIST OF SUBDIVISIONS AND SITE PLANS APPROVED ADMINISTRATIVELY

Mr. Barton made a motion to approve the list of subdivisions and site plans approved administratively. Ms. Johnson Harris seconded the motion. The motion carried unanimously.

LIST OF SUBDIVISIONS APPROVED ADMINISTRATIVELY  
2/1/03 TO 3/1/03

- |    |                                                                                                                                                                  |                                                                                              |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|
| 1. | Revised Parcel 19, TM3 (combination of<br>Parcels 19, 20, 21, 23 & 24)<br>Estes Street, Delevan Street, 7 <sup>th</sup> St.,<br>and Dice Street<br>File No. 1297 | No new lots<br>Virginia Land Holdings, LLC<br>Preliminary & Final<br>Final Signed: 2/27/03   |
| 2. | Lots A & B, Redivision of TM 56,<br>Parcels 100, 101 & 102<br>Mason Street & Franklin Street<br>File No. 1296                                                    | One new two-family lot<br>Donnie R. McDaniel<br>Preliminary & Final<br>Final Signed: 2/28/03 |

LIST OF SITE PLANS APPROVED ADMINISTRATIVELY  
2/1/03 TO 3/1/03

- |    |              |                                                      |              |
|----|--------------|------------------------------------------------------|--------------|
| 1. | File No. 679 | Hearthwood Apartments - Storage<br>Building Addition | Michie Drive |
|----|--------------|------------------------------------------------------|--------------|

- |    |                         |                                                                                        |                     |
|----|-------------------------|----------------------------------------------------------------------------------------|---------------------|
| 2. | File No. 309-B          | Legal Aid Justice Center<br>- Parking Lot Remarking                                    | 1000 Preston Ave.   |
| 3. | File No. 1014           | St. Anne's Belfield - Drainage<br>Area & Parking Area Changes<br>& Concession Building | Ivy Road            |
| 4. | File No.<br>T-01-000019 | The Mews Apartments                                                                    | 1111 Little High St |

D. COMMISSIONERS' REPORTS

Ms. Firehock had nothing to report.

Ms. Johnson Harris stated she had missed the Neighborhood Federation meeting due to snow.

Mr. Wood had attended the McIntire Park meeting. The YMCA had made a report at the meeting since it was looking for property for a facility. He stated no action had been taken regarding that presentation.

Mr. Barton stated he had not been able to attend the last Jefferson School Task Force meeting but had read the minutes of that meeting. The Task Force was considering nominating the school for historic designation.

Mr. Appleyard attended the MPO Tech meeting which discussed development proposals in the county including Hollymead and Albemarle Place.

Ms. Lewis stated the PACC Tech meeting had been cancelled due to snow. However, she had attended the Board of Architectural Review meeting; the Board of Architectural Review continued to be very busy.

Ms. Lewis also wanted to thank Mr. Tolbert for the Planning Commissioners' Journals.

E. CHAIR'S REPORT

Mr. O'Halloran attended the Planning District Commission meeting on 6 March. The 29/Hydraulic interchange had been discussed. He had been invited to a meeting organized by the University with the University of Georgia regarding town/gown relations; the meeting had been cancelled due to the weather.

F. DEPARTMENT/STAFF REPORT

Mr. Tolbert stated that the contracts for the Area B study being done with the County and the University had been signed by the County. Work should be starting soon. He stated the plan for the PACC Tech meeting had been the appointment of a Steering Committee. Since it had not met due to the snow, a new meeting would be rescheduled.

Mr. Tolbert further reported that the Zoning Ordinance was progressing. However, it would not be ready in time for the scheduled Public Hearing on March 26th. He stated that Ms. Kelly was helping draft the Ordinance. He and Ms. Kelly were hoping to have the draft completed by the end of March. Ms. Kelly explained to the Commissioners what still needed to be done to complete the Ordinance. She further stated that it might be most appropriate to look at trying to have it ready for a July 1st effective date. This would require Charlottesville Planning Commission approval in late-April or early-June and City Council's final approval in June.

