

**DRAFT MINUTES
CITY OF CHARLOTTESVILLE
PLANNING COMMISSION
TUESDAY, MAY 11, 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. Karen Firehock
Mr. Kevin O'Halloran
Mr. Eldon Wood

Staff Present:

Mr. Jim Tolbert, AICP, Director NDS
Mr. Ron Higgins, AICP, Planning Manager
Ms. Missy Creasy, AICP, Neighborhood Planner
Ms. Claudette Grant, Neighborhood Planner
Ms. Mary Joy Scala, AICP, Neighborhood Planner

Absent:

Mr. Jon Fink
Ms. Kathy Johnson Harris

City Council Members Present:

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

I. REGULAR MEETING

Mr. Barton called the meeting to order at 6:33 P.M.

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

Mr. Barton called for matters not on the agenda.

Mr. Robert Nichols, of 105 Perry Drive, brought to the Commission's attention that his office had submitted a suggestion that the Commission assess a change to the Zoning Ordinance related to building setbacks in the Downtown Corridor. The current setback for primary streets is 50 feet above grade, 15 feet back from the street and that 70 percent of the building face be stepped back. They would ask that the 15 feet be changed to 10 feet and that 35 percent be stepped back rather than 70 percent. There was a precedent on Water Street for residential use for a setback of less than 15 feet.

There were no further matters from the public.

B. MINUTES -- April 13, 2004 Regular Meeting

Ms. Lewis suggested that the second sentence of the fourth paragraph on page 2 within the Site Plans and Subdivisions Approved Administratively read: "She further noted that the manner in which the site was cleared was a crying shame." Ms. Lewis also asked that, on page 6, the fifth paragraph, second sentence, the phrase "to meet the open space requirement" be inserted after the word "developer."

Ms. Firehock asked that, on page 9, the second paragraph, fifth line, the word "intent" be changed to "intense."

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

C. LIST OF SITE PLANS AND SUBDIVISIONS APPROVED ADMINISTRATIVELY

Mr. Wood asked if site plan number 4 would effect an application to be heard later in the evening. Mr. Higgins stated it would not.

Ms. Lewis asked if subdivision number 3 was a by-right. Mr. Tolbert stated it had been approved as a PUD.

Mr. Wood made a motion to approve the site plans and subdivisions approved administratively. Mr. O'Halloran seconded the motion which carried unanimously.

LIST OF SITE PLANS APPROVED ADMINISTRATIVELY

3/1/04 TO 4/1/04

1. File No. Huntley Planned Unit Dymon Road, Stribling
T-02-000026DevelopmentAvenue, Sunset Road & Sunset Avenue
2. File No. Haney Building – Commercial 500 West Main Street
T-03-000020at 5th Street, SW
3. File No. Madison Avenue Clubhouse - Madison Avenue
T.02-000042Landscape Plan Amendment between Grady & Preston
4. File No. Norcross Commons (55 units)4th Street, SE & Garrett St.
T-03-000008Amendment for Phases A & B
5. File No. Pampered Pets – Amendment601 Concord Avenue
T-03-000019for 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 Van Yahres
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

Ms. Firehock stated the McIntire Park Master Plan had had a booth at the Dogwood Festival and a public meeting had also been held. Funding was in place to begin implementation of those items not requiring the Meadow Creek Parkway. The Ridge

Street Neighborhood Association had some concerns with the development at the end of Ridge Street.

Mr. Wood had attended the McIntire Park Master Plan public hearing.

Ms. Lewis had presented the Preservation Awards selected by the BAR at the City Council Meeting.

Mr. O'Halloran had no report, but would be sworn in soon as a member of the Board of Zoning Appeals.

E. CHAIR'S REPORT

Mr. Barton had not been able to attend the TJPDC meeting.

Mr. Barton then asked that those members of the public who would be speaking regarding items on the agenda please sign in.

Mr. Barton recessed the meeting at 6:51 P.M.

