

**CITY OF CHARLOTTESVILLE**

**PLANNING COMMISSION**

**TUESDAY, JANUARY 10, 2006 -- 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. Karen Firehock (Chair) STAFF

Mr. Jon Fink (Vice-Chair) Mr. Jim Tolbert, AICP, Director of NDS

Mr. Craig Barton Mr. Ron Higgins, AICP, Planning Manager

Mr. Michael Farruggio Mr. Brian Haluska, Neighborhood Planner

Ms. Cheri Lewis Ms. Mary Joy Scala, Preservation & Design Planner

Mr. Bill Lucy Ms. Lisa R. Kelley, Deputy City Attorney

Mr. Kevin O'Halloran

Ex-officio Member

Mr. David Neuman, UVa Office of the Architect

City Council Members Present:

Mr. Kevin Lynch, Vice Mayor

Mr. Blake Caravati

Ms. Kendra Hamilton

**I. REGULAR MEETING**

Ms. Firehock convened the meeting at 6:30 p.m.

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

Ms. Firehock called for matters from the public.

Ms. Adrienne Fowler, of 805 Raymond Road, read a prepared statement in opposition to the proposed Brookwood Townhouses. She expressed concern about tree preservation and replacement.

Mr. Alexis Ziegler, of 912 Woodfolk Drive, spoke in opposition to Brookwood Townhouses.

Ms. Garnet Melon, of 1107 Calhoun Street, spoke in opposition to Brookwood Townhouses on behalf of the Rivanna Trails Foundation.

There were no other matters from the public not on the agenda.

## **B. MINUTES**

### **1. November 15, 2005 - Regular Meeting**

Mr. Farruggio, citing the third paragraph of page 9, stated he had also expressed concern over the non-detached homes on the end of Raymond. Citing the third paragraph on page 11, Mr. Farruggio stated he had initiated the conversation on lighting.

Ms. Lewis, citing page 2, the Subdivision Plans Approved Administratively, sought clarification from Mr. Tolbert that the Grandmarc had been deferred at the November meeting. Mr. Tolbert explained it had been deferred from the October meeting to the November meeting.

Ms. Firehock called for a motion to approve. Ms. Lewis so moved. Mr. Lucy seconded the motion. The motion carried, 6-0-1; Ms. Firehock abstained as she had not been present for that meeting.

### **2. December 13, 2005 - Regular Meeting (part one)**

Ms. Lewis, citing the seventh paragraph of page 6, stated that Ms. Scala had answered her question regarding gerrymandering that there were no other districts like this in the City where there would be two separate physical districts.

Ms. Lewis, citing the fifth paragraph on page 11, stated Ms. Cooper's name was mentioned twice; it should have been Ms. Beauregard.

Ms. Lewis noted a typographical error in the fourth paragraph of page 13; "seconded" should be seconded.

Mr. Farruggio, citing the seventh paragraph of page 7, stated he understood Option 2 rather than "must support Option 2."

Ms. Firehock listed typographical errors: fifth paragraph of page 5 -- "hat type of roofing" should be what type of roofing; page 9, "has" should be "as"; McIntyre should be McIntire.

Ms. Firehock called for a motion to approve. Mr. Fink so moved. Mr. Barton seconded the motion which carried unanimously.

### **3. December 15, 2005 - Regular Meeting (part two)**

Mr. Fink noted there was no "H" in his first name.

Mr. Fink, citing the second paragraph from the bottom of page 9, clarified that he had recommended a fence of a height necessary to screen all the dishes from a pedestrian and vehicular viewshed.

Mr. Fink, citing the first paragraph of page 4, stated they had been talking about the west side of the property, not the front. Mr. Farruggio also clarified that the rooftop screening was to protect the view from Elliot Avenue.

Ms. Firehock, citing page 2, clarified that the landscape plan should come back before the Commission "and contain a mix of shrubs and trees."

Ms. Firehock, citing page 3, clarified that the meeting had been recessed at 7:29 and reconvened in a different location due to power and lighting problems.

Ms. Firehock asked if there was a motion to accept these minutes. Mr. O'Halloran so moved. Ms. Lewis seconded the motion. The motion carried unanimously.

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

Mr. Farruggio sought clarification as to what had been changed in the amended Village Place. Mr. Tolbert stated the applicant had needed to add some fire hydrants; it did not create any new lots. Mr. Farruggio wanted to know if grading had been affected. Mr. Tolbert stated there had been some minor changes in grading. Mr. Farruggio sought clarification of where the grading changes had occurred and what kind of changes they had been. Mr. Tolbert stated he did not know any specifics; Ashley had told him it wasn't anything substantial.