Mr. Tolbert stated he was meeting individually with City Councilors. He was trying to discover their issues and concerns. He would be combining their issues with issues that had come up at two neighborhood meetings into a memo, which would be sent to the Commissioners. He recommended a work session be held to address those issues and concerns. He suggested it be scheduled for the second week of April. Mr. O'Halloran suggested May 15th, 6:30 p.m. for the Public Hearing on the Zoning Ordinance. The work session was scheduled for April 12th at 9:00 a.m.

(Meeting suspended 6:58 p.m. until 7:08 p.m. while waiting for a quorum of City Councilors)

G. PUBLIC HEARINGS

1. ZM-03-02-1: A petition to rezone from R-1 residential to R-3 residential Multiple Dwelling the property at Number 3 University Circle. The general uses allowed in the R-1 zoning are single-family dwellings. The general uses that would be allowed in R-3 zoning are multi-family developments of 21 units per acre and certain other uses such as townhouses, schools, museums, colleges, day care centers and recreation centers, among other things. This property is further identified as City Real Property Tax Map Number 5 as parcel 39, having 142 feet of frontage on University Circle and containing 23,950 square feet of land or .55 acres. The general uses called for in the Land Use Plan of the Comprehensive Plan are for single-family dwellings at a density range of three to seven units per acre. WITHDRAWN BY APPLICANT.
2. SP-03-02-2: An application to amend the special permits for the Covenant School at 1000 Birdwood Road and the 250 Bypass to add an after school

program for the hours of 3:00 p.m. to 5:30 p.m. for extended day services for up to 100 students. The school would still operate within the existing maximum of 450 students during the regular school days. The general uses allowed in the R-1 Residential Zoning of this site are for low-density single-family detached residences at three to five units per acre and certain public uses such as schools, parks, and playgrounds. This property is further identified on City Real Property Tax Map Number 45 as parcels 7 and 7.1 having approximately 430 feet of frontage on the 250 Bypass, 536 feet of frontage on Birdwood Road, 600 feet of frontage on Hillcrest Road, 600 feet of frontage on Edge Hill Road, and containing approximately 316,816 square feet of land or 7.27 acres. The general uses called for in the Land Use Plan of the Comprehensive Plan are for public uses such as schools, cemeteries, utilities and other uses serving a particular use of the community.

Ms. Scala gave the staff report. The Covenant School was seeking permission to add an afternoon program. Students may be on the playground between 3 p.m. and 4:30 p.m. The request is for up to 100 students. This would amend existing special use permits for the Covenant School. The school would still operate within the existing maximum of 450 students during the regular school hours. The Covenant school has been operating at this location since the late 1980s. This campus is currently K-6. A previous special use permit had prohibited after school care unless specifically approved by special use permit. This application has been filed to remove that prohibition. There have been no public comments. Staff recommends that the application be forwarded to City Council with recommendation for approval as proposed with no conditions. It is intended that all previously approved conditions would remain in effect unless they are specifically modified by City Council.

Mr. Wood sought clarification that the hour difference was the only thing being asked for. Ms. Scala concurred that the request was for an extra hour but she reiterated that the request was to remove the prohibition against after school programs.

Ms. Johnson Harris thought it was wonderful that there would be after school care. She also wondered why there was no longer an off-duty police officer available during the peak hours when traffic is heavy. Ms. Scala felt the applicant could better explain that issue.

There being no further questions for Ms. Scala, Mr. O'Halloran recognized Dr. Ron Sykes, Headmaster of the Covenant School. He explained that having an off-duty police officer had been a good recommendation until it was put into effect and more accidents were occurring. He also explained that the traffic pattern had been changed.

Mr. O'Halloran called for comments from the public. There being none, he closed that portion of the hearing and called for comments from the Commissioners.

Ms. Lewis supported the idea since it is within the uses allowed for R-1 Residential.

Mr. O'Halloran asked if there had been any opposition to the proposal from the community. Mr. Higgins stated there had been no phone calls received.

Ms. Johnson Harris stated it was a wonderful idea. She was concerned about the safety of the children for that hour of the day and the increase of traffic at 5:30 p.m. She asked if they could suggest that the school look at getting an officer there.

Mr. Caravati stated that he had been on the Planning Commission in 1994 and there had been concern about the traffic at that time.

Mr. Lynch asked if the City would be obligated to provide left turn access away from the school. Mr. Higgins stated there were restrictions for left turns during peak hours to avoid rush hour disruptions.

