

**DRAFT MINUTES
CITY OF CHARLOTTESVILLE
PLANNING COMMISSION
TUESDAY, APRIL 13, 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
Ms. Cheri Lewis, Vice Chair
Ms. Kathy Johnson Harris
Mr. John Fink
Mr. Eldon Wood
Ms. Karen Firehock

ABSENT:

Mr. Kevin O'Halloran

STAFF PRESENT:

Mr. Jim Tolbert, AICP, Director
Mr. Ron Higgins, AICP, Planning Director
Ms. Mary Joy Scala, AICP, Neighborhood Planner
Ms. Claudette Grant, Neighborhood Planner
Ms. Missy Creasy, AICP, Neighborhood Planner
Mr. David Neuman, UVA, Office of the Architect

CITY COUNCIL PRESENT:

Mr. Maurice Cox, Mayor
Ms. Meredith Richards, Vice Mayor
Ms. Lisa Kelley, Deputy City Attorney
Mr. Blake Caravati
Mr. Kevin Lynch

I. REGULAR MEETING

Mr. Barton called the meeting to order at 6:34 p.m. He noted for the record that April 13th was the birthday of Thomas Jefferson.

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

March 9, 2004 -- Regular Meeting

Ms. Lewis queried a comment credited to Mr. Fink in the second paragraph of Section C regarding parking spaces "in front" of the restaurant; Ms. Lewis thought there were none in front, only in the rear of the restaurant. Mr. Fink asked that the minutes be amended to say how many parking spaces were associated with the restaurant.

Ms. Firehock asked that "flood plain" in the second paragraph from the top of page 13, the second line, be changed to "park."

Ms. Lewis moved to approve as amended. Mr. Fink seconded the motion which carried unanimously.

C. LIST OF SITE PLANS AND SUBDIVISIONS APPROVED ADMINISTRATIVELY

Mr. Fink sought clarification that Norcross Commons was seeking construction to the exterior of the building. Mr. Higgins concurred that it was the new construction.

Mr. Fink expressed concern that approval was being given to commercial developments being done with the cheapest possible materials which, in 30 years, would require redevelopment or that would be knocked down for something else. He asked if there were provisions in the Code to ask that developers build with more noble materials or

sturdier construction. Mr. Higgins did not know of any. He further stated the Building Code dictates the quality of materials; as long as the exterior appearance is appropriately handled, the method of construction is not generally a part of the purview.

Mr. Tolbert and Mr. Neuman entered the meeting at 6:40 p.m.

Ms. Lewis noted for the record the public outcry about the Huntley Planned Unit Development which had been approved administratively. She further noted that it was a crying shame.

Ms. Firehock made a motion to approve the list of site plans as submitted administratively. Mr. Wood seconded the motion. The motion carried unanimously.

LIST OF SITE PLANS APPROVED ADMINISTRATIVELY

3/1/04 TO 4/1/04

1. File No. Huntley Planned Unit Dymon Road, Stribling Ave.
T-02-000026 Development Sunset Rd. & Sunset Ave.
2. File No. Haney Building – 500 West Main Street
T-03-000020 Commercial at 5th Street, SW
3. File No. Madison Avenue Clubhouse - Madison Avenue
T-02-000042 Landscape Plan Amendment between Grady & Preston
4. File No. Norcross Commons (55 units) 4th Street, SE & Garrett St.
T-03-000008 Amendment for Phases A & B
5. File No. Pampered Pets – Amendment for 601 Concord Avenue
T-03-000019 Building Addition for dog training

LIST OF SUBDIVISIONS APPROVED ADMINISTRATIVELY

3/1/04 TO 4/1/04

1. Revised Lots 11 & 12, “Albemarle Golf Club” No new lots
Redivision of TM55, Parcels 73.7 & 73.8 Michael & Margaret VanYahres
1710 Short 18th Street & 18th Street, NE Preliminary & Final
File No. 1313
Final Signed: 3/22/04
 2. Division of TM35 – Parcel 27 One new s.f. lot
802 Henry Avenue Henry W. Lewis
File No. 1314 Preliminary & Final
Final Signed: 3/30/04
- D. COMMISSIONERS' REPORTS**

Mr. Neuman stated they were in the process of initiating a workshop to engage in the hospital area of the medical center and the City Planning Department for West Main Street, particularly the area near The Corner.

