

**DRAFT MINUTES  
CITY OF CHARLOTTESVILLE  
PLANNING COMMISSION  
TUESDAY, JUNE 14, 2005 -- 6:30 P.M.  
CITY COUNCIL CHAMBERS**

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

Ms. Cheri Lewis, Chair	Staff Present:
Mr. Kevin O'Halloran, Vice Chair	Mr. Ron Higgins, AICP, Planning Manager
Mr. Craig Barton	Mr. Brian Haluska, Neighborhood Planner
Ms. Kathy Johnson Harris	Mr. David Neuman, UVA, Office of the Architect
Mr. Bill Lucy	Ms. Lisa R. Kelley, Deputy City Attorney

Commissioners Absent:

Mr. Jon Fink  
Ms. Karen Firehock

**I. REGULAR MEETING**

Ms. Lewis convened the meeting at 6:32 p.m.

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

Ms. Lewis called for matters not on the agenda. There were none.

**B. MINUTES**

Ms. Lewis called for discussion of the May10, 2005 minutes.

Mr. Barton moved to approve the minutes as submitted. Mr. O'Halloran seconded the motion. The motion carried, 4-0-1; Ms. Johnson Harris abstained from voting as she had not been present for the May meeting.

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

Ms. Lewis stated she was glad the Huntley PUD was off the project list and was moving along. Mr. Higgins stated enough of the project had been approved that the developer was seeking building permits.

Mr. O'Halloran moved they approve the list of site plans approved administratively. Mr. Barton seconded the motion which carried unanimously.

**LIST OF SITE PLANS APPROVED ADMINISTRATIVELY**

5/1/05 to 6/1/05

1. File No. Fifth Street Flats - 215 5th Street, SW  
T-03-000021 Mixed Use
2. File No. Mews at Little High St. 1111-1113 Little High Street  
T-01-000019 Site Plan Amendment
3. File No. Downtown Transit Center - Water Street @ 7th St.  
T-040-000026 Phase III – East End Mall
4. File No. Linden Town Lofts 1013 Linden Avenue  
T-04-000025
5. File No. Avon Terrace Townhouses Avon St. & Palatine Avenue  
T-05-000002 Northeast Corner

**LIST OF SUBDIVISIONS APPROVED ADMINISTRATIVELY**

5/1/05 to 6/1/05

1. Division of TM 57-145B Two new single-family attached lots  
Spruce Street Paul Kent Dougherty & Kurt Keesecker  
File No. 1343 Preliminary & Final  
Final Signed: 5/18/05
2. "Huntley" PUD 110 Single Family Lots  
Stribling Ave. & Sunset Road Huntley of Charlottesville, Ltd.  
File No. 1344 Final Plat  
Final Signed: 5/26/05
3. "Mews" at Little High – "Woods Addition" No new lots  
Lots 5, 8A & 10A, Little High & 11th Streets Neighborhood Investments, LLC  
File No. 1246-A Preliminary & Final  
Final Signed: 5/31/05

**D. COMMISSIONERS' REPORTS**

Ms. Johnson Harris had nothing to report.

Mr. Lucy stated the historic district proposal had been before the BAR for review; however, the BAR was not sure they could make a decision on the 21st or 22nd. Mr. Lucy also raised the issue of an elected school board. He stated a petition was being circulated. He was uncertain if the Planning Commission would be involved in the matter.

Mr. O'Halloran stated the Downtown Advisory Committee had met. They had discussed a wayfinding strategy and a potential street crossing at Fourth or Fifth Streets.

Mr. Barton stated none of the committees on which he served as a member of the Planning Commission had met. He stated he has been asked to serve on the Charlottesville School Board Advisory Committee.

Mr. O'Halloran asked Mr. Barton the status of the Jefferson School Committee. Mr. Barton stated the committee had met its charge and been disbanded; the committee had offered a recommendation

to the City about how to program the school in terms of providing a cultural center and a number of program options which would be compatible with that.