Mr. Fink sought clarification of what was going on at the Federal Office Building. Mr. Tolbert stated it was security amendments which had been presented to the BAR and approved by that body.

Ms. Firehock asked if there was a motion to accept Mr. Fink so moved. Ms. Lewis seconded the motion which carried unanimously.

#### **List of Site Plans Approved Administratively**

12/1/05 to 1/1/06

1. File No. "Village Place" Amendment End of Village Road &

ZM—03-12-14 (fire hydrants & grading) Highland Avenue

Signed by: Ashley Cooper (Johnson Village PUD)

2. File No. 501 Federal Office Building 255 West Main Street

-Amendment (minor)

Signed by: Ashley Cooper

3. File No. Forrest Street Parking Lot 802 Forest Street

T-04-000015 Signed by: Missy Creasy

4. File No. 1263-A & Woolen Mills Self Storage 131 Franklin Street &

T-05-00003 -Expansion/Phase II & Leake Lane

Signed by: Brian Haluska

5. File No. St. Charles Subdivision N. end of St. Charles Ave.

T-02-000043 -Grading Plan Amendments

Signed by: Missy Creasy

#### **List of Subdivisions Approved Administratively**

11/29/05 to 1/1/06

1. Division of Lot 43R, Block D two new s.f. attached lots

Section 2, "Orangedale" Habitat for Humanity

TM 22B-320, end of Rock Creek Rd. Preliminary & Final

File No. 615-T(2)

Final Signed: 11/29/05

By: Karen Firehock & Brian Haluska

2. Redivision of Tax Map 39, Parcels 45 & 46 No new lots

1902 & 1912 Blue Ridge Road Noella Jane & John Jane

File No. 1362 Preliminary & Final

Final Signed: 11/29/05

By: Karen Firehock & Brian Haluska

3. "Huntley" Lots 6, 7 & 72-75, Phase I 22 new s.f. lots

Lots 6-12, 16 and 27-35, Phase II Huntley of Charlottesville, LLC

Huntley Avenue & Morgan Court Huntley of Charlottesville, LTD &

File No. 1344-A Huntley LLC

Final Plats

Final Signed: 12/6/05

By: Karen Firehock & Ashley Cooper

4. Redivision of TM 32, Parcels 175, 176 & 177 No new lots

421, 501 & 503 West Main Street The Sutton Group, LLC

File No. 1363 Preliminary & Final

Final Signed: 12/30/04

By: Jon Fink & Ron Higgins

#### **D. COMMISSIONERS' REPORTS**

Mr. Barton stated none of his committees had met.

Mr. O'Halloran stated the Board of Zoning Appeals had not met.

Mr. Fink stated none of his committees had met.

Mr. Lucy stated the Board of Architectural Review had met. He reiterated that the BAR has recommended the concept of a conservation district be explored and adopted; reviews would occur for the addition of 25 percent or more of the square footage to protected or contributing structures, or the

BAR would review if the demolition was 25 percent or more. Ms. Scala stated the BAR's Conservation subcommittee had met; a report would be in the Charlottesville Planning Commission's next packet.

Mr. Farruggio stated the Parks and Recreation Advisory Committee had met. They had discussed the need for green space to be included in redevelopment and infill so as to not increase the pressure on all other parks. He stated he had been impressed with the professionalism, knowledge, and passion for the City Parks of Mr. Svetz. Mr. Farruggio stated Parks and Recreation wants to be involved with the Tree Replacement Policy. He stated the 250 Bypass/McIntire Interchange Committee had not met, but was scheduled to meet January 11, 2006. The Federation of Neighborhoods had not met either.

Ms. Lewis stated the Thomas Jefferson Planning District Commission had met. Ms. Lewis served on the Audit Committee to review the audit which is sent annually for that Commission; the TJPDC had received a qualified rating. She stated the TJPDC Commissioner from Louisa County, David Morgan, had resigned; Louisa County was not an original member of the Commission but Mr. Morgan had been an active member who had contributed to the Commission.

When asked if there was a plan to replace Mr. Morgan, Ms. Lewis stated yes. Ms. Lewis stated she was serving on the 250 Interchange Committee with Mr. Farruggio and was looking forward to the meeting. Ms. Lewis stated she had received an invitation to the next two quarterly meetings of the UVa Master Planning Council.

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

Ms. Firehock stated the Community Development Block Grant had not met; however, there had been a giant packet of grant applications. Ms. Firehock stated her hope that people were aware of the schedule of

meetings for the Comprehensive Plan; the schedule is available online.

Ms. Lewis asked Ms. Firehock and Mr. Tolbert if the letter expressing Commissioners' concerns about the CIP had been sent to Council. Mr. Tolbert stated it had not yet been sent but he would make sure it was done and sent to the Chair to be sent out.

