

**DRAFT MINUTES
CITY OF CHARLOTTESVILLE
PLANNING COMMISSION
TUESDAY, JULY 8, 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
Ms. Karen Firehock
Mr. Eldon Wood
Ms. Cheri Lewis
Ms. Kathy Johnson Harris

STAFF PRESENT:

Mr. Jim Tolbert, AICP, Director
Mr. Ron Higgins, AICP, Planning Manager
Ms. Lisa Kelley, Deputy City Attorney
Ms. Missy Creasy, AICP, Neighborhood Planner
Ms. Mary Joy Scala, AICP, Neighborhood Planner
Mr. Hunter Armstrong, Planning Intern
Ms. Ashley Cooper, Planning Intern
Mr. Roe Elam, Planning Intern

CITY COUNCIL MEMBERS PRESENT:

Mr. Maurice Cox, Mayor
Ms. Meredith Richards, Vice Mayor
Mr. Kevin Lynch

I. REGULAR MEETING

Mr. O'Halloran called the meeting to order at 6:27 p.m.

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

Mr. Scott Walk, of 107 Azalea Drive, spoke regarding the proposed Belleview Woods Subdivision. He felt there was a need for a second access for the subdivision. He had a petition from the neighborhood requesting the second access is Belleview Street coming off of JPA.

Ms. Kelly Midkiff, of 2703 JPA, spoke in opposition of the proposal of accessing the Belleview Woods Subdivision off of JPA. Ms. Patricia Jessee, of 203 Camellia Drive, also spoke in opposition of the proposal of accessing the Belleview Woods Subdivision off of JPA.

Ms. Angelique Reitsma, of 106 Azalea Drive, spoke in favor of a second access for the proposed Belleview Woods Subdivision.

Ms. Gail Morris, of 111 Azalea Drive, asked that at least two access roads be considered for the Belleview Woods Subdivision.

B. MINUTES

1. May 29, 2003 - Work Session/Special Meeting

Ms. Johnson Harris asked that the minutes reflect that even though she left, Mr. Barton had arrived later and a quorum was still present.

Ms. Lewis asked that the location be changed to reflect it was held in the Neighborhood Development Services Conference Room.

Ms. Firehock asked that the minutes state that "he" (Mr. Tolbert) "asked that the Commissioners not attempt to adopt the full zoning ordinance, but that decisions could be made concerning some item" rather than "he asked that the Commissioners not make any decisions this night, but think about the ideas." Mr. O'Halloran asked Mr. Tolbert if that change was acceptable to him. Mr. Tolbert concurred.

Ms. Firehock asked that the line on page 2 read, "leaving it as R-3." She also asked that the last Statements on that page specify bike lockers. She also asked that page 3 clarify the topic of the book as Options for Using Zoning and Planning Tools to Protect Rivers. She also noted on page 3 that she was confused by a statement and asked that "citizen input was being given up" be stricken from the sentence and the sentence be rewritten as, "However, many E-mails expressed concern that staff approval allowances in the new zoning ordinance would significantly reduce opportunities for public input." She also asked that the last sentence in the Rose Hill paragraph read "There is no up zoning proposed for Rose Hill neighborhood."

Ms. Johnson Harris made a motion to accept the May 29th minutes with the corrections. Ms. Lewis seconded the motion, which carried unanimously.

2. June 10, 2003 - Regular Meeting

Ms. Johnson Harris asked that page 2 reflect the intersection was Forrest and Concord.

Ms. Firehock stated that page 7 had a typographical error in the sixth paragraph; the "o" had been omitted from "go."

Mr. Barton made a motion to approve the minutes for June 10th as amended. Mr. Wood seconded the motion, which carried unanimously.

C. LIST OF SUBDIVISIONS AND SITE PLANS APPROVED ADMINISTRATIVELY

Ms. Lewis made a motion to approve the list of subdivisions and site plans approved administratively from June 1st to July 3rd, 2003. She asked that the list before the Commissioners revise the date to be corrected from '02 to '03. Ms. Johnson Harris seconded the motion which carried unanimously.

LIST OF SUBDIVISIONS APPROVED ADMINISTRATIVELY

6/1/03 to 7/1/03

1. Division of TM 41, Parcel 7, Lot 3 One new s.f. lot

1419 Hilltop Road, Parcels X & Y Nathan & Charlotte Scott

File No. 1305 Preliminary & Final

Final Signed: 6/10/03

LIST OF SITE PLANS APPROVED ADMINISTRATIVELY

6/1/03 TO 7/1/03

1. File No. Madison Avenue Clubhouse Madison Avenue between

T-02-000042 (Facilities for MSC Apts.) Preston Ave & Grady Ave.