Ms. Lewis commended Mr. Barton for that undertaking.

Mr. Neuman stated he had been asked to give a presentation on the University's current planning and projects at the 9 August meeting of the Planning Commission. He stated the Master Planning Council had begun again; the City and County were represented on it. Mr. Neuman introduced Julia Monteith, Senior Land Use Planner at the University. He stated Ms. Monteith may sometimes attend Commission meetings in his stead.

## **E. CHAIR'S REPORT**

### **1. Appointment of Nominating Committee for Planning Commission Officers**

Ms. Lewis appointed Mr. Lucy, Ms. Johnson Harris, and Mr. Barton to the Nominating Committee.

Ms. Lewis stated an information packet had been received concerning demographics. She asked staff that it be put on the July agenda. Mr. Higgins stated it would.

Ms. Lewis had attended the Thomas Jefferson Planning District Commission meeting but had nothing to report from that meeting.

Ms. Lewis stated the Housing Strategy Task Force Report had been adopted by Council. There had been discussion of forming a nonprofit housing trust and one had been formed by a group of individuals from the City and County. Mr. O'Halloran sought clarification of the funding for the trust. Ms. Lewis stated funds had been designated from the City and County. Ms. Johnson Harris suggested a firefighter, police officer, or teacher be included on the committee. Ms. Lewis stated that was a good idea.

## **K. FUTURE AGENDA ITEM**

Ms. Lewis wanted to see who would be available for work sessions throughout the summer. Ms. Johnson Harris, Mr. O'Halloran, and Mr. Barton stated they would be able to attend the June 28th Work Session.

Mr. Higgins stated the Rugby Road ADC would be on the July 12th agenda.

Ms. Lewis stated she would be unable to attend the July 12th meeting.

The July 26th Work Session would be on the remaining Zoning Ordinance Amendments.

Ms. Lewis polled the members as to attendance for the August 9th meeting. Mr. Barton and Mr. Lucy would not be able to attend.

## **F. PRESENTATIONS**

### **1. Presentation on the Charlottesville Community Design Center -- Katie Swenson**

Ms. Swenson gave a PowerPoint presentation on the Charlottesville Community Design Center. The core of their endeavor is threefold: sustainability, affordability, and community development.

## **II. JOINT PUBLIC HEARINGS (Beginning at 7:15 p.m.)**

Ms. Lewis stated that, in the absence of Council, the public hearings would need to be held once again by Council when these come before them.

### **G. JOINT PUBLIC HEARINGS**

**1. ZM-05-4-7:** A petition to rezone from R-2 & R-1S Residential to Planned Unit Development (PUD), with proffers, the property at the east side of Riverside Avenue, north of Chesapeake Street to be known as River's Edge, Phase II. This property is further identified on City Real Property Tax Map Number 55A as the north portion of parcel 88.8 and a portion of parcel 151 being acquired from the city, having approximately 288 feet of frontage on Riverside Avenue and containing 30,070 proposed square feet or .69 acres of land. The general uses allowed in the current R-2 zoning are single and two-family dwellings at seven to 12 units per acre. The PUD designation would permit the development of five single-family detached residences with possible accessory units for an overall density of seven to 14 units per acre. The general uses called for in the Land Use Plan of the Comprehensive Plan are single and two-family residential at seven to 12 units per acre with some of the acquired site shown as Parks and Open Space.

Mr. Haluska gave the staff report. This is Phase II of the River's Edge PUD; Phase I was approved in April, 2004. A portion of Riverside Park would be needed to the applicant in exchange for a .1 acre piece of land that would be put onto the park. The land swap was agreed to in principle by Council pending the rezoning. The PUD application is necessary for reduced lot sizes and reduced setbacks as well as the elimination of off street parking. The applicant proposes no off street parking. Phase I had a similar waiver request which was granted; staff recommends approval of the waiver as there is ample on street parking in the area and since it is in character with Phase I. Staff recommends approval because the proposal encourages: development of equal or higher quality than otherwise required by the Zoning Regulations that would govern; innovative arrangement of building and open spaces as well as providing efficient, attractive, and flexible environment; the efficient arrangement for protection of natural areas and preservation of open space.