## **II. JOINT PUBLIC HEARINGS (Beginning at 7:00 P.M.)**

### **F. JOINT PUBLIC HEARINGS**

1. ZM-05-9-19: A petition to rezone from R-2 Residential and M-I Industrial to Planned Unit Development (PUD) the land at the northeast corner of Carlton Avenue and Chestnut Street to Carlton Road. The application is to increase that density to allow clustered development of single-family dwellings of different types toward Chestnut and mixed commercial toward Carlton Road. These properties are further identified on City Real Property Tax Map Number 57 as parcels 165, 165.1, 164 and 161, having, together, approximately 290 feet of frontage on Carlton Avenue, 120 feet of frontage on Chestnut Street, 140 feet of frontage on Carlton Road and containing, approximately 43,750 square feet of land or 1.01 acres. The general uses called for in the Land Use Plan of the Comprehensive Plan are for Two-Family Residential of 7-12 units per acre and Industrial. Report prepared by Brian Haluska, Neighborhood Planner.

Mr. Haluska gave the staff report. This project had been reviewed at the October and December meetings. There had been a setback issue with the commercial plaza; it had been included to allow for the modification of the rear setback so the applicant could utilize a portion of the property. Four of the proposed units would front on Chestnut, two on Carlton Avenue, and a four-unit townhouse in the back corner. On street parking will be provided for four of the houses. The primary concern of the neighbors seems to regard parking. The applicant submitted three proffers: five foot sidewalks along the frontage of the residential area; donating \$1,000 to the school system to be used at Clark School, and \$1,000 to the Park system; two units would be made available to Piedmont Housing Alliance for affordable units. Staff recommends approval: the proposal would use an arrangement of buildings that provides for infill development while improving the streetscape on the subject property; development would manage the increased traffic from the added density in a respectful way in good relationship with the surrounding neighborhood; the applicant proposes to dramatically increase the landscape and plantings in a cohesive manner.

Mr. Fink sought clarification that ten parking spaces was the minimum required by the City. Mr. Haluska concurred and stated that a PUD could request a waiver from that requirement; however, the applicant was not requesting the waiver.

Ms. Lewis sought clarification of whether the open space included paved surfaces. Mr. Haluska stated that the project engineer had stated in October that the open space was those areas which were not built upon. Mr. Haluska further stated there was no open, green, usable recreation space on the site. Ms. Lewis sought Ms. Kelley's input as to what constituted "open space" in a PUD since the Zoning Ordinance had been revised recently.

Ms. Kelley cited Section 34-493 of the City Code: "As used within this article, the term 'open space' shall mean land designated on an approved development plan for a PUD as being reserved for the use, benefit and enjoyment of all residents of the PUD. Such open space may consist of common areas owned and maintained by a developer, or non-profit corporation or property owners' association, and/or any parkland, hiking trails, drainage area, or similar areas dedicated to the public and accepted by the city." She further stated it "must be usable for recreational purposes, or provide visual, aesthetic or environmental amenities."

Ms. Lewis asked if that would be a paved surface. Ms. Kelley stated a paved surface would be excluded; "The following areas shall be excluded from areas counted as open space: buildable lots, buildings and structures, streets, parking areas, and other improvements, other than those of a recreational nature. The following improvements may be counted as part of required open space: playgrounds, ball courts, swimming pools, picnic areas and shelters, parks, walking paths and hiking trails, landscaped terraces, open-air plazas, and similar amenities."

Ms. Lewis stated she could not find 40 percent of open space on the proposal. She expressed a concern that the Planning Commission was again faced with an application where the open space calculation was not met and was, in fact, represented and that she was dismayed by that.

Mr. O'Halloran concurred.

Mr. Barton stated that a significant recalculation of the open space was required and, absent the ability to calculate that, he felt they should not be acting on this at this moment.

Ms. Firehock stated she had contacted Staff to let them know that the application did not denote the open space.

Mr. Barton stated it did not seem to be a calculation error but a listing error as page C-1 identified the acreage as 0.47 acres while 1.01 acres was designated in the members' packets.

Mr. Farruggio asked if City Code specified the physical dimensions of the sidewalks. Mr. Haluska stated the Subdivision Ordinance required four feet; City Staff requires five feet for ADA compliance. Mr. Farruggio sought clarification of the latest a sidewalk could be done on a project such as this. Sidewalks must be completed before a Certificate of Occupancy could be given; the site plan stated it would be done before the six houses on the street were completed. Mr. Farruggio asked if there were other sidewalk needs in the immediate area. Mr. Haluska stated there was no sidewalk on Chestnut. Mr. Farruggio sought clarification that no other sidewalk networks were proffered; Mr. Haluska concurred. Mr. Farruggio wanted to know how the sidewalk was a proffer. Mr. Haluska stated two were proffers while the other was a statement of intent.

