

**DRAFT MINUTES  
CITY OF CHARLOTTESVILLE  
PLANNING COMMISSION  
TUESDAY, FEBRUARY 10, 2004 -- 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. Craig Barton, Chair  
Mr. Jon Fink  
Ms. Karen Firehock  
Ms. Cheri Lewis, Vice Chair  
Mr. Kevin O'Halloran  
Mr. Eldon Wood

*Staff Present:*

Mr. Jim Tolbert, AICP, Director of NDS  
Mr. Ron Higgins, AICP, Planning Manager  
Ms. Lisa Kelley, Deputy City Attorney  
Ms. Claudette Grant, Neighborhood Planner

*Ex-Officio:*

Ms. Mary Hughes, UVa Office of the Architect

*City Council Members Present:*

Mr. Maurice Cox, Mayor  
Mr. Kevin Lynch  
Mr. Rob Schilling

**I. REGULAR MEETING**

Mr. Barton called the meeting to order at 6:29 p.m. He then informed everyone of changes to the agenda. Two of the public hearings set for the evening had been deferred to a later date: ZM-04-1-2 and ZM-04-1-3.

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

Mr. Barton called for matters not on the agenda. There were none.

**B. MINUTES:** January 13, 2004 -- Regular Meeting

Mr. Barton called the Commission's attention to the minutes. Ms. Lewis asked that the fifth paragraph from the top of page 3 say that Mr. Barton and Ms. Lewis "are" meeting since it is an ongoing luncheon with Mr. Tolbert. Ms. Lewis also stated that the name Kevin Brown should be Craig Brown in the fourth full paragraph from the top of page 13. Ms. Lewis also mentioned that, in the fifth full paragraph from the top on page 11 which stated "Ms. Lewis stated that there were a number of criteria they needed for review for rezoning," she actually was stating that they were strictly required to apply certain criteria to see if the application was successful; she asked that the statement be changed to read: "Ms. Lewis stated that the ordinance requires the Commission to review the application and determine whether it meets criteria for rezoning."

Mr. O'Halloran moved that the minutes be accepted as amended. Mr. Fink seconded the motion. The motion carried unanimously.

**C. LIST OF SITE PLANS AND SUBDIVISIONS APPROVED ADMINISTRATIVELY**

Mr. O'Halloran sought clarification that the Commission had no design control over the site plans and subdivisions approved administratively. Mr. Tolbert concurred. Mr. O'Halloran stated for the record it was an abomination and he hoped the Venable Neighborhood would put together an historic overlay very soon.

Ms. Lewis moved for approval of the site plans approved administratively from January 1, 2004, to February 1, 2004, and the list of subdivisions approved administratively for the same dates. Ms. Firehock seconded the motion. The motion carried unanimously.

#### **LIST OF SITE PLANS APPROVED ADMINISTRATIVELY**

1/1/04 to 2/1/04

1. File No Gordon Avenue Apartments 1605 Gordon Avenue  
T-03-000015 Building (5 Units)

#### **LIST OF SUBDIVISIONS APPROVED ADMINISTRATIVELY**

1/1/04 to 2/1/04

1. Consolidation of Tenth & Main, LLC lands No new lot  
10<sup>th</sup> to 10½ Streets. TM10, Parcels 39-44 Tenth & Main, LLC  
File No. 1292-A Preliminary & final  
Final Signed: 1/23/04

#### **D. ANNUAL PLANNING AWARDS**

In celebration of National Planning Month, a number of projects and citizen planners were recognized for their contributions to the general welfare of Charlottesville by having developed, designed, implemented or cajoled various entities into preparing, developing, designing, constructing notable and noteworthy projects. Planning awards, as reviewed and determined by the Planning Commission were given as follows:

Outstanding Plan of Development: The Virginia Land Company as the Burnett Land Trust for the Burnett Commons PUD at Elliot and Lankford Avenues.

Outstanding Example of Access to the Disabled: The Legal Aid Justice Center, 1000 Preston Avenue for the complete renovation of the facility with sensitivity and comprehensiveness.

Neighborhood of the Year: The Rose Hill Neighborhood for its constructive attention to the issues confronting them as well as their creative planning with the CDBG priority status, seeking ways to build community and improve housing.