Mr. Barton reconvened the public hearing at 6:58 P.M.

II. JOINT PUBLIC HEARINGS

While awaiting a quorum of City Councilors, Mr. Barton, after noting Mr. Schilling's punctuality, suggested they move on to Item G in Section III of the agenda.

G. ENTRANCE CORRIDOR OVERLAY DISTRICT – DESIGN REVIEWS

1. Best Buy site -- 25,000 square foot addition Emmett Street at Angus Road and the 250 Bypass

Mr. Tolbert stated for the record that he had found out after the Commission had denied this application previously that his brother worked for the firm making the application. Mr. Tolbert further stated he had not taken part in preparing the staff report and would not be present for the discussion whereupon he exited the room.

Ms. Creasy gave the staff report. TCI Construction was requesting a Certificate of Appropriateness for a commercial building at 1613 Emmett Street. This would be on the current 25,000 square foot pad, which had been approved as part of the Best Buy site plan. The application had been deferred at the last meeting pending additional information to include copies of the landscape plan, visuals of the elevations in context to the Best Buy building, and material and color samples. It had been suggested that a representative attend to answer questions. The requested items had been submitted and a representative was present. Staff recommends approval.

Mr. Wood asked about the status of the rear right-hand corner. Ms. Creasy stated the structural part of the wall was complete. Buffering was being worked on outside the site plan process. Mr. Barton felt it was an issue because it would help screen the likely location of a loading dock and, potentially, dumpsters.

Mr. Barton stated the matter before the Commission was to review the elevation. He then called for comments from the Commissioners. Ms. Creasy stated the applicant was present and may have a presentation for the Commission.

Mr. Barton recognized the applicant, Mr. Michael Bird of TCI Construction. He presented the Commissioners with photographs of a store which was identical to the one being proposed. He stated he would be happy to answer questions about the design and elevations.

Ms. Firehock asked if the glass for the windows of the World Market would be clear or grey-tinted. Mr. Bird stated they would use the same glass as being used by Best Buy.

Mr. Wood asked if the sign was in keeping with the sign ordinance. Ms. Creasy stated the applicant would have to go through the sign ordinance regulations and apply for a separate sign permit.

Mr. Barton exited the meeting, 7:08 P.M.

Ms. Lewis asked if the tower would be projecting as much as the one in the photograph and what the dimensions would be. Mr. Bird concurred that it did project approximately one to one and-a-half feet.

Mr. Barton reentered the meeting, 7:09 P.M.

Ms. Lewis sought the dimensions of the setback of the glass. Mr. Bird stated they were set back eight to ten feet.

Mayor Cox asked if the side elevation was concrete block or a tan colored brick. Mr. Bird stated they would use the same materials that were used on Best Buy which was split face to the top band which was either split face or brick.

Mr. Lynch asked if there had been any consideration in having the proposed building free standing. Mr. Bird had no knowledge of any such consideration.

Mr. Barton called for comments from the Commissioners.

Ms. Firehock stated that clear glass might make the facade seem less like a solid wall and it would add to the visual interest.

Mr. Wood concurred that clear glass would be advantageous in allowing the public to see into the store.

Ms. Lewis thanked the applicant for creating the background band on the side of the brick. She did like the colors better. Ms. Lewis stated the entrance corridor guidelines speak to the separation between buildings. She felt she could not support the proposal since it seemed like a bag box.

Mr. O'Halloran inclined to go along with staff recommendations.

Mr. Barton expressed concerns that the complexity of the building came in a relatively minute scale. He felt a simpler massing might be a more convincing way to make this work. Mr. Barton stated he was inclined not to support the proposal which he felt could be improved.

Mr. O'Halloran made a motion to issue a Certificate of Appropriateness for the project at 1613 Emmett Street. Mr. Wood seconded the motion. Ms. Firehock offered a friendly amendment that the glass at the front of the store be clear. Mr. O'Halloran accepted the friendly amendment. Mr. Higgins called the question; the motion passed 3-2 with Ms. Lewis and Mr. Barton voting against.