Mr. Fink had attended the March 23rd MPO Tech Committee meeting, which had discussed the CHART Plan, the Charlottesville Albemarle Regional Transportation Plan, which focuses on urban projects. The MPO Tech Committee recommended approval of the CHART 2025 Plan with minor amendments.

Ms. Lewis stated that PACC Tech had not met. She stated the BAR had had a decision appealed to City Council regarding a West Main property; City Council overturned the BAR's decision.

Mr. Wood had attended the McIntire Park Advisory Committee meeting.

Ms. Johnson Harris had not been able to attend the Affordable Housing meeting; however, she had received an E-mail regarding that meeting. Revisions are being made to the plans that were developed. The Committee would meet April 20th. Ms. Johnson Harris' other committees did not meet.

Ms. Firehock had not attended the City Parks Advisory Board meeting due to schedule conflicts. She had attended the McIntire Park meeting at which she had been voted the new Chair. The Committee would have a booth at the Dogwood Festival. The Park's plan would be presented in City Council chambers April 29th. Ms. Firehock also noted the City Streams Task Force had completed its ordinance language ideas and forwarded that to the City Attorney's Office. She had also attended two meetings of the Ridge Street Neighborhood regarding a proposed development.

Mr. Barton asked that Mr. Tolbert present his report.

J. DEPARTMENT/STAFF REPORT

Mr. Tolbert stated a work session needed to be scheduled for the City Streams Task Force regulations. He noted this was one of seven needed work sessions.

§ September 2004 Retreat -- Mr. Tolbert and Mr. Barton asked that the annual retreat be scheduled for Sunday, September 12th. Additional information would be provided as plans were completed.

§ May 11, 2004 Work Session -- Mr. Tolbert reminded the Commissioners to come early for the May 11th meeting for a pre-meeting work session.

§ Proffer Work Session -- Ms. Kelley would be meeting with someone to lead the session.

Proposed dates for the session would be given to the Commissioners at a later time.

§ Frazier & Associates Meeting -- A meeting was set for April 15th regarding the Design Guidelines. A future presentation to the Charlottesville Planning Commission would be scheduled after this meeting.

§ Zoning Ordinance: Proposed Changes -- Mr. Tolbert and Ms. Kelley were working on getting a list composed for the Commissioners.

§ Other Work Sessions -- Mr. Tolbert listed the proposed work sessions as: Zoning Ordinance Changes, Design Guidelines, Proffers, Streams Task Force, Draft of New Subdivision Regulations.

§ The Housing Task Force had reviewed the draft plan and asked for some changes. They would meet April 20th to finalize their report.

§ Updates to the Comprehensive Plan should be made available for the Commissioners within the next 30 days.

§ FAQs for Zoning would be made available on the website, during meetings and printed out for applicants. Mr. Tolbert stated that if the Commissioners had reviewed it and had no problems with it, it would go forward; if there was anything they would prefer that was different, they could make that change.

§ Mr. Tolbert and Mr. Barton meet the Monday before the Charlottesville Planning Commission meeting with the Mayor and City Manager to discuss the agenda and other issues. One item discussed had dealt with the disparity in applications received; some are well put together and easy for all to deal with, others are not. A suggestion made at the meeting was for one of the Neighborhood Development Services interns to put together a booklet of examples of good applications to help applicants go through the process smoothly. This would be for rezoning applications, site plans, and anything Neighborhood Development Services deals with.

§ The first CIP meeting had not been well attended.

§ The Planning District Commission is having a workshop April 29th from 6:30 to 9 p.m. to present design solutions for the H29/250 Phase II Study.

E. CHAIR'S REPORT

Mr. Barton was unable to attend the Thomas Jefferson Planning District Commission but will meet with Harrison Rue prior to the next TJPDC meeting.