Outstanding Citizen Planner: Ms. Kendra Hamilton for being an effective leader in the Rose Hill Neighborhood, successfully mobilizing the community to work as a group.

#### **E. SOUTHERN AREA B STUDY - UPDATE/PRESENTATION**

Mr. Barton stated the presentation had been postponed and would be rescheduled for another date.

Mr. Barton stated there had been a number of questions regarding the process and procedure by which the Commission receives and discusses proffers. There were sufficient questions about items on the evening's agenda, which Mr. Barton felt warranted moving into a brief executive session.

Mr. Fink moved to convene a closed session of the body for the purpose of obtaining legal advice with respect to a procedural matter concerning a pending application for a rezoning, a matter that is exempt from FOIA meeting requirements pursuant to 15,2-3711(A)7 [sic] of the Virginia Code. Ms. Lewis seconded the motion. The motion carried unanimously whereupon Mr. Barton closed the regular meeting. [Reporter's note: Per the Virginia Code, the cite should be Section 2.2-3711(A)7.]

The Commission stood adjourned to reconvene in an Executive Session, 6:43 p.m.

Mr. O'Halloran made a motion to certify that, to the best of their knowledge, only matters lawfully exempted from FOIA open meeting requirements and only matters as were identified in the motion by which this body convened this closed meeting were heard, discussed or considered in closed meeting. Mr. Fink seconded the motion. The motion carried unanimously whereupon Mr. Barton reconvened the public meeting at 7:02 p.m.

## II. JOINT PUBLIC HEARINGS

Mr. Barton reiterated his previous statement that two items from the public hearings had been deferred until a later date: ZM-04-1-2 and ZM-04-1-3.

### F. JOINT PUBLIC HEARINGS

**1. ZM-03-12-14:** A petition to rezone from R-1S Residential to Planned Unit Development (PUD) the properties at 206-208 Fifth Street, Southwest. These properties are further identified on City Real Property Tax Map Number 29 as parcels 52, 53, and 54, having approximately 81.5 feet of frontage on Fifth Street, Southwest, and containing approximately 16,021 square feet of land or .37 acres. The R-1S zoning allows single-family detached dwellings at seven units/acre. The PUD designation would allow for up to six single-family detached "cottages" at a density of 16.2 units/acre. The general uses called for in the Land Use Plan of the Comprehensive Plan are single-family residential at three to seven units per acre.

Ms. Grant gave the staff report. The applicant sought to complement the Oak Grove Cottages across the street while maintaining the scale of the neighborhood. The open space is set for 12 percent which is below the required 15 percent; the applicant seeks a waiver of the open space requirement. The proposed project is slightly denser than the Land Use Plan of the Comprehensive Plan allows; however, the applicant intends to provide a variety of housing styles at an affordable price. There are three different detached unit types and three different price ranges. Public meetings were held on 5 and 28 January; no members of the public attended. Staff recommends approval of the application with the condition that the open space waiver be approved.

Mr. Barton called for questions from the Commissioners of Ms. Grant.

Mr. Barton asked what the difference was, in square feet, between the open space percentage. Mr. Fink stated it was 60 square feet. With no further questions from the Commission, Mr. Barton then called for questions from Council for Ms. Grant. There were none.

Mr. Barton recognized the applicant, Mr. Daniel Walter, of 5238 Rose Valley Farm, Crozet.

Mr. Walter stated there was an integration of walkways and terraces, which would equal approximately 17 to 19 percent. Green space alone equals 12 percent. For this reason, he is seeking a variance.

Mr. Barton asked for questions from the Commissioners.

Mr. Fink sought clarification as to the applicant's view of affordable housing. Mr. Walter stated anything below \$200,000 was affordable based on the current market. Mr. Fink then asked what the three price ranges were. Mr. Walter stated 25 percent of the proposed houses would be between 140 and \$150,000. The largest units would be in the \$230,000 range; the middle units would be between 200 and \$210,000.

Ms. Firehock expressed concern about considering the terraces as part of the open space since they should be exclusive to the use of individual units. Mr. Walter explained that the porch/terrace areas could be identified as limited common elements or as common elements under the Virginia state condominium statutes.