D. PRELIMINARY PRESENTATIONS, SITE PLANS/SUBDIVISIONS

1. Belleview Woods Subdivision -- Tom Hickman

Ms. Scala emphasized that this was a preliminary discussion, there was no application before the Commission. Mr. Hickman was requesting comments from the Charlottesville Planning Commission whether one or two entrances should be provided to access a proposed new single-family subdivision to be located between Azalea Drive and Monte Vista Avenue in Fry Springs. Under the one-access scheme, access would come straight out into Azalea. In the two-access scheme, the developer proposes the second access to cut over to an undeveloped street, Belleview Street, make a sharp turn, and come out to JPA. There would be 38 residences. Two petitions had been received; one had been mentioned earlier in the meeting and was in favor of the second access. Six letters had been received from residents in that area who oppose the Belleview Street access for safety and aesthetic reasons. The City Engineer looked at the existing Belleview Street and found it to be unsuitable for two-way traffic. A second entrance, possibly in only, would provide emergency access to the subdivision. However, it would mean removing trees and cause adverse traffic issues on JPA due to the proximity of several other entrances onto JPA.

Mr. Hickman stated he had been working with the neighborhood for 14 months. He was at a stage of working towards a consensus with the neighborhood, but was unable to. He was asking for feedback from the Charlottesville Planning Commission as to their thoughts on one or two accesses.

Ms. Firehock thanked the residents who took the trouble to get the petition. However, she had visited the site and felt that Azalea Drive is a very wide road and would be a better road to handle ingress and egress for the development. The proposed second access does not look doable.

Ms. Johnson Harris had visited the site also. She would like to see two entrances but could not visualize it.

Ms. Lewis agreed that a subdivision that size needed two entrances. She suggested the developer pursue staff's comment to use Belleview as a one-way only. Mr. Hickman stated he would like to know if the City wanted a one-way street as a second access point so he would know where to go with the plans.

Mr. O'Halloran concurred that two entrances made sense but he had a hard time envisioning how it would work after visiting the site.

Mr. Barton stated that staff's proposal of Belleview as ingress only was worth examining.

Mr. O'Halloran hoped the comments had been helpful. He further stated that the items in the regular meeting had taken longer than expected and proposed that the meeting move into the public hearings section and have the other two preliminary presentations and Commissioners' and Chair's reports after the Public Hearing was finished.

II. JOINT PUBLIC HEARINGS

G. JOINT PUBLIC HEARINGS

1. Closing a portion of St. Charles Avenue right-of-way: A petition to close a portion of the undeveloped 50 foot St. Charles right-of-way a distance of approximately 470 feet running from the rear south corner of 718 Lexington Avenue to the rear north corner of 746 Lexington Avenue.

Mr. Higgins gave the staff report. This was in the Martha Jefferson neighborhood. The applicants were the residents along Lexington Avenue. The area is undeveloped and was platted prior to 1950.

There are no lots fronting on this segment that don't already front on a built street. The owners have petitioned so they may continue to maintain it as yard. Staff feels this is not necessary as a physical street. Giving up this right-of-way, it would never be built as a street and therefore retains its open space character. No development rights would be added to the properties. Staff asks that the Charlottesville Planning Commission consider the public value of right-of-way as a part of the pedestrian connection system or some open space or some future trail.

Mr. O'Halloran opened the public hearing.

Ms. Amy Arnold, of 843 Locust Avenue, spoke in support of a designation and the preservation of wooded areas as public land. St. Charles is an invaluable part of the green space. Converting St. Charles to private ownership would block the potential for the community to establish a direction for the ravine that would benefit the community as a whole. The St. Charles ravine is an ideal candidate for an adopt a park-type program.

Mr. Jim Neilson, of 740 Lexington Avenue, spoke in support of this petition. The residents have wanted to gain legal right of the area they have been maintaining for 10 to 20 years. This is the default place for children to play.

Ms. Ellen Wagner, of 841 Locust Avenue, spoke in opposition of the proposal. She supported maintaining a green oasis and is troubled that a public amenity would convert to private ownership; she would rather see it as a park area.

Mr. Bruce Williamson, of 731 Locust Avenue, spoke in favor of the closing. He felt it was fanciful to ever consider St. Charles a street.

Ms. Roberta Williamson, of 731 Locust Avenue, spoke in favor of the closing. Her family has strived to cut development along the right-of-way and have been trying to keep it as green space. However, it would not be useful for a greenway because it doesn't lead to anyplace and it doesn't go any place unlike other trails in the City.

Ms. Ruth Stone, of 718 Lexington Avenue, spoke in favor of the closing.

Mr. Reg Grower, who is buying a portion of property where St. Charles Avenue dead-ends, spoke in favor of the closing.

Mr. Paul Wagner, of 841 Locust Avenue, was concerned about the area, which he now enjoys an informal green space, being fenced off.

Mr. Ken Kepps, of 742 Lexington Avenue, felt that the question was one of stewardship of the land. He spoke in favor of the closing.