F. JOINT PUBLIC HEARINGS

1. ZM-03-12-13: A petition to rezone from R-2 Residential to Planned Unit Development (PUD), with proffers, the property on the north side of Madison Avenue at Meadow Street as a five unit PUD. The property is further identified on City Real Property Tax Map Number 37 as a portion of parcel 83 having approximately 80 feet of frontage on Madison Avenue, 225 feet of frontage on Meadow Street and containing approximately .42 acres of land. The general uses allowed in the R-2 zoning are medium density single and two-family dwellings on moderate sized lots at a density of seven to 12 units per acre. The general uses called for in the Land Use Plan of the Comprehensive Plan are single and two family dwellings in a range of seven to 12 units per acre.

Ms. Creasy gave the staff report. The applicant proposed to construct five additional single family detached dwellings with similar characteristics and traditions to the Madison Place PUD. This item was deferred last month to obtain further information from the applicant on: confirmation on improvements to the open space, lay out of Meadow Street and PUD conditions in a proper format. The applicant was asked to provide a layout for landscaping; a conceptual plan had been provided in the Commissioners' packets. No engineering has been done on this at this point. The street would need to be brought up to City standards. The applicant has provided a copy of an open space master plan commissioned by the homeowners; this was not being submitted as a condition as it was something the homeowners hope to implement over time. The applicant was proffering \$10,000 towards the development of the open space landscaping scheme. Since this is a phased development with the first and second phase not presented at the same time, there was an option to look at the open space to make sure that it meets the current ordinance.

Ms. Firehock asked if phases I and II could now be combined. Ms. Creasy concurred. The percentage of open space in Phase I was greater than was required; there would be no additional open space in Phase II.

Ms. Creasy further stated that staff had worked with the applicant to provide conditions in the proper format. Proffers had been updated since packets were submitted. A bond would be required which would be returned once landscaping measures had been taken into effect. Staff recommends in favor if the Commission feels the open space perspective meets the open space requirements outlined in the Zoning Ordinance.

Ms. Firehock expressed concern that there was no formal commitment to implement the open space plan. Ms. Creasy stated the applicant would be providing funding to the Homeowners' Association to maintain the open space area. The funding will be secured through the bonding process.

Mr. Barton called for questions of Ms. Creasy from City Council.

Mayor Cox asked if it were possible to put a timeframe for completion of the open space design. Mr. Tolbert stated the zoning ordinance requires 15 percent open space; it does not say the open space will be developed for any purpose. Ms.

Kelley felt they could not compel a timeframe for completion; however, the Commissioners could discuss whether the application has space for recreational purposes or that will provide visual, aesthetic or environmental amenities.

Mr. Barton sought clarification as to which drawing before the Commission was part of the submission. Ms. Creasy informed him that the last page was not part of the submission, but was something which could occur.

Ms. Kelley suggested the Commissioners consider a recommendation that the proffer be clarified to specify what was being bonded by the developer as part of the application. Her understanding was that the developer would place a bond in a certain amount for some kind of improvements to the open space; in order for the bond to be enforceable, staff and the Commission need to know what the improvements are.

Mr. Lynch sought clarification as to what would happen to the bond if the homeowners did not request the check. Ms. Kelley thought that was true and felt it would be best to hear from the applicant if there were specific improvements that are intended to be bonded up front and which later are to be taken over for completion by the Homeowners Association.

Mr. Barton recognized the applicant, Mr. Thomas Hickman of 121 Robinson Woods.

Ms. Lewis asked if the conceptual drawing had mislabeled a street as Tripper Court which should be Kelsey Court. Mr. Hickman apologized for the error. Ms. Lewis stated for the record that, in the conceptual plan submitted by the applicant, all references to Tripper Court needed to be Kelsey.