Mr. Barton, Mr. Tolbert, and Mr. Neuman had attended a meeting convened by the Dean of the School of Architecture.

Mr. Barton noted sadly the passing of Ray Bell, who had been one of Charlottesville's bridge builders. Charlottesville would have been a different community without Ray Bell persevering in forcing the community to live up to its motto of a community with equal access for all.

Mr. Barton had met with the City Manager and representatives from the University's Carter G. Woodson Institute for Afro-American Studies. He had brought to their attention archival material in the files of the Housing Authority documenting the development of the City's Public Housing projects. The materials were loose and not archived and Mr. Barton had suggested the City work with the University to archive the materials. The Carter G. Woodson Institute had found funds to hire a graduate student to archive and scan the materials.

The Commission stood in recess at 7:10 p.m. awaiting City Council.

II. JOINT PUBLIC HEARINGS

The Commission reconvened at 7:16 p.m.

1. ZM-03-12-13: This petition had been withdrawn at the request of the applicant and will be rescheduled for a later meeting.

2. ZM-04-1-1: A petition to rezone from R-1SU to Planned Unit Development (PUD), with proffers, the property at the southeast corner of Rosser Avenue and 11th Street, Northwest. This property is further identified on City Real Property Tax map number 44 as parcel 39.2, having 102 feet of frontage on Rosser Avenue, 53 feet of frontage on Eleventh Street, Northwest and containing 6,894 square feet of land or .16 acres. The general residential uses allowed in the R-1SU zoning are single-family detached houses at seven units per acre. The PUD designation would permit the development of two single-family detached residences at 12.5 units per acre. The general uses called for in the Land Use Plan of the Comprehensive Plan are single-family detached residences at 3 to 7 units per acre.

Ms. Scala gave the staff report. The two proposed lots would front on Rosser Avenue. The applicant proffers adding a ten foot wide strip from the abutting parcels; front setbacks similar to those on Rosser Avenue and Eleventh Street; side setbacks of at least eight feet; a shared driveway; and a specific house design. The applicant requests a waiver of the 15 percent open space requirement noting the ample yards and proximity to Washington Park. No public

comment was received at the preliminary review meeting of March 31st. Staff recommends approval: because the proposal encourages development of equal or higher quality than current zoning allows; the proposal ensures that the development will be harmonious with existing uses and character of adjacent properties and is consistent with patterns of development noted with respect to adjacent properties. Staff believes the proffers are appropriate and the proposal is consistent with the Comprehensive Plan. Upon approval, the developer will be required to submit a subdivision plat that will be subject to administrative review.

Ms. Firehock sought clarification behind staff's approval of waiving the open space requirement. Ms. Scala thought it was appropriate because it was close to Washington Park; she also thought that such a small PUD which would not have the same needs as a larger one.

Mr. Fink felt it set a troubling precedent to totally waive a green space requirement for a PUD. Mr. Tolbert stated that below a certain size, it just wasn't feasible to take 15 percent for open space.

Mr. Marshall Slayton, of 706 Nelson Drive, spoke as a representative for the applicant. The applicant seeks to build two single-family detached residences, not a duplex. Each home would have three bedrooms and two and-a-half bathrooms and just under 1600 square feet. The homes are meant to be affordable housing for working class families. He presented the Commissioners and Councilors with aerial photos of the property demonstrating its location in relation to Washington Park.

Mr. Jeremy Kaplan, the applicant, of 360 Artwood Road, Earlysville, explained that he was attempting to make housing available that was not geared towards students but towards working families.

Mr. Barton opened the public hearing. With no one wishing to speak to the matter, he then closed the public hearing. He called for discussion from the Commissioners.

Ms. Firehock applauded the applicant for trying to provide affordable housing and trying to creatively do in-fill. She was concerned about waiving the open space requirement as that may set a precedent.

Mr. Fink expressed concern that the lot was too small to subdivide in any way other than rezoning to a PUD. The property did not seem to match the definition of a PUD. However, it was a good project. Mr. Fink also expressed his support of affordable housing.