Another condition of the land swap is that two lots to the northern end will be deeded to Habitat for Humanity; the dwellings on those lots would be designed by the applicant for Habitat for Humanity.

Ms. Lewis called for questions of Mr. Haluska. There being none, she recognized the applicant's representative.

Mr. Ken Williams, of Rivanna, LLC, was present to answer any questions of the Commissioners.

Mr. Barton, citing a provision on the application for detached accessory units, sought clarification where those might go in conjunction with the 100-year flood plain. Mr. Williams stated some of the units were in that flood plain; in an earlier discussion with the City, the possibly detached accessory units were proposed for a corner near the 330 line.

Ms. Lewis opened the public hearing. With no one wishing to speak to the matter, Ms. Lewis closed the public hearing.

Ms. Lewis called for discussion from the Commissioners.

Mr. Barton stated the application effectively extended the logic of Phase I. He was supportive of the scheme and recommended they vote to approve the project.

Mr. O'Halloran concurred with Mr. Barton.

Mr. Barton moved to recommend approval of the application to rezone the property from R-1S and R-2 to PUD as submitted on the basis that the proposal would serve the interests of the general public welfare and good zoning practice. Mr. Lucy seconded the motion. Ms. Lewis asked if it would be necessary to have a friendly amendment to mention the parking requirement and the condition that City Council has the land swap and the design by the applicant of two Habitat units. Mr. Haluska stated the land swap was already conditioned on the approval of the rezoning. Ms. Kelley stated it was not necessary to include the land swap in the motion. She stated the Commissioners were voting on the zoning appropriateness in this situation and the parking waiver; the development of the Habitat units, if it was to be addressed by Council, would be addressed in the land swap agreement. Mr. O'Halloran offered a friendly amendment that the parking waiver be included. Mr. Barton accepted the friendly amendment as did Mr. Lucy. Ms. Lewis called the question. The motion carried unanimously.

**2. SP-05-4-8:** An application for a special use permit for higher density residential development on the property at 129 Tenth Street, Northwest, to be known as the 10 Center. This would allow for the construction of 36 units on this site instead of the 12 approved or 14 allowed by right (54 units per acre instead of 21 units per acre). This property is further identified on City Real Property Tax Map Number 10 as parcel 39, having approximately 155 feet of frontage on Tenth Street, Northwest and containing approximately 29,800 square feet of land or .68 acres. The general uses called for in the Land Use Plan of the Comprehensive Plan are for mixed uses and higher-density residential of the University Precinct and the adjacent West Main Corridor.

Mr. Haluska gave the staff report. The site is zoned B-3, allowing 21 dwelling units per acre by right and up to 87 dwelling units per acre by special use permit. The originally approved site plan was for a six-story, 56,800 square foot, mixed-use building with a majority of commercial uses. The applicant has returned with a site plan amendment for a building of the same height but an expanded square footage -- up to 70,000 square feet. The footprint of the building has not changed from the approved site plan. Staff recommends the Planning Commission forward this application to City Council.

Mr. Barton sought clarification on the filing date for the application for the amendment. Mr. Haluska stated it was filed in April.

Mr. Bill Chapman stated the Special Use Permit application and the site plan were submitted the same day.

Ms. Lewis sought clarification of the ingress and egress for the building.

Mr. Neal Deputy, 134 Tenth Street, stated the site slopes dramatically from Tenth and-a-half Street to the west to Tenth Street on the East. There is two level parking, but no interior ramp so there is a single point of ingress/egress from Tenth Street for the lower level; the upper level is accessed from Tenth and-a-half Street.