Ms. Kim Langford, of 746 Lexington Avenue, enjoyed the green space for aesthetic and privacy reasons but felt it was not feasible to make a park out of the area. She spoke in favor of the closing.

With no one else wishing to speak to the matter, Mr. O'Halloran closed the public hearing portion. He then called for the Commissioners and Councilors to speak to the matter.

Mr. Barton sought clarification about the nature of easement. Mr. Higgins explained that the City required a 20 foot easement for sanitary sewer. He further clarified that the City would be able to bring in mechanized equipment. Mr. Higgins stated they were suggesting if a pedestrian pathway were there, it would be a 15 foot easement.

Mr. Wood asked if a fence could be built to allow for easement access. Mr. Higgins deferred to Ms. Kelly for clarification that the City requires land owners to keep the property open. Ms. Kelly concurred.

Ms. Lewis asked how pedestrian access came up. Mr. Higgins stated it came up because the Comprehensive Plan identified the St. Charles Avenue undeveloped right-of-way as potential open space for dedication.

Mr. Lynch stated the stream was part of the storm drain network for a significant part of northeast downtown. He wondered if there were any consideration that had to be given to the fact that it was a major piece of the storm drain infrastructure. Mr. Higgins stated the City Engineer did recommend an easement for conveyance of the water be recorded. In follow up, Mr. Lynch stated there was interest in keeping that area, which the neighborhood accepts as a community amenity, free and open. He asked if a conservation easement could be put on the area or if there could be some covenant among the neighbors. Since so many questions had been raised on the matter, Mr. O'Halloran suggested that the matter be sent back to the petitioners and their neighbors.

Ms. Richards concurred. She stated this would be an opportunity for the neighborhood to get together and establish what they would like to see for the future.

Mr. Barton made a motion to defer the application to close the undeveloped right-of-way at St. Charles as described in the staff report dated June 30th, indefinitely. Ms. Johnson Harris seconded the motion. Ms. Lewis felt the issue had gotten away from the application. She had not heard a great call for the pedestrian easement. Ms. Lewis did not see that a sanitary sewer easement grows and increases to a pedestrian easement. Ms. Firehock felt they had not heard a call for it because the landowners on the alley that were not part of the petition were not notified. Ms. Lewis felt that closing the street and allowing the landowners to take over met the goals of open space suggested by the Comprehensive Plan. Mr. O'Halloran called the question. The motion to defer passed by a vote of 4-2. Ms. Lewis and Mr. Wood voted against.

2. 1328 Riverdale Drive -- Removal from Local Historic Designation: A request on behalf of the property owners to remove the property at 1328 Riverdale Drive from the list of historic landmarks as a minor design control district.

Ms. Scala gave the staff report. The Charlottesville Planning Commission must make an advisory recommendation to City Council. Council may, by ordinance, remove properties from a design control district. The BAR had voted (4-1) to deny delisting based on seven criteria required by Code. The Code is silent on what criteria the Planning Commission must use to make its recommendation; presumably it is the same criteria used by the BAR and, additionally, any other relevant information. Public comments against delisting had come from Ben Ford, the president of Preservation Piedmont, and from a property owner. Staff recommends that the Charlottesville Planning Commission recommend to City Council that this property should not be removed from the list of historic properties and minor control district designation based on review of the criteria.

Mr. O'Halloran opened the public hearing.

Mr. Francis McQ. Lawrence, legal counsel for the applicant, stated the property, although interesting was not significant and had been put on the list by mistake. There had been a factual finding by the BAR that the property was not supposed to be on the list. Nothing of the 1840's building was left. The property is not listed on the National Registry.

Ms. Firehock noted the property had been marked through on the original list and wondered if that meant the property owners had not been notified. Mr. Lawrence stated he had not received a copy of that confidential memo. He stated the applicant had not been notified.

Ms. Lewis expressed a belief that the property had been on the list prior to the list in question and that the applicant had demolished during renovation the portion of the building that caused it to be listed. Mr. Lawrence stated the demolition had occurred prior to the listing.

Mr. Cox wanted to know the reason behind asking for delisting. Mr. Lawrence explained there may be plans for future development of the corner and adjacent properties.

Mr. O'Halloran sought clarification on the current process for a property being listed. Mr. Higgins stated the owner could petition for listing, the City can start the process through the Landmark Commission or through public hearings at the Charlottesville Planning Commission which make recommendations to City Council.

Mr. Ben Ford, of Preservation Piedmont, spoke in opposition of the proposal. He reminded the Commissioners that the BAR had considered the property to have significance. 1328 is unique, old, historic, and has an unusual design.

Ms. Susan Dickerson, of 2176 Stony Point Road, spoke as a representative of the Land Trust in favor of delisting.