Ms. Lewis stated that arguing as open spaces those spaces which were private spaces designated as limited common elements was a stretch. Ms. Lewis stated there was no way to classify the terrace areas as common areas.

Mr. O'Halloran sought clarification of the open space on the plan. Mr. Walter stated it was anything that was not a parking area and anything that was not a footprint of a building.

Ms. Lewis asked if more open space could be acquired by reconfiguring the units. Mr. Walter explained that would be possible if he pared down the size of the terraces.

Mr. Barton called for comments from the public.

Mr. Stu Armstrong, Executive Director of Piedmont Housing Alliance, spoke in favor of the proposal.

With no additional members of the public wishing to speak, Mr. Barton closed that portion of the public hearing. He then called for comments from the Commission.

Ms. Lewis did not think it was a good idea to grant the waiver in the light of the applicant being able to pare down the terraces to meet the requirement.

Mr. Fink concurred with Ms. Lewis. He further stated it would be easy for the applicant to meet the 15 percent requirement.

Mr. Wood stated, if he were purchasing a unit, he would appreciate the larger patio or deck rather than the extra green space. However, he did not want to set a precedent that would damage the ordinance.

Mr. Lynch stated his belief that this project was stretching the original PUD concept.

Ms. Lewis made a motion to recommend approval of the application to rezone the property from R-1S to PUD on the basis that the proposal would serve the interest of the general public welfare and good zoning practice. Ms. Firehock seconded the motion. Mr. Barton stated he would like to look at the site plan more closely when it comes in because of the mature trees. Ms. Hughes also wanted to see the site plan. Mr. Barton formally called for the site plan. Mr. Higgins called the question. The motion carried unanimously.

**2. Closing a portion of Randolph Avenue Right-of-Way and adjacent alley:** A petition to close the southern end of the Randolph Avenue right-of way at a width of 45 feet and a length of 110 feet and the adjacent 12 foot alley a length of 98 feet.

Ms. Grant gave the staff report. The portion of the request concerning Randolph Street had been changed because an adjacent property owner came forward and asked that it not be closed. The applicant and opposing owner were having discussions about closing the street. The application now was just for closing the alley. Staff concludes that the alley would be consistent with the policy on street closings and with the Comprehensive Plan. Staff recommends approval of the closing of the alley.

Ms. Lewis asked about the existence of Randolph Street. Ms. Grant explained it was a paper street.

Ms. Lewis sought clarification as to the neighbor's objection. Ms. Grant explained the neighbor owned property near Randolph and were thinking about development and possibly opening the street.

Mr. Wood asked if closing the alley would solve the problem the applicant had with the placement of their house. Ms. Grant stated it would not; the applicant would have to deal with that with City Council. Mr. Tolbert explained the applicant would have to acquire a portion of the right of way which would not impact the ability to use the street.

The applicant, Mr. Charles Gentry of 707 Reaves Street, was present to answer questions.

Mr. Barton called for questions from the public; there being none, he closed that portion of the public hearing.

Mr. Barton called for comments from the Commissioners.

Mr. Fink saw no problem with vacating the alley.

Mr. Fink moved to certify the proposed vacation of an alley located between Tax Map 56 parcel 64 and Tax Map 56 parcel 63 would be consistent with the Comprehensive Plan and recommend to City Council that this alley be vacated by ordinance. Mr. O'Halloran seconded the motion. Ms. Lewis clarified that the motion pertained only to the alley and not to Randolph Avenue. Mr. Higgins called the question. The motion carried unanimously.

**3. Interim Entrance Corridor Design Review Guidelines:** Interim guidelines for use by the Entrance Review Board (Planning Commission) in considering development in the Entrance Corridor Overlay Districts.

Mr. Tolbert gave the staff report. The draft interim guidelines had been before the Commission for several months. The consultant drafting the guidelines will not be finished until late spring/early summer and projects would be reviewed during that time. Interim guidelines would be adopted for use during that time period. These would be repealed when the formal guidelines are completed and adopted.