Mr. Wood made a motion to approve the application to amend the existing special use permits in the R-1 zone for the Covenant School, a private elementary school at 1000 Birdwood Road and the 250 Bypass, to add an after school program during the hours of 3 p.m. to 5 p.m. for extended day services, up to 100 students. Mr. Appleyard seconded the motion. Ms. Lewis asked to add a friendly amendment that the school still be subject to the maximum amount of 450 students including that after school program as per the original special use permit.

Mr. Barton sought clarification that the three conditions identified on May 4, 1987, still held since they were not identified in the motion. Mr. O'Halloran asked Ms. Scala if those prior conditions would not be negated by the proposed amendment to the special use permit. Mr. Tolbert concurred that those conditions were still in place. Ms. Lewis asked if Mr. Wood had said 5 o'clock rather than the 5:30 requested. Ms. Lewis made a friendly amendment to change 5 to 5:30. Mr. Wood and Mr. Appleyard accepted the friendly amendments. The motion carried unanimously.

3. Community Development Block Grant and HOME Funding: Approval of One-Year Action Plan for the beginning of the 2003-2008 Consolidated Plan.

The Planning Commission and City Council are considering the first year Action Plan of the multi-year Consolidated Plan that sets forth projects to be undertaken utilizing CDBG and HOME funds for the City of Charlottesville. In fiscal year 03-04 it is expected that the City of Charlottesville will receive approximately \$669,000 for Housing and Community Development needs and \$104,000 in HOME funds for affordable housing. CDBG funds will be used in the City to conduct housing rehabilitation, assist low and moderate-income homebuyers, and improve access

and housing for persons with disabilities, as well as to fund several programs that benefit low and moderate income citizens. HOME funds will be used to assist first time home buyers and rehabilitate housing.

Ms. Grant gave the staff report. As part of the public participation process, the Charlottesville Planning Commission needs to provide recommendations to City Council regarding the Community Development Block Grant and HOME funds. The CDBG has approximately \$712,965 available; the HOME program, \$129,303 available to the City of Charlottesville. Approximately \$512,965 is recommended for housing, social and physical improvement programs as well as administration; \$200,000 is allocated for the second year for the Rose Hill neighborhood, which is planning substantial rehabilitation of housing and a water line project. The CDBG Task Force has recommended housing programs similar to prior years along with playground equipment at Barrett Daycare, Christmas in April, and lead-based paint testing and removal activities. The Task Force felt rental assistance to individuals with AIDS/HIV, purchase of trade related equipment for individuals enrolled in the Weed and Seed Metro Tech Job Program, the Drug Court, and free medical testing at clinics sponsored by the Black Nurses Association were consistent with Council goals and are recommended. Administrative and planning costs of \$109,215 for these programs remained the same for the last five years. The request for HOME funds remains the same as last year: down payment and closing costs assistance for first time home buyers and substantial rehabilitation.

Mr. O'Halloran called for questions for Ms. Grant.

Ms. Lewis wanted to know what specific programs would be supported by HOME funds. Ms. Grant stated the down payment and closing costs are funds that go specifically to first-time homebuyers who may not have all of their down payment with administration through the City Housing Authority. Rehabilitation funds are administered through the Albemarle Housing Improvement Program with help from the Housing Authority and the City.

Mr. O'Halloran commended Ms. Grant for the manner in which the plans had been presented.

Mr. Caravati sought details about the water project in Rose Hill. Ms. Grant recognized Ms. Missy Creasy who explained the program had been brought to them by the Public Works Department, which would be putting a percentage towards the project. The project involves resizing pipes for fire precaution concerns. The program will also help with water quality and quantity for the neighborhood.

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

Ms. Kendra Hamilton, President of the Rose Hill Neighborhood Association, wanted to express the concerns of the neighborhood, especially since they had not received \$30,000 in funding they had planned on, that the Commissioners knew that this was an important project for the neighborhood.

The section of the neighborhood being considered for the project currently does not have fire hydrants.

With no further public comments, Mr. O'Halloran closed the public hearing. He then called for comments from the Commissioners and Councilors.

Ms. Johnson Harris asked if there was any way for the neighborhood to receive additional funding. Ms. Creasy stated she had brought the matter to the attention of the Public Works Department. With the percentage that Rose Hill has put towards this project, Public Works is confident they will be able to find a way to do the project.