Mr. Barton sought clarification of the proposed floor plan for apartments two through six which showed what might be a bedroom or a very large closet and did not appear to have a window. Mr. Deputy explained there was natural ventilation. He also stated all of the units would meet the requirements for light and air.

Mr. Barton then asked about the accessibility of the apartments. Mr. Deputy stated there would be accessible units on every floor. Mr. Barton sought clarification of the location of accessible units. Mr. Deputy stated they had not been overly detailed in development of plans per units per the floors. Ms. Lewis stated they needed to be assured the density was handled appropriately.

Ms. Lewis sought clarification as to whether the units were for sale or rent. The applicant stated they were for sale. Ms. Lewis then queried if the applicant would be interested in doing some affordable units. Mr. Chapman was not sure how that would work with condominiums.

Ms. Lewis opened the joint public hearing. With no one wishing to speak to the matter, Ms. Lewis closed the public hearing. Ms. Lewis then called for discussion among the Commissioners.

Mr. Lucy, noting the project had been in the system for quite some time and had been previously approved, felt the increase in residential units at the location was positive. He recommended they approve it.

Mr. Barton concurred that it had been in the system a long time. He felt there was a significant amount of information which required careful review. He felt the increase in units provided an opportunity for affordable units in a part of the City that could use them. He felt the matter should be deferred.

Ms. Lewis cited from the Ordinance for a Special Use Permit: Reduction in the availability of affordable housing which would meet the current and future needs of the City. She stated this use did not reduce the availability of affordable housing.

Mr. O'Halloran asked if it was within their purview to ask the applicant consider affordable housing. Ms. Kelley stated it was.

Mr. O'Halloran stated he was inclined to support the application with the strong recommendation that the applicant look at affordable housing. Ms. Lewis asked if that were a motion. Mr. O'Halloran concurred. Ms. Johnson Harris seconded the motion. Mr. Barton firmly urged his colleagues to remember they were charged with looking far ahead into the future. Mr. Barton urged the Commissioners to vote for deferral at this point in time until they figured out a way to suggest the implementation of affordability standards in condominium units. Ms. Lewis stated she would support the motion; however, she asked the good citizens who constitute the applicants to consider doing three affordable units here. Mr. Higgins called the question. The motion passed, 4-1; Mr. Barton voted against.

Mr. Neuman left the meeting.

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

#### **H. PRELIMINARY SUBDIVISION/SITE PLAN**

- 1. "Brookwood" -- 95 unit Townhouse Development -- Fifth Street, Southwest and Raymond Road**

Mr. Haluska gave the staff report. The application is before the Commission at this time because of the slopes of the roads contained within the proposed subdivision. Two sections of road exceed eight percent and go up to ten percent. The applicant is seeking a recommendation on the waiver before moving forward with the final site plan and the final subdivision. The project will be coming before the Commission because it is in an Entrance Corridor. The Traffic Engineer reviewed the proposed lay out and had no comments to make. Staff recommends approval of the low grade waiver with the condition that the Planning Commission shall review the final site plan in its entirety upon submission.

Ms. Lewis sought clarification that this was a by right application. Mr. Haluska stated the site plan itself was by right; however, the waiver of the road requires Planning Commission approval.

Ms. Lewis recognized the applicant.

Mr. Frank Baliff, of Southern Development, stated the dirt which must be removed must also be exported from the site. He stated they had gone through a preliminary design stage with the neighborhood.

Ms. Lewis stated the Commission received copies of a letter from Mr. Lane Cabell, dated 27 May, just prior to the start of the meeting. Mr. Baliff provided the Commissioners with his letter in response to Mr. Cabell, dated June 3rd.

Mr. Baliff stated the major points of the correspondence with Mr. Cabell.