Ms. Lewis sought clarification of what would happen if the current owners of the commercial portion discontinued the commercial use or redeveloped it differently. Mr. Tolbert stated that if they wanted to change the commercial, they would have to come back and amend the PUD.

Mr. Barton asked for a status report regarding the vacation of the alley. Mr. Haluska stated the applicant did not need that portion of the alley to make the site work; however, they were still pursuing the vacation.

Ms. Lewis thanked Staff for the recent reports stating the tax status of the parcel.

Ms. Firehock recognized the applicant.

Mr. Charles Hendricks, of the Gaines Group, showed the Commission a drawing of the site with the open space shown in green. He stated all but one unit had a garage so all units would have front yards; most units would have small rear yards. He stated that if he did redo the calculation with his new understanding of open space, the project would meet the requirement with the amount of green space and landscaping on the property and on the front of the commercial property.

Mr. Fink stated the importance of the Commission being given a figure as it was part of the regulations they had.

Ms. Firehock called for questions of the applicant.

Mr. Farruggio asked if they had discussed lighting at one of the previous meetings. Mr. Hendricks stated they had not; however, the site would have adequate lighting to be safe as they moved through the site plan process. Mr. Farruggio asked if the lighting would be individual per house or would it be common. The applicant stated his guess that it would be individual per house with some lighting on the shared drive.

Ms. Lewis sought clarification if a rain garden which had been mentioned was shown on the site. Mr. Hendricks stated it was not yet as the civil engineer was still working on it; in concept it would likely be at the front edge along the Carlton Avenue side of the site.

Ms. Firehock opened the public hearing.

Staff Sergeant Joseph A. Moneymaker, of 306 Chestnut Street, spoke in opposition of the proposal stating nothing had been shown to the neighborhood. He had a petition from the neighborhood stating they did not approve of the rezoning. The neighbors were concerned about what it would do to the existing neighborhood.

Ms. Meredith Moneymaker, of 306 Chestnut Street, spoke in opposition of the proposal. She felt there were too many in a small area.

Mr. Frederick Schmidt, of 312 Chestnut Street, stated the applicant, developer and architect had met with them several times. He stated his major concern was traffic.

Ms. Theresa Hanes, of 308 Chestnut Street, sought clarification that the property currently could have eight properties and would only have 10 if rezoned. Ms. Firehock concurred. Ms. Hanes wondered why rezone.

Mr. Robert M. Burke, Jr., of 701 East High Street, spoke on behalf of the employees of Virginia Industries for the Blind. He had spoken with the applicant regarding meeting the needs of those in wheelchairs or with walkers. Mr. Burke also felt, as regarded affordability, that they were overpricing the community.

With no one else wishing to speak to the matter, Ms. Firehock closed the public hearing.

Ms. Firehock called for comments from the Commissioners.

Mr. Barton stated that they needed to have before them all the documents and information in correct current form so they could make their determination based on the categories they were asked to review. He stated the questions about open space were left up for casual review and evaluation and calculation when the Commissioners ought to be able to see them very clearly. Mr. Barton stated his inclination that they not move forward on this until they had all the information in front of them and they could evaluate it.

Mr. Fink concurred with Mr. Barton. He felt the site plan should have all the needed elements; unfortunately this one did not include ones that are extremely critical and germane to a PUD application.

Mr. Farruggio stated his belief that some of the traffic concerns may be mitigated. He shared some of the concerns of the neighbors: taking a firmly established neighborhood and removing a lot or two with two or three houses and replacing it with eight or ten or 12 houses was going out of the character of the neighborhood and changing the density in the neighborhood. As far as the other issues, such as the proffer issue of sidewalks that are required, Mr. Farruggio stated he did not like that that was even proffered. He stated curbing and sidewalks in the neighborhood could make connectivity; to repair parts



of the street that do not have curbing or sidewalks now would benefit the neighbors living in that area. He stated three houses being turned into ten seemed like too much to him. It was too much change.

Mr. Farruggio stated it was no doubt that the design was caring, attractive, and has a very nice affordable housing piece, but it is stepping outside the bounds of what he thought was good and neighborly to the folks living in that area. He stated those were huge concerns on his part.

Mr. Lucy sought clarification of how many lots were allowed by right compared to the ten allowed in the PUD. Mr. Haluska stated three of the lots were zoned R-2 and could support a duplex each;

the fourth lot, while zoned R-2, was included in the site plan for the commercial property as the setback and if the commercial property was taken down, it would also hold a duplex.