Mr. Cox sought clarification on how priority was given to projects. Ms. Hamilton stated her understanding that it might be another ten years before the project was done if the neighborhood did not contribute.

Ms. Firehock stated that, having briefly served on the CDBG, discussion had arisen that clearer guidelines were needed as to what was or was not appropriate. She further stated that the CDBG was planning a meeting to discuss that issue.

Ms. Johnson Harris stated that the question seemed to arise every time a CDBG request was made. She further stated that it was time to sit down and define what the City can do and what these funds can do. Mr. Lynch stated his understanding that the debate began when some neighborhoods used CDBG monies instead of their fair share of capital infrastructure money. Mr. Cox stated they had been very strategic in holding onto their number one priority, housing rehabilitation.

Mr. Barton expressed concern that the Council and Planning Commission were actively seeking to revitalize and support neighborhoods with 70 percent of the money going to the water line project when the money could be used in other ways. He wondered if that were the best use of these funds.

Ms. Lewis wondered if funds which would have been used for this project in the future could be used more for community improvement.

Mr. Cox wondered if, before the next City Council meeting, there was any way to get some clarity on the Public Works budget and how they prioritize their improvements to the extent of how this will allow the project to happen faster or when would the project happen if the money were not advanced and would there be a way to recoup the funds further down the line.



Mr. Caravati wanted to know if the size and locations of fire hydrants is typical in other neighborhoods.

Ms. Johnson Harris sought an answer to Mr. Cox's question as to whether there was enough time before the matter went to Council to look at the Public Works' budget. Ms. Grant stated there would be time prior to the second meeting of Council in April. She further stated they would pursue the information as best they could. Mr. Cox stated that the budget needed to be adopted by April 11th, so the information would be needed at Council's first meeting. Mr. Tolbert stated that the CDBG budget was not adopted at the same time as the regular City budget.

4. First Public Hearing for 2003-2008 Consolidated Plan for the City of Charlottesville and the Thomas Jefferson Home Consortium.

The Consolidated Plan is a strategic plan outlining the City's and Planning District's needs and goals concerning the Homeless, Special Needs Populations, Housing and Community Development. This is a formal opportunity to receive comments and input on the draft Consolidated Plan.

Ms. Grant gave the staff report. The draft before the Charlottesville Planning Commission is a work in progress. In the year 2000, a three year plan was done because the 2000 Census material was unavailable and it was hoped to be available in 2003. Data is being received; analysis of the information is not complete. Staff is requesting from the Charlottesville Planning Commission a review of the document for consistency of the overall objectives with the goals set forth by the Charlottesville Planning Commission and City Council. The Charlottesville Planning Commission will receive the completed document in May; City Council will receive it for approval at that time. The draft will be available for 30 days for public comment during April.

Mr. O'Halloran called for questions of Ms. Grant.

Ms. Firehock sought elaboration on how the plan would mesh with the new goals and objectives that will be developed by the Housing Task Force. Ms. Grant and Mr. Tolbert were not sure how the two would work together. Ms. Firehock asked if this project could acknowledge the formation of the Task Force. Ms. Grant stated they would add the Task Force in.

Mr. Caravati asked how the plan would implement rehabilitating renter-occupied housing as stated. Ms. Grant stated that has not changed from previous goals and that there had been rental rehabilitation programs for landlords.

Ms. Lewis commended staff for the charts of information that had been compiled and presented. She thanked those who had worked on the project.

Mr. Cox wanted to know how much funding is managed through this document. Ms. Grant stated that the plan is for five years; the plan is basically part of the application for the CDBG funds. Mr. O'Halloran sought clarification that this was required by HUD. Ms. Grant concurred. Mr. Tolbert stated that the other answer to the question was that, if the Consolidated Plan was not done, the City would get zero monies.

Mr. O'Halloran called for public comment. There being none, he closed the public hearing.

Mr. O'Halloran called for any old business. There being none, Ms. Lewis made a motion to adjourn until April 8th for the next regular agenda meeting. Mr. Appleyard seconded the motion. The motion carried unanimously, whereupon the meeting stood adjourned at 7:49 p.m.

Respectfully submitted,

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James E. Tolbert, AICP, Secretary

APPROVED:

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Kevin O'Halloran, Chair