Ms. Lewis also expressed concern that this was shoe-horning a problematic subdivision into a PUD. She was also concerned about waiving the open space requirement; she did not accept that a private landowner would accommodate a private developer and there were no assurances that the church would keep the lot open. Ms. Lewis stated that not accommodating the open space requirement on site is problematic. She was troubled with the way the proffers were presented; except for the proffers regarding setbacks, the rest of the proffers are simple conditions to the application and aren't really proffers as defined by state law.

Ms. Kelley stated the Commissioners should consider the standard for reducing the open space requirement as stated in Section 34-493 (b): City Council may reduce the open space requirement in situations where, through creative design, or in light of the nature and extent of active recreational facilities provided, it deems the overall objectives if the PUD are best served by such reduction.

Mr. Slayton, after conferring with his client, stated Mr. Kaplan was willing to take this off the table and ask for the hearing to be continued for a month to rework the proffers to meet the Commission's requirements and rework the plan to take into consideration the recommendations and opinions of the Commission.

Mr. Fink made a motion that they defer this public hearing until the May 11th meeting. Ms. Lewis seconded the motion. Mr. Fink felt this was a great project but felt it did not fit within the PUD mechanism. Ms. Lewis thanked the applicant for making the offer for deferral. Mr. Higgins called the question. The motion carried unanimously.

3. M-04-2-4: A petition to rezone from R-1S Residential to Planned Unit Development (PUD), with proffers, the properties at 1014 Druid Avenue. These properties are further identified on City Real Property Tax Map Number 60

as parcels 124 and 125, Lots 7-9 and 16-19, having, collectively, 144 feet of frontage on Druid Avenue, 192 feet of frontage on unbuilt Stonehenge Avenue and containing 43,929 square feet or 1.01 acres of land. The general uses allowed in the current R-1S zoning are single-family detached dwellings at seven units per acre. The PUD designation would permit the development of an additional single-family detached residence and ten attached residences bringing the site total to 12 units, for a total density of 12 units per 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 proposed open space is slightly over the required 15 percent. The developer has proffered, and will comply with, the following conditions: to construct not more than ten attached residential units and one single-family residential unit in addition to the one existing single-family residential unit on the property; the attached residential units will conform to the standards for townhouses as set forth in the current City Zoning Ordinance; individual attached units will front on a common area; attached units will have a minimum set back from the exterior property lines of ten feet; single-family units will conform to the regulations for the R-1S Zoning District; a minimum five-foot wide public pedestrian easement; methods of improving the water quality of storm water runoff will be provided -- possibly by the inclusion of a biofilter; the owner will attempt to work with the City Engineering Office to reduce the amount of impermeable drive area; common areas would be accessible to all units. The applicant seeks a PUD rezoning with the intent that the development act as a transition between the detached single-family dwellings on Druid Avenue and the adjacent three-story apartment complex to the east of the proposed site. The applicant met with the neighborhood association which was glad to see the proposal. An adjacent neighbor did express some concern about buffering. Staff recommends approval.

Mr. Fink asked if the parking requirements were met on the project. Ms. Grant concurred.

Ms. Lewis sought clarification of the proffer to close an alleyway since closing the alleyway was something that must be granted by a governmental agency. Ms. Grant stated the applicant would submit a request to close the alleyway.

Ms. Firehock asked if staff had checked the slope to see if the proposed development met or exceeded the steep slope provisions of the Code. Ms. Grant did not know how steep the slope was.

Mr. Andy Thomas, the applicant, of 1015 Druid Avenue, presented the Commission with photographs of the site. He stated the plan was to have affordable units that could serve as a transition between the high density on one side and the single-family housing on the other side. One of the goals for the site is to be environmentally responsible.

Mr. Fink wanted to know what plans the applicant had to mitigate storm water runoff. Mr. Thomas stated the intention was to slope the roofs back toward the upper side of the site to capture roof water and the drive would capture 60 to 70 percent of the runoff and take it to the biofilter or the storm water catchment area which will also be a biofilter.