Mr. Lucy stated the open space subject was confounding. He stated a discussion of the Zoning Ordinance Amendment was tentatively scheduled for January at which they would discuss infill special use permit. Mr. Lucy stated this opened the subject of where within the City greater density was appropriate.

Mr. Farruggio asked the Commissioners to look at the land use map showing the three lots being changed from three or four buildings into ten. He asked that they imagine the precedent that could be set for other developers. He stated the character of the neighborhood would quickly change.

Ms. Firehock explained that, at the work session set for January 24<sup>th</sup>, they would discuss looking at getting rid of the PUD and look at cluster developments for developments over two acres. They would also be looking at a special use permit for smaller infill developments.

Mr. Barton stated that the Planned Unit Development required the Commission to assess density on a specific site and look at the mitigating factors.

The Commission had crafted a new and more powerful tool with respect to open space; he argued that they apply it now. He stated he would vote to deny the application or, if the applicant so chose, to have the applicant defer the application to a later time at which point they could review the application in its entirety.

Mr. Caravati stated that one of the elements to consider was whether it fit into the neighborhood. He concurred with Mr. Farrago's concerns. Mr. Caravati expressed his confusion regarding the open space; if it has been such a concern as expressed by so many, they should have caught it when they received their packets instead of inconveniencing the developer and the public, especially if they were going to deny it. Mr. Caravati addressed his remarks to Staff as well. Mr. Barton stated applicants did not always take the wisdom of the staff. Mr. Fink stated they had

been given an incorrect number of 40.1 percent Ms. Firehock stated she had called staff about this; however, the joint public hearing had already been advertised. Mr. Caravati apologized if his criticisms were poor. Mr. Caravati did applaud what Mr. Barton and others had commented on: Open space is absolutely critical.

Ms. Lewis commended the applicant for proffering the 20 percent affordable housing. The proffers of \$1,000 to Parks and to Clark School were the kind of proffers the Commission liked to see. She agreed

with Mr. Farruggio that the sidewalks were not a proffer. Ms. Lewis felt there had been a fourth proffer by the applicant by permanently limiting the commercial property to B-2. Ms. Lewis stated the open space requirement had not been met. She favored deferral.

Mr. Fink moved that they defer application ZM-05-9-19. Mr. O'Halloran seconded the motion. Mr. Higgins called the question. The motion carried unanimously. Mr. Tolbert, in his capacity as Director of NDS, apologized for Staff missing the issues. He stated they had worked hard to improve the quality of staff reports since the November meeting. Mr. Fink asked if they could ask the applicants to more clearly show the green space.

2. ZT-05-12-26: An ordinance to amend and reordain the following sections of the Code of the City of Charlottesville, 1990, as amended (Zoning Ordinance);

a. Section 34-157: General standards for issuance (of a special use permit) to add a requirement to consider "massing and scale of project" among the potential adverse impacts of a project.

b. Section 34-158: Applications generally (for special use permits) to add language that includes information on building massing and elevations as part of an application.

Mr. Tolbert gave the staff report. Changes to the ordinance had been suggested to help the Commission with Special Use Permits. These amendments had been discussed to help clear up the

review process.

Ms. Firehock called for questions from the Commissioners and Councilors.

Mr. Caravati asked if these could be used with a PUD application as well to show mass and scale. Mr. Tolbert stated they generally received elevations with PUDs.

Ms. Firehock opened the public hearing.

Ms. Antoinette Rhodes, of 406 Oak Street, stated the higher up the buildings go, the more it is guaranteed in the winter that a street with tall buildings on the south side will be a dark, cold, inhospitable cave.

With no one else wishing to speak to the matter, Ms. Firehock closed the public hearing.

Mr. Barton stated his thought that Ms. Rhodes was referencing a section that allowed understanding the relationship between the project/site section or street section and the adjacent building. Mr. Barton stated that instead of crafting a very specific document, they may need to provide staff with a little bit of latitude that would allow them to request whatever documents were necessary to accurately assess the building.

Ms. Lewis felt the vagueness of adding "massing and scale of project" as a consideration and the plainness of the new sentence in 158 left a lot of latitude and ability to the staff. She stated adding more language may limit or confine what staff is able to request.

Mr. Caravati asked if they could seek the opinion of legal counsel.

Ms. Kelley stated her opinion that Section 34-158 actually gives quite a bit of latitude; however, it clearly puts the burden on the applicant to submit supporting data sufficient to demonstrate compliance with

the purposes and standards of the Ordinance. If 34-157 listed a number of specific adverse impacts that the applicant needs to address and Staff understands that certain impacts from certain types of projects in certain locations are going to need to show certain things, then the existing language of 34-158 gives staff the latitude they need to say to an applicant, "Submit this type of a drawing."