Ms. Lewis also asked if the common area had been conveyed to the Homeowners Association. Mr. Hickman stated it had not; it would be when it was finished.

Ms. Lewis then asked what the common area for Phase I would be like. Mr. Hickman stated his original plan was to return the area to woods, which had been approved by the Commission. That was still what he wanted to do. He stated the neighborhood want the woods enhanced but he does not know what is meant by enhancing natural woods.

Mr. Wood asked if there were any problems with property lines on the opposite side of Meadow Street that had to be resolved. Mr. Hickman concurred.

Ms. Lewis asked if they were amending the PUD. Mr. Tolbert stated this was not a Phase II PUD since it had not been designated as such when the Madison PUD came in; this was a stand alone application for a PUD. Ms. Kelley stated this had been before the Commission previously as an amendment to the existing PUD; subsequent to that meeting, the applicant decided not to pursue that application but to pursue this as a stand alone PUD.

Mr. Barton called for comments from the public.

Mr. Dick Holway, of 106 Kelsey Court, spoke on behalf of the Madison Place Homeowners Association. The homeowners were fully supportive of the proposal to add in the five houses. The homeowners would welcome restrictions for the money to be used to develop the common area.

Mr. O'Halloran stated that the homeowners were in favor of the application and the proffer. He asked if the intent was to implement the drawing that had been included with the packet although not part of the formal application. Mr. Holway stated the first part was being implemented with the homeowners forming a common area committee.

Ms. Firehock asked Mr. Holway how far he thought \$10,000 would get the homeowners. Mr. Holway stated the plan was to purchase at least 30 trees and some shrubs. The homeowners also wanted to see what Mr. Hickman would be doing before going further with plans to either seed it with grass or mulch and plant it.

Mr. Barton closed the public hearing. He called for questions from City Council. Hearing none, he called for questions and comments from the Commissioners.

Ms. Lewis suggested that the wording of the proffer state that the payment "shall be made within 30 days of the request to the POA."

Mr. Barton suggested that they call the site plan up before them as a condition for approval.

Mr. Wood moved that the application be approved with proffers with the understanding that the common area, at one time designated for Phase I, be considered acceptable for the requirements of this phase; and that the change in the common area proffer be revised by omitting the last phrase of the last sentence: "The bond provided by the City to secure landscaping approval be returned upon completion of the work"; and that the completed site plan be submitted to the Planning Commission for review. Mr. O'Halloran seconded the motion. Mr. Higgins called the question. The motion carried unanimously.

Mr. Barton turned the floor over to Ms. Lewis. Ms. Lewis recognized in the audience Ms. Barbara Vanover, who had been her 12th grade Government and Political Science teacher; Ms. Vanover not only embodied what a teacher is, but had also mentored and been a friend and support for many students. Ms. Vanover was accompanied by her husband John.

2. ZM-04-3-5: A petition to rezone from R-2 Residential to Highway Corridor District, with proffers, the property at 1013 Linden Avenue. This property is further identified on City Real Property Tax Map Number 61 as parcel 52, having 88 feet of frontage on Linden Avenue and containing 43,995 square feet of land or 1.01 acres. The general uses allowed in the R-2 zoning are two-family dwellings at seven to 12 units per acre. The Highway Corridor designation would permit high-density residential and mixed use commercial. The general uses called for in the Land Use Plan of the Comprehensive Plan are commercial.