Mayor Cox asked if there were a continuous sidewalk from Ridge Street to the property. Mr. Thomas stated it was undetermined at this point, but they were trying to limit the amount of paving they would be doing. Mr. Thomas also stated a desire to delineate a portion of the 24-foot drive for pedestrian access.

Mr. Thomas withdrew the proffer of the alley closing.

Ms. Firehock asked if the applicant would provide a tree protection plan as part of his site plan if the concept plan was approved. Mr. Thomas concurred that he would.

Mr. Barton opened the public hearing.

Mr. Steven Miller, of 918 Druid Avenue, while in favor of a buffer between the single family dwellings and apartments, he was concerned about the traffic that would be created in a narrow portion of Druid Avenue.

Mr. Gary Lang, of 915 Druid Avenue, expressed concern about the sewer line at the bottom of the hill and about on street parking which may result.

Ms. Linda Willey concurred with the previous comments.

Ms. Pauli Hayes, President of the Belmont Carlton Neighborhood Association, stated on behalf of the Neighborhood Association their whole-hearted endorsement of the proposal. However, as a resident of Druid Avenue, she agreed with previous comments about the danger presented on the road when driving east into the rising sun. She further stated that traffic on Druid Avenue was a serious concern.

With no other members of the public wishing to speak, Mr. Barton closed the public hearing.

Mr. Barton called for questions and comments from the Commissioners and Councilors.

Ms. Firehock sought suggestions from staff addressing the visibility issue. She also wanted additional information on the sewer line issue. Mr. Tolbert stated those issues could be addressed during the site plan review.

Mr. Wood asked that traffic concerns be sent to the Traffic Engineer.

Ms. Richards asked if the Commission could anticipate having a site plan review. Mr. Barton stated they would ask for one. Ms. Richards felt they would have to in order to deal with traffic issues. Mr. Tolbert stated that since Mr. Barton called it up, a site plan would come before the Commission.

Mr. Barton asked that when the Commission reviewed the site plan, they ask the developer, in concert with the City, to quantify the loads that would be placed upon the system to ensure the system was of sufficient capacity to not further degrade abutting properties, and with respect to traffic to think very carefully about the solutions the developer can provide to mitigate the traffic problems, and for those problems that cross site, that the activities be coordinated with respect to traffic and the upgrade of adjacent infrastructure systems so that they don't unduly burden the abutters.

Ms. Lewis thanked the applicant for coming before the Commission for an informal discussion.

Ms. Firehock moved to recommend the approval of this application to rezone the property from R-1S to Planned Unit Development on the basis that the proposal would serve the interest of the general public welfare and good zoning practice and fulfill the intentions of the Planned Unit Development for environmentally sensitive site design, neighborhood connections and open space protection. Ms. Johnson Harris seconded the motion. Mr. Higgins called the question. The motion carried unanimously.

III. REGULAR MEETING ITEMS (continued)

G. SITE PLANS

1. Doggie Day Care 805 Albemarle Street

Ms. Creasy gave the staff report. A special use permit hearing had been held in September of 2004 to rezone from M-1 Industrial to M-1 Special Use Permit to allow two outdoor run areas with conditions. One of the conditions had been that the site plan be returned to the Charlottesville Planning Commission for final review. Since the September hearing, the request has become less intent due to some of the constraints to the site. The building will not be used as a dog-grooming center; however the rear yard is still proposed for outside runs to serve the business at 706 Henry Avenue. This results in one run area instead of two. Because the building at 805 will not be changing use nor used for commercial purposes, no parking is required. The special use permit recommendation with revised conditions based on the less intense use will be going before City Council as soon as the site plan is approved. Staff has no additional comments on the site plan. All of the previously expressed concerns for the site plan have been addressed.

Ms. Lewis sought clarification that the special use permit was going with 805 Albemarle rather than 706 Henry which would be accessing and using the yard which meant that the subsequent owner of 706 Henry wouldn't get the benefit of this. Ms. Creasy concurred.