Ms. Lewis moved to approve Zoning Text amendment presented tonight, ZT-05-12-26 amending Sections 34-157 and 34-158 of the Ordinance as advertised with the language that Mr. Tolbert added earlier of after elevations and drawings that show the project context. Mr. O'Halloran seconded the motion. Mr. Higgins called the question. The motion carried unanimously.

Ms. Firehock asked that they take a break. The meeting stood in recess at 8:18 p.m.

Ms. Firehock reconvened the meeting at 8:23 p.m.

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

#### **G. OTHER MAJOR PLANNING ITEMS (DISCUSSION AND RECOMMENDATION)**

1. Downtown Mall Street Crossing: Further consideration, discussion and recommendation on an additional Downtown Mall vehicular crossing at either Fourth or Fifth Streets, east.

Ms. Firehock noted this was not a public hearing but a discussion in light of additional information that was requested from the November meeting. Ms. Firehock also noted she had not been present for the November meeting.

Mr. Tolbert gave the staff report. Council had received a petition from the Downtown Business Group to ask that there be another mall crossing opened at either Fourth or Fifth Street. Council referred that to the Planning Commission; information was provided to the Commission at the November 15<sup>th</sup> meeting. Many questions were raised at the meeting. Mr. Tolbert attempted to answer as many of those as possible. Mr. Owen Peery of RK&K prepared a response as well. RK&K had studied four scenarios. Mr. Tolbert, based on the RK&K studies, had recommended the Fifth Street crossing as: it did not open up a through street issue; it was further down; and was already being improved.

Cost. The cost assumes improving the streetscape and undergrounding the utilities.

Property Values at either end of the Mall. Property values were based on the quality of the building rather than location on the Mall.

Signage and Wayfinding. Wayfinding is a major improvement that can be made to help people get to and around the Downtown Mall.

Pedestrian Counts. Given the time of year, accurate pedestrian counts could not be achieved.

Adjacent Directional Flow. A map had been included in the members' packets.

Convenience parking on Water Street. A major effort had been made several years ago to investigate additional parking; quite a few spaces had been gained, but everything is tapped out from High Street to Monticello. Parking was not as much a problem as circulation.

Other Cities. Williamsburg had been recommended; Mr. Tolbert had not been able to make a trip there and did not feel comfortable making a comparison having not seen the street and knowing the context and relationship to Charlottesville. Burlington and Boulder had been other examples. They do have through streets that work effectively.

Mr. Tolbert stated Ms. Kelley had provided a memo emphasizing their responsibilities: to provide Council with a statement of their collective assessment of the pros and cons of establishing a Mall crossing and with their recommendation as to which, if either, of the proposed locations might be preferable; and that they certify whether or not a crossing at either or both locations would be substantially in accord with the City's Comprehensive Plan. He stated Ms. Kelley had provided the Commission with two resolutions; one certifying they were in accord and one that says both are not in accord with the Plan.

Mr. Tolbert stated a report, provided by Mr. David Repass, and an E-mail received by Mr. Farruggio, both of which were in opposition to the crossing had been placed before the Commissioners just before the meeting.

Ms. Lewis asked if the Second Street utilities were undergrounded. They were not. She asked Ms. Kelley why the procedures for opening and closing street differed in the City.

Ms. Lewis asked if there had been a public hearing for the closing of Seventh Street. Ms. Kelley could not recall specifically. She also stated City Council had the ability to decide to close something to traffic.

Mr. Lucy asked if it was correct that one of the main issues of Downtown business people was that the Market Street Parking Garage gets full enough to be a deterrent to use and the Water Street Garage has some spaces at those same times and, therefore, increasing the ease of getting from the Market Street Garage area to the Water Street Garage area is one of the goals being sought. Mr. Tolbert stated that has been one of the stated goals of the Downtown Business Group.

Mr. Fink stated it would be helpful if the City would get gross receipts data comparing before and after the Seventh Street closing.

Ms. Lewis had a staff report on Williamsburg. She was gravely disappointed that no one on City Staff found it important to contact an equivalent pedestrian-crossed-by-vehicular-mall in a similar-sized city that is also a college town located in our state. Ms. Lewis stated she had spoken with Reed Nester, the Williamsburg Planning Director. The Duke of Gloucester Street has two vehicular crossings which are two-way at each crossing. Henry Street has 5200 vehicles crossing the Duke of Gloucester Street each day. There are marked pedestrian crossings at the intersection.

Bollards are set out with wooden cross pieces. Mr. Farruggio asked the length of the Williamsburg pedestrian mall. Ms. Lewis stated Mr. Nester had defined the commercial district as being about four blocks; the rest of the mall is the historic district with no vehicular crossings there.