Ms. Grant gave the staff report. The proposal of suggested development is for 21 townhouses arranged in five clusters. The developer has proffered, and will comply with, the following conditions: to use limitation -- the property shall be used for multi-family development; landscaping -- planting materials which cannot be saved shall be donated to the Belmont Neighborhood Committee to be transplanted within the neighborhood; physical improvements -- the applicant shall construct a tot lot; access -- ingress to and egress from the property shall be from Linden Avenue only; access -- there shall be no more than one point of vehicular ingress to or egress from the property; the applicant shall construct a monument sign subject to approvals; architectural drawings will be submitted to the Planning Commission for design approval following the process outlined in the zoning ordinance for the Highway Corridor. The applicant intends for the development to promote and enhance the diversity of housing types in the Belmont neighborhood by providing affordable and market-rate housing for families. The new designation would allow maximum development of the site. The landscaping plan would include a buffer zone that emphasizes a neighboring R-2 lot. A public application item review meeting was held April 28th. Residents of adjacent properties did have concerns about traffic and sight distance. The developer met with the Belmont Neighborhood

Association which also had traffic and design concerns. Staff recommends approval of the rezoning.

Mr. Barton called for questions of Ms. Grant from City Council.

Mr. Schilling sought clarification about "integrating affordable housing units into the community at large," which had not been referenced further. Ms. Grant stated these would be attached units with the affordable housing units throughout the 21 units rather than just in one section of the development. Mr. Schilling asked if there were a breakdown of what the units would be and how much they would cost. Ms. Grant did not have that information.

Mr. Lynch sought clarification as to why the applicant sought the Highway Corridor designation rather than R-3. Ms. Grant stated there were three R-2 parcels surrounded by Highway Corridor zoning.

Mr. Barton recognized the applicant, Eliza Wojtaszek of 2579 John Milton Drive, Number 240, Herndon. Ms. Wojtaszek and her partner were looking forward to the project, their first in Charlottesville. They had been able to change the proposal to four clusters of townhouses to allow for larger units. Mixed income is the fundamental assumption of the development. Energy efficiency would be incorporated in the design parameters. Regarding landscaping, they would utilize native plants and grasses. A traffic study would be done as part of the design for the project.

Mr. Frank Piatkowski, co-applicant, presented a more refined site plan than had been available for the packet. All 21 units would be townhouses; the 16 market rate units would be around 2,000 square feet and would be priced around \$220,000. There would be five affordable housing units with the price capped at 150,000 for 1200 square feet. Each unit has an attached garage. To avoid conflict, the entrance road was moved from the corner; unfortunately a mature tree would have to be removed.

Mr. Lynch asked if there was any assurance that five units would be affordable housing. Mr. Piatkowski stated they were in discussion with a non-profit organization they hoped would be an equity partner in the project. Ms. Wojtaszek stated they were in discussion with two non-profit organizations.

Mr. Barton called for questions from the public. There being none, he called for questions from City Council.

Mayor Cox sought clarification as to with which non-profit organizations the applicants were negotiating. Ms. Wojtaszek stated they were speaking with Piedmont Housing Alliance and Habitat for Humanity.

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

Mr. O'Halloran did wonder why the Highway designation rather than R-3; he had no objections to the Highway designation.

Mr. Tolbert pointed out it was within the Commission's authority to recommend another zoning classification if they felt it was more appropriate.

Ms. Lewis felt the application was well thought with thoughtful proffers.

Mr. Wood had attended the public pre-review meeting and had asked why they sought Highway rather than R-3; his understanding was that a certain density was needed to make the project profitable.

Ms. Firehock concurred with what had already been said.

Mr. Barton stated his concern that there could have been better assurance that financial exigencies would prevent the development of the affordable units.

Ms. Lewis moved for approval of the application for rezoning ZM-04-3-5 from R-2 to Highway Commercial the property currently located at 1013 Linden Avenue with proffers on the basis that it meets public necessity,

convenience, general welfare, and good zoning practice. Ms. Firehock seconded the motion. Mr. Barton stated this was an outstanding project. Mr. Higgins called the question. The motion carried 4-1 with Mr. Barton voting against.

Mr. Wood asked the Chair if they could have a short recess. Mr. Barton recessed the meeting at 8:56 P.M.

Mr. Barton reconvened the meeting at 9:06 P.M.