Ms. Julia Jones, spoke in favor of delisting.

Mr. O'Halloran closed the public hearing portion.

Mr. Wood stated it was a landmark building for the City of Charlottesville and the City would suffer if it were lost. He stated he would be opposed to dropping it.

Ms. Firehock stated she had not heard a compelling case to overrule the decision of the BAR.

Ms. Lewis stated the seven criteria were her guide and that 1912 is older than most on the Downtown Mall.

Mr. Barton stated it was a landmark when approaching Charlottesville and was worthy of protecting.

Mr. O'Halloran was sympathetic to the land trust's position but realized the historic importance of the property. He would not be in favor of delisting.

Ms. Johnson Harris expressed sympathy for the applicant but could not recommend removing the property.

Ms. Lewis made a motion to recommend denial of the application to remove 1328 Riverdale Drive from the City's list of protected properties and maintain the historic overlay district on this property pursuant to Section 34-568(b). Mr. Barton seconded the motion. Mr. O'Halloran called for discussion of the motion; there being none, Mr. Higgins called the question. The motion carried unanimously.

Mr. O'Halloran called the meeting back to the Preliminary Presentations which had been deferred for the Public Hearings.

D. PRELIMINARY PRESENTATIONS, CONTINUED:

2. Huntley PUD - Phase III - Tom Hickman

Ms. Scala gave the staff report. The PUD was approved by City Council with conditions in December, 2002. The final site plan has been reviewed and is intended for preliminary discussion. Adjacent property had been added to Phase III. Phase III shows 16 single-family, detached units with office space in a separate building. Two entrances are shown on Stribling Avenue in addition to the Dymond Road entrances to Phase I and II. The Phase III properties will be connected to each other and to Phases I and II with pedestrian paths. The additional acreage will have to be added to the PUD through a rezoning process. Ms. Scala suggested that a connection be made between the two new entrances to make loop road so Phase III would hang together better.

Mr. Hickman explained that they had tried to work around connecting the road as suggested by Ms. Scala, but it pushes into too many things to make that loop.

Mr. Barton asked if the two duplexes were slated to be removed. Mr. Hickman stated they had only been built two years ago. He further explained they were not part of the PUD.

Mr. Barton sought clarification as to what was to become of Huntley Hall. Mr. Hickman explained it was to be a National Historic restoration. It has six or seven units and will be rental property for med school students and their families.

3. Melbourne Park Condominiums/Exit Revisions - Final

Southwest corner of Melbourne Road and Park Street

Fifty-two Condominium Townhouses

Ms. Creasy gave the staff report. The proposal had been before the Charlottesville Planning Commission in June. The Planning Commission had requested modifications to the Park Street exit for the development to ensure that only right turns could be made to provide for safety precautions for all modes of travel. The Park Street exit had been modified to make it difficult to make anything except right-hand turns out of the development. Additional brush has been cleared to provide a better line of sight. A speed bump was placed at the bottom of the hill to slow

exiting vehicles. A watch for pedestrian sign has been placed with appropriate curb cuts for handicapped ramps that cross the entrance. The applicant needed approval for the street grade waiver.

Ms. Firehock asked if there were a sidewalk on Park Street. The applicant, Mr. Vito Cetta, stated there was not. Ms. Firehock asked if the applicant felt there was a safety issue. Mr. Cetta stated there was not as it was one-way traffic. Ms. Firehock asked if there were room for a sidewalk. Mr. Cetta stated there was not because it was quite steep along there.

Ms. Firehock wished there were a sidewalk on Park Street. Ms. Lewis agreed with Ms. Firehock.

Ms. Firehock made a motion to approve the waiver on the grade with the condition that a sidewalk also be included in the design. Ms. Lewis seconded the motion. The motion carried unanimously.

E. COMMISSIONERS' REPORTS

There were none.

F. CHAIR'S REPORT

Mr. O'Halloran asked that they forego the reports due to the lateness of the hour. The Commissioners concurred.

III. PLANNING ITEMS

H. DEPARTMENT/STAFF REPORT

1. Capital Improvement Report - Major Neighborhood Projects

Mr. Tolbert asked to withdraw the reports because something had come up. He needed to wait a month to get the revised report to the Commission.

2. PowerPoint Presentation: Historic Districts in Charlottesville

Mr. Tolbert explained that the Neighborhood Development Office had two interns during the summer to help with updating the historic preservation work. He introduced Ashley Cooper and Hunter Armstrong who gave a PowerPoint presentation to show where they were in the process of looking at the historic structures.

Ms. Lewis made a motion to adjourn and reconvene on August 12th. Mr. Barton seconded the motion. The motion carried unanimously whereupon the meeting stood adjourned at 10:21 p.m.

Respectfully submitted,

James E. Tolbert, AICP, Director

APPROVED:

Kevin O'Halloran, Chair