Mr. Fink stated his belief that one problem was the signage on the Mall. He stated people were not able to find the Downtown Mall. Ms. Firehock stated that problem was being addressed by the Wayfinding program.

Ms. Firehock stated another problem was that people could not get to parking.

Ms. Lewis stated circulation was a problem. She also stated that she differed with the idea that perfect Wayfinding may solve the circulation problem.

Mr. O'Halloran stated he was not persuaded that turning left would be a burden. He stated they should take this very seriously. Mr. O'Halloran stated the issue was one of circulation and wayfinding. He was not convinced you had to drive through the Mall.

Mr. Barton agreed with Mr. O'Halloran's comments. Mr. Barton stated there should be a phased, strategic approach to the solution of the problem. The primary phases were: upgrading Wayfinding so that the Mall is more visible; the streetscape is constructed so that they are more visibly a part of the pedestrian environment. Mr. Barton also agreed that rethinking the traffic flow on Second Street is important. Mr. Barton stated he would favor moving on this proposal in a more deliberate, slow matter.

Mr. Farruggio concurred that the big three issues were circulation, parking, and visibility. He stated improving the wayfinding created a recommendation that they wait and see; wayfinding alone may solve all three of those problems. Mr. Farruggio stated a comparison with Williamsburg did not seem fair. Mr. Farruggio, having reviewed the Comprehensive Plan, stated the Comp Plan seemed to be more against opening another Mall crossing.

Ms. Firehock stated they did not have enough data to support that the alleged problem would be solved by the proposal. She also stated that no matter what decision was reached, more safety measures need to be added to the west end of the Mall.

Mr. Farruggio put forth a motion of resolution finding and determining that a vehicular crossing of the Downtown Mall is not consistent with the City's Comprehensive Plan, referring to the example given to the Commission. Mr. Lucy seconded the motion. Mr. O'Halloran asked if they needed to indicate that they would like to see the City continue with the Wayfinding Plan and find

other ways of addressing the issues of circulation and wayfinding. Mr. Fink sought clarification of the timetable facing the Commission. Mr. Tolbert stated the RFP requires that the proposals be submitted by 9 February; it was staffs' hope to engage someone immediately thereafter, finalize the design, take it to the BAR, and then bid the package. Ms. Lewis expressed concern about those who had submitted the petition. Mr. Higgins called the question. The motion passed, 5-2; Ms. Lewis and Mr. Fink voted against.

Ms. Firehock asked the Commission if they wanted to make additional recommendations.

Mr. Lucy stated he would like to encourage a study about changing the direction of Second Street.

Mr. Fink recommended they take to heart the petition received from the business owners at the east end of the Mall and that after implementation of the Wayfinding and circulation changes that they track businesses to be sure they are satisfying the businesses concerns.

Ms. Firehock stated Mr. Tolbert had requested they submit their concerns as a motion which he could take to City Council.

Mr. Farruggio made a motion, (1) that the current crossing at Second Street, its design and safety be studied so improvements can be made; (2) that the reversing of Second Street, and implications of how it can enhance movement through the south side of the Mall be studied; (3) that the implementation of

the Wayfinding Plan be done with utmost haste; and (4) that they revisit the downtown businesses and merchants, the fact that their business is down as compared to what happens in the next year, in one year. Mr. O'Halloran seconded the motion. Mr. Neuman wanted to know how completion of the condominiums and the multimodal center would impact the Mall during the next 12 months. Mr. Farruggio amended his motion so that when item (4) was revisited, it was the whole downtown area that is taken into consideration. Mr. O'Halloran accepted the friendly amendment. Mr. Higgins called the question. The motion carried unanimously.

## **H. SITE PLAN**

1. Brookwood Townhouses -- end of Brookwood Drive, between Fifth Street and Raymond Road – 64 townhouse units

Mr. Haluska gave the staff report. This is a preliminary site plan. This had been before the Commission in November; since that time, the staff report had been reviewed against the checklist.

Missing items had been communicated to the applicant and a new site plan had been received in return. The setback requirement of the McIntire/Fifth residential corridor requires adjacent to low density residential. This affects 13 units in the western part of the development. The applicant has requested a waiver under Section 34-353(b)(7). Staff recommends approval due to the fact it is adjacent to the Willoughby open space. Staff had received a letter from the Rivanna Trails Foundation requesting some changes to the site plan specifically where the lots at the extension of Raymond Road overlap the Rivanna Trails path; they all requested a 100 foot buffer on Rock Creek. The applicant has met all the requirements of section 827. Staff recommends the preliminary site plan be approved.