3. SP-04-4-6:An application for a Special Use Permit to locate satellite dishes for the new television station at the Old Ix Property at 201-239 Elliot Avenue between First Street South and Second Street Southeast. This property is further identified on City Real Tax Map Number 28 as parcel 208 having 330 feet of frontage on Elliot Avenue, 381 feet of frontage on First Street South, 671 feet of frontage on Second Street Southeast (Old Ware Street), 440 feet of frontage on Monticello Avenue and containing approximately 761,350 square feet of land, or 17.478 acres. The general uses allowed in the current Downtown Extended Corridor are a mixture of high density residential and commercial uses harmonious with the downtown. The general uses called for in the Land Use Plan of the Comprehensive Plan are light industrial uses.

Mr. Tolbert gave the staff report. The applicant seeks permission to install five 3.8 meter diameter dishes on the old Frank Ix building. The dishes can be seen from adjacent properties. All requirements dealing with visibility have been met and satisfied. Staff recommends approval.

Mr. Fred Wolf, of Wolf Ackerman, had photographs of the existing view.

Mr. Barton opened the public hearing. With no one wishing to speak, Mr. Barton closed the public hearing. Mr. Barton called for questions from City Council and the Charlottesville Planning Commission.

Mayor Cox expressed concern about residents of Barnett Commons. Mr. Tolbert stated that tree growth would be quick enough that it would not be an issue.

Mr. O'Halloran moved to recommend approval of this Special Use permit, SP-04-4-6. Ms. Lewis seconded the motion. Mr. Higgins called the question which carried unanimously.

4. Closing of a portion of Randolph Street Right of Way:A petition to close a portion of the Randolph Street right-of-way a distance of approximately 160 feet north from Hampton Street, containing approximately 3,600 square feet of area.

Ms. Grant gave the staff report. The petition was filed by an adjoining property owner. The street goes nowhere with many overgrown shrubs and trees. Vacation would not landlock any property. The proposed vacation would be consistent with the City Council policy on street closings and would be consistent with the Comprehensive Plan. Staff recommends approval of this application.

Ms. Kelley gave a history of Randolph Street. An 1891 subdivision plat showed Randolph Street going in one direction while the 1962 plat showed Randolph Street a little bit to the other side.

Mr. Barton recognized the applicant, Mr. Charles Gentry. Mr. Gentry stated the alley was wider than 45 feet.

Mr. Barton called for questions from City Council and the Commissioners.

Mr. Wood asked if Mr. Grant had received a plat when he purchased the property. He had not.

Mr. Barton opened the public hearing. With no one from the public wishing to speak to the matter, Mr. Barton closed the public hearing. Mr. Barton then called for questions and comments from the Commissioners.

Mr. Wood moved to certify that the proposed vacation of property located at Randolph Avenue between Tax Map 56, parcel 64 and Tax Map 61, parcel 4.5 would be consistent with the Comprehensive Plan and recommend to City Council that this portion of a street right-of-way be vacated by ordinance. Mr. O'Halloran seconded the motion. Ms.

Lewis offered a friendly amendment that the vacation cite the plat of Robert L. Lumb dated November 25, 2003. Mr. Wood accepted the friendly amendment as did Mr. O'Halloran. Mr. Higgins called the question which carried unanimously.

5. Zoning Ordinance Text Changes:An ordinance to amend and re-ordain various sections of the City Code, Chapter 34 (Zoning Ordinance) as amended to address items identified in the six-month review in order to provide corrections and clarifications to the New Zoning Ordinance adopted in September 2003.

Mr. Barton clarified that this was a preliminary conversation. Mr. Tolbert gave the staff report. Ninety percent of the changes were typographical errors or oops-we-left-that-out. The first amendment dealt with initiating any land disturbance or construction without obtaining all necessary permits. Some changes were omissions from addresses. Mr. Tolbert stated the intent to advertise for the 8 June meeting.