Mr. Fink asked if there were mitigating factors, other than the sidewalk, which were keeping staff from recommending approval. Ms. Creasy stated that staff supports the application in that the site plan meets all criteria and with a sidewalk shown on the site plan that meant it would be completed in order to complete the site plan.

Mr. Bill Nitchman, of 2491 Milton Road, stated the sewer line was six inches with a larger grating. The land would be excavated to hold the necessary water as calculated by the City Engineer. River rock would be placed around the grate to prevent mulch from entering it. The dog grooming area was not going into 805 since the parking requirements could not be met.

Ms. Sarah Terrell, of 913 Ridge Street, was present to answer questions.

Mr. Fink asked if steps had been taken to mitigate the flooding into her yard from 805 Albemarle. Ms. Terrell stated there had been. Mr. Fink asked if she were satisfied with what Mr. Nitchman had done. She stated she was satisfied as far as the flooding. She did not understand how 805, a residence, could now have a commercial use backyard.

Mr. Barton sought clarification from Mr. Tolbert that a property owner could, in lieu of constructing a sidewalk, pay into the sidewalk fund. Mr. Tolbert concurred.

Ms. Lewis moved to approve the site plan as submitted. Ms. Firehock seconded the motion. Mr. Fink offered a friendly amendment of requiring the sidewalk as shown on the site plan. Upon clarification that the sidewalk was a part of the site plan, Mr. Fink withdrew his friendly amendment. Mr. Higgins called the question. The motion carried unanimously.

H. ENTRANCE CORRIDOR DISTRICT - DESIGN REVIEWS

1. Best Buy Site - 25,000 sq. ft. addition Emmet Street at 250 Bypass & Angus Road

Mr. Barton asked if a representative from Best Buy or World Foods was present. Mr. Barton had concerns about the project that he would like to address to a representative. With no representative present, Mr. Barton suggested deferral of the item.

Ms. Lewis cited Section 34-312, Standards for Considering Certificates of Appropriateness,

Action: Application Requirements which stated the application shall include a landscaping plan. She also cited Section 34-867, "If the application is not subject to site plan, for all other applications a landscaping plan shall consist of drawings, documents, information sufficient to allow the director"... She continued, "The application shall include all plans, maps, studies, reports, photographs, drawings and other information or material which may be reasonably required in order to make determinations called for in a particular case." There was nothing located about this site located in the City of Charlottesville or the materials that was submitted.

Mr. Barton stated there was significant discontent with the submission which would not meet the standard of review. If the applicant wanted to proceed with a paltry submission, then they risk not being approved.

Mr. Fink moved to defer this application. Ms. Lewis seconded the motion. The motion carried unanimously by acclamation.

I. PRESENTATION OF REZONING CONCEPTS/ Discussion of Issues

1. 1013 Linden Avenue Rezoning from R-2 to Highway Corridor District

Ms. Grant stated a rezoning application had been submitted by Frank Piatkowski and Eliza Wojtascek. The property has approximately 88.01 feet of frontage on Linden Avenue. The zoning change is sought to build higher density by right. The property is 0.982 acres. The by right use would allow six single-family detached units or 20 single-family attached units. The Highway Corridor District is intended for development of a commercial nature.

Mr. Frank Piatkowski, of Herndon, explained that the current use did not warrant the asking price of the property hence he would like it rezoned to be able to develop it. He and Ms. Wojtascek felt that the best use would be an attached townhouse project.

Ms. Firehock asked what other possible uses there were. Mr. Piatkowski explained the Highway Zone would allow for a service station or things like that but it was not on a major arterial. He further stated one idea had been for artist lofts.

Mr. Fink suggested the applicants research the flood plain for the property as that might affect their plans.

Mr. Fink moved to adjourn and reconvene on May 11. Ms. Johnson Harris seconded the motion. The motion carried unanimously whereupon the meeting stood adjourned at 10:00 p.m.

Respect fully submitted,

James E. Tolbert, AICP, Secretary

APPROVED

Craig Barton, Chair