Mr. Barton called for questions from the CPC of Mr. Tolbert. There were none. He then called for questions from City Council. There were none. He then called for questions from the public. There being none, the public portion of the hearing was closed.

Mr. Fink asked if the guidelines were based on the ultimate recommendation of the consultants. Mr. Higgins explained that the original guidelines had been developed for historic districts.

Mayor Cox asked if there were any way to make the guidelines friendlier to contemporary architecture since the overlay districts sometimes have nothing to do with the adjacent neighborhoods in regard to style. Mr. Higgins brought to his attention a paragraph stating the intent of the guidelines is not to encourage copying or mimicking particular historic styles. Mr. Barton asked that they have Mr. Tolbert draw up a preamble as suggested by Mayor Cox since there were various items, which had not been combed as fully as others to remove all the historic references. Mr. Barton asked that items 1 and 3 on page 9 be stricken from the guidelines. Ms. Firehock suggested a search for the phrase "historic district" and replacing that term with "entrance corridor overlay district."

Ms. Kelley suggested the Commission vote on the version before them subject to reasonable changes along the lines discussed. Staff could send a final version for review to confirm that the changes are consistent.

Mr. O'Halloran moved to approve the Entrance Corridor Design Review Guidelines with the understanding that they will be changed subject to the Commissioners discussions this evening. Mr. Fink seconded the motion. Mr. Higgins called the question. The motion carried unanimously.

The public hearing portion of the meeting was closed at 8:15 p.m.

### **III. REGULAR MEETING ITEMS (Continued)**

#### **G. COMMISSIONERS' REPORTS**

Mr. Wood had no report since the McIntire Park committee had not had a quorum.

Ms. Firehock stated the Community Development Block Grants Task Force has completed its work for the year. The City Streams Task Force decided they would like to create an overlay district to provide additional protection for uses along the larger streams in the City.

Ms. Lewis had attended the January PAC Tech meeting at which there had been a presentation about the updated Southern Area B Study.

Mr. Fink stated the MPO Tech Committee had met informally in January to discuss the Meadow Creek Parkway Phase II, which would be called Northern Free State Road. An eastern connector was being looked at. There had been talk on the 29/250 interchange.

Mr. O'Halloran stated he had not yet been sworn in as a member of the Board of Zoning Appeals so he had no report.

Ms. Hughes attended both the informal and formal meetings of the MPO Tech Committee. She also stated the new University Architect had moved to the area and would like to entertain discussions with the Chair of the CPC about his role.

## **H. CHAIR'S REPORT**

Mr. Barton's TJPDC meeting was postponed due to inclement weather.

Mr. Barton extended a formal invitation to all candidates for City Council to meet with him and Ms. Lewis as representatives of the Planning Commission to field questions about procedure, policy, and the zoning ordinance.

Mr. Barton stated he and Ms. Lewis had attended a County Planning Commission meeting. Based on that meeting, he suggested that pairs of Commissioners be on duty to potentially attend County Planning Commission meetings if and when there is an item of specific relevance to the City.

## **I. DEPARTMENT/STAFF REPORTS**

### **1. Committee Selection: Planning Commission Representatives**

Mr. Barton asked that the Commissioners review Committee assignments.

Proposed assignments are as follows:

Mr. Barton -- TJPDC

Ms. Lewis -- Board of Architectural Review, PACC Tech

Ms. Harris -- The School Board CIP, Federation of Neighborhoods, Housing

Policy Task Force

Mr. Wood -- Urban Design, Meadow Creek Parkway Design Committee,  
McIntire Park Study Committee

Ms. Firehock -- Parks and Recreation Advisory Committee, McIntire Park

Study Committee

Mr. O'Halloran -- Board of Zoning Appeals, CDBG Task Force

Mr. Fink -- MPO Tech

### **2. Suggested Language of Proffered Conditions**

Mr. Tolbert stated the information had come from another community and that he and Ms. Kelley had gone over it and made changes. He stated this was just a beginning for items NDS was looking for to be made available to people when they first came in. The proffers were not all inclusive; this was just a starting point.