Ms. Lewis moved to defer the proposed Zoning Ordinance text changes to the June Planning Commission meeting. Mr. O'Halloran seconded the motion. The motion carried unanimously.

6. Determination of Blighted Property -- 2210 North Berkshire Road:A public hearing to discuss the condition of the property at 2210 North Berkshire Road and make findings and recommendations concerning the repair or other disposition (including demolition) of the property in accordance with City Code Chapter 5, Article 5, Division.

Mr. Tolbert gave the staff report. The problem is caused by damage due to flooding and the subsequent accumulation of mold and damage resulting from that. The property owner and mortgage company were notified the City was proceeding in this manner. Mr. Tolbert proposed demolishing the property and, in lieu of a lien for the cost of demolition, accept a dedication of the property which would allow the City to do drainage improvements that would be less costly and would cure the drainage problem for neighboring properties; there was an agreement from the neighbors to participate in the cost in the 75-25 Sharing Program. The property is blighted and the owner has failed to cure the blight. The property is vacant and has been condemned for human habitation. Staff asks for a recommendation to move forward with the plan to remove it.

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

Mr. Barton opened the public hearing. With no one wishing to speak to the matter, he then closed the public hearing.

Mr. Barton called for comments from the Charlottesville Planning Commission.

Ms. Lewis moved that they recommend to Council to determine that 2210 North Berkshire Road is a blighted property under the City's Blight Ordinance. Mr. O'Halloran seconded the motion. The motion carried unanimously.

III. REGULAR MEETING ITEMS (Continued)

H. Presentation of Rezoning Concepts/Discussion of Issues

a. 2424 Jefferson Park Avenue -- PUD to rebuild two residential cottages -- Joseph and Mary Teague, owners

Ms. Scala gave the staff report. The property would be coming before the proffer committee May 13th. There had been three units in the rear yard. They are asking for a waiver of the 15 percent open space requirement and have submitted a plan. There is some concern from the Fry Springs Neighborhood Association.

Ms. Lewis wanted to know why they sought a waiver of the open space. Ms. Scala was unsure.

Ms. Lewis wanted to know what would prevent lot owners in an R-1A district from submitting an application for rezoning as a PUD to avoid current zoning designations. Ms. Lewis was not even sure that it was an infill PUD. It seemed only like a way to get around zoning.

b. Sixth Street and Commerce -- PUD to add three single-family attached units and one one-bedroom unit to existing residence -- Eunice M. Jackson, owner.

Mr. Barton rescued himself from this because the applicant has retained a firm in which he had a fiduciary interest. Mr. Barton then turned the meeting over to Ms. Lewis. Mr. Barton left the meeting at 10:12 P.M.

Ms. Scala gave the staff report. The property contains one dwelling on a lot containing 7400 square feet. The proposal was to build three townhouse units and attach a one-bedroom unit to the existing house. The owner had submitted an extensive packet of information.

Ms. Giovanna del Fiona, of RBGC Architecture, was present on behalf of the applicant. Ms. del Fiona showed the Commissioners a model of the proposal.

Ms. Lewis called for questions for the applicant's representative.

Mr. O'Halloran stated this was what the Commission would want to do with a PUD and this proposal enhances the existing land use.

Mr. Barton returned to the meeting at 10:28 P.M.

c. Carlton Square -- PUD to build 96 units of various types and sizes at Rives, Carlton, Nassau and Midland Street -- Milby Construction, Applicant/Contract Purchaser

Mr. Tolbert stated this matter had been withdrawn.

I. DEPARTMENT OF NDS/STAFF REPORTS

Mr. Tolbert stated that staff had no report.

Mr. O'Halloran made a motion to adjourn until the June 8, 2004 meeting and hold joint public hearings as needed. Ms. Lewis seconded the motion. The motion carried unanimously whereupon the meeting stood adjourned at 10:30 P.M.

Respectfully submitted,

James E. Tolbert, Secretary

Approved,

Craig Barton, Chair