Mr. Elliott Fendig, of Terra Engineering, stated the road could be built to the eight percent maximum grade but it would involve a great deal more earth moving activity; in this case, rock moving activity. Mr. Fendig stated the VDOT standard was a ten percent grade.

Ms. Lewis called for comments from the Commissioners.

Mr. O'Halloran had no problem with the ten percent grade if that were a VDOT standard. He applauded the applicant for working with the neighborhood and finding a way to get a connection to Fifth Street. He stated he would be in favor of granting the waiver.

Mr. Lucy thought the street connection was terrific.

Ms. Johnson Harris concurred that the ten percent grade was welcomed. She felt they should go forward.

Mr. Barton stated a previous application for a ten percent grade had been rejected or deferred; however, he noted a significant portion of this application occurred on a straight shot of road.

Ms. Lewis thanked the applicant for the submission materials received.

Mr. O'Halloran moved that they grant the waiver allowing the ten percent grade. Mr. Barton seconded the motion. The motion carried unanimously.

Ms. Lewis sought clarification from Ms. Kelley about what was to be reviewed for the Entrance Corridor Design Review portion of Brookwood. Ms. Kelley had looked at the applicability of the review and the standards for considering the Certificates of Appropriateness in an Entrance Corridor. The Ordinance

states that the Entrance Corridor Review does apply to the whole depth of the lot adjacent to the street. Ms. Kelley recommended they did not informally waive that.

## **I. ENTRANCE CORRIDOR DESIGN REVIEWS**

### **1. Cheeseburger in Paradise -- Route 29 and Seminole Court -- Amended Design**

Mr. Higgins gave the staff report in the absence of Ms. Scala. Cheeseburger in Paradise had been before the Commission in January. Points of concern had included a busyness to the color scheme and the water tower which did not seem to have any purpose. The redesign converted the water tower into the entry point to the building. The color scheme was simplified. The number of materials used in the facade was simplified. Staff recommended approval.

Ms. Denise Valenta, of WD Partners, was present to answer any questions the Commissioners may have. She stated they had revised the design based on comments from the Commissioners in January. Mr. Craig Briggs was also present on behalf of Cheeseburger in Paradise. He stated there would be an increase of 40,000 to \$50,000 in the cost of construction by changing the water tower; they did it because they really wanted to be in Charlottesville.

Mr. Barton sought clarification on the amount of signage. Ms. Valenta stated the most current proposal for signage had only a sign on the water tower. She stated there would also be a monument sign.

Ms. Johnson Harris moved to recommend approval of the Certificate of Appropriateness Application on the basis that the proposal meets the standards and guidelines of the Entrance Corridor District with the following conditions: that all the Hardiplank shingle siding, including the area below the tower windows, be painted a matte grey color. Mr. Lucy seconded the motion. The motion carried unanimously.

## **J. DEPARTMENT OF NDS/STAFF REPORTS**

Ms. Johnson Harris asked Mr. Higgins about the feasibility of putting a sidewalk on the other side of Raymond Street since Brookwood would be putting in sidewalks. Mr. Higgins stated if that was a priority of the neighborhood, it should be worked into the neighborhood plan or through CDBG funding.

Mr. Barton wanted to know when there would be an opportunity to discuss the process for the Comprehensive Plan and partnering with the Charlottesville Design Center. Mr. Higgins stated they were scheduled to talk about the Comprehensive Plan at the August Work Session.

Mr. Barton stated he had received telephone calls from neighbors of recently approved PUDs; these people did not know who to go to with complaints about construction. Mr. Higgins stated they should call Neighborhood Development Services.

Mr. Barton moved that they adjourn and reconvene on July 12th for the regularly scheduled meeting and Joint Public Hearings as necessary. Mr. O'Halloran seconded the motion which carried unanimously whereupon the meeting stood adjourned at 9:14 p.m.

Respectfully submitted,



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Mr. Ronald L. Higgins, AICP,  
Acting Secretary

Approved:

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Ms. Cheri Lewis, Chair