Ms. Firehock sought clarification as to why Physical Improvements, 5(C), a retention basin for the controlled storm drainage, was a proffer. She suggested that rather than "retention basin," it say "or other low impact development measures that would substantially reduce storm water from the site." She also suggested whether there should be a category for Public Facilities like trails, green spaces, pedestrian bike ways or bike facilities.

Ms. Kelley stated this was not intended to be a substantive version of proffers.

Mr. Barton sought clarification of the role of proffers and the Capital Improvement Plan. Ms. Kelley explained that in order to accept proffers, there must be a Capital Improvement Plan.

Mr. Tolbert stated staff would redraft the proffered conditions and send it back to the Commissioners for comment.

### **3. Recommended Tree List**

Mr. Higgins gave the staff report. There are requirements for trees and plantings in the zoning ordinance. The tree cover section of the ordinance spoke to ten-year tree cover of various trees. Staff asked some of the people who had served on the Landscape sub-committee of the Zoning Ordinance rewrite to look at the list of trees and see if it could be simplified. The commissioners had received the list compiled by those people. Suggestions had been made for credit to be applied to fast, medium, and slow growing plants; all medium would be 350, slow would be 200, fast growing wide shade trees would be 500. Staff recommends adoption of the list with the following corrections: on page 3, the Tree Not Recommended list showed Ginkgo Biloba (male) when it should be the Ginkgo Biloba (female); the not recommended list should contain honey locust and black locust; and on page 4, Large Screening Trees which contains Canadian Hemlock, the original list also included Carolina Hemlock which might be added.

Mr. O'Halloran asked if the disease resistant strain of the American Elm -- *Ulmus americana* -- could be included on the list.

Ms. Kelley asked if there were a 20-year guide as well. There was not. Ms. Kelley suggested adopting the ten-year list and work on a 20-year standard.

Ms. Hughes expressed concern about the severe pest and disease problems of the Hemlock and asked that they be so designated. She also expressed concern about sycamore trees, which also have a disease and pest problem.

Mr. O'Halloran moved to approve the current tree list with the amendments and deletions that were made. Mr. Wood seconded the motion. Mr. Higgins called the question; the motion carried unanimously.

Mr. Fink addressed another piece of business. Mr. Fink had served on a Parks Committee, which had worked on the design of the repaving of the green belt. It had been determined at that time the paving would be eight feet wide rather than ten feet. Mr. Fink had noticed a design for a ten-foot trail from Free Bridge to the VFW field; he felt that should be an eight-foot trail. Mr. Tolbert stated this was new construction, which was supposed to be ten feet due to the standards that had to be met with a state grant.

Mr. Tolbert gave the department/staff report. He stated that he and staff had been working on revising the subdivision regulations and should have something to the Commission for review within 30 to 45 days.

Mr. Tolbert stated they had been reviewing the Comprehensive Plan to try to update it. The Housing Policy Task Force should have its recommendations within 60 to 90 days.

Mr. Tolbert had put information on commissioner training in the packets.

Ms. Lewis asked if a sign could be placed in the award-winning neighborhood. Mr. Tolbert and Mr. Higgins thought that could be done.

Mr. Tolbert asked if staff could bring forward an amendment to the zoning ordinance that would change the rezoning process so that it would require an informal discussion before the Commission in one month and then the application could come back at a later time. Ms. Lewis felt that was a good idea. She stated that was being done within the BAR. Mr. Fink concurred with the idea. Mr. Barton suggested that some minimum standards for presentations be set up. Ms. Kelley stated that, for the review, there be no proffers before the Commission. She further stated she would not endorse it if the result of the meetings was, "I suggest you go work out a proffer to make this more acceptable."

Mr. Barton asked the Commissioners to set a date for a special meeting to review the two projects, which were deferred. Mr. Tolbert stated it would not be possible for staff to advertise it prior to the week of March 1st. Mr. Tolbert suggested reviewing the projects at the regular meeting on 9 March.

Ms. Firehock made a motion to adjourn and agree to reconvene on March 9, 2004 at 6:30 p.m. Ms. Lewis seconded the motion. The motion carried unanimously whereupon the meeting stood adjourned at 9:03 p.m.

Respectfully submitted:

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James E. Tolbert, AICP

Secretary

Approved:

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Craig Barton, Chair