Mr. Farruggio sought clarification if any of the sidewalks were under five feet wide. Mr. Haluska stated they were four feet on this property; four feet is required, five feet is requested by the City. Mr. Farruggio also wanted to know if the sidewalks went all the way down to Fifth Street. Mr. Tolbert stated they did.

Mr. Frank Ballif, of Southern Development, stated a lot of earth needed to be moved to allow the road connection to come in. He stated they had every intention of an easement with the Rivanna Trails.

Mr. Fink wanted to know what steps would be taken to preserve/replace the specimen trees. Mr. Ballif stated they would replant as they landscaped units.

Mr. Farruggio sought clarification that the one connector road is what was taking out much more of the trees. Mr. Ballif explained it required a lot of grading. Mr. Tolbert stated it was the opinion of the City engineers that the grading of the road was so significant it would eliminate most of the trees.

Mr. Farruggio wanted to know if the trees would be replaced in kind. Mr. Ballif stated they would be replanting for the landscape plan. Mr. Tolbert stated there was an approved list of landscape trees.

Mr. Farruggio wanted to know why a four foot sidewalk was being put in rather than the five feet requested by the City. Mr. Ballif stated most of the sidewalks were five feet.

Mr. Barton wanted to know the heights of the retaining walls. Mr. Ballif stated they did not want anything over the 13 feet that they were trying to create which is why there was a terrace effect.

Mr. Haluska stated staff had not received a submittal on the Entrance Corridor Guidelines for the 13 units. Ms. Scala expressed concern that the Commission would take action on the preliminary site plan before the Entrance Corridor and those units had not been submitted. Mr. Tolbert stated that if the Commission was ready to approve the site plan, they could approve the site plan and if the entrance corridor review was brought in and it made any change in the site plan

the applicant would have to amend the site plan.

Mr. Barton stated he was prepared to move forward with the setback waiver. His only concern was if, at some point in time, that open space was rezoned. He stated they would be best served by conditioning the setback on the maintenance of the open space. If that were to change, the setback would have to be put into the site.

Mr. Farruggio wanted to know what the applicant would do if the waiver was denied. Mr. Ballif stated they would have to reevaluate if it makes economic sense to build the road.

Mr. Farruggio stated his perception was there was no credible amount of support. He stated he had some problems with reconciling the development idea, which was smart, with the problems of the neighborhood conscience and the safety issues of the sidewalks on the steep hill.

Mr. Fink expressed concern about public benefit; in order to build density, they were removing specimen trees.

Mr. Barton, while sharing his colleagues' concern about increase of density and the detrimental effects that might be at any site as a result of development, stated their purview was relatively limited.

Ms. Firehock stated the issues with the parcel had gone on for years and the need for a connection to Fifth Street had long been a concern voiced by the neighborhood. Ms. Firehock felt the developer had bent over backwards to try to fit a road into a crazy place.

Mr. Farruggio stated the crux of the question was do they grant the waiver knowing what they were losing for the 13 units.

Mr. Barton moved that they approve this plan and grant the waiver. Ms. Lewis seconded the motion. Mr. Higgins called the question. The motion carried, 6-1; Mr. Farruggio voted against.

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

### **1. Brookwood Townhouses -- end of Brookwood Drive, between Fifth Street and Raymond Road.**

Ms. Scala gave the staff report. This was last considered on 15 November; action was not taken as the site plan was not ready to be approved at that time. The design for the 12 units, which were the most visible, had not yet been received. The Entrance Corridor that is being approved would include all the units in the back on the top of the hill. Staff recommendations had been revised. The largest retaining wall has been terraced; there should be a ten foot maximum height. The applicant has agreed to put a railing on all the walls. The application shows street lights; staff recommends the applicant work with Public Works and Traffic to determine the spacing and types of street lights.

Mr. Fink asked if the roof vent issue from November had been resolved. Mr. Ballif stated they would be happy to paint them the color of the roof. Ms. Scala stated that would be her recommendation.

Mr. Farruggio asked if it was staff's recommendation to allow the less compatible components. Ms. Scala stated that, based on the discussion at the November meeting and that these were not visible from Fifth Street, yes.

Mr. O'Halloran stated he thought the applicant has done everything asked of him.

Mr. O'Halloran moved to approve the Entrance Corridor Certificate of Appropriateness for Phases I and II units, including lots 1-35 on Brookwood Drive, and lots 1-20 on Raymond Road cul-de-sac, and including the landscaped terrace wall, subject to staff's recommendations 1, 3, and 5 as amended; conditions 7, 8, and 9 will apply to future approvals that are visible from the Entrance

Corridor. Mr. Fink seconded the motion. Mr. Barton stated his belief that the units outside the limits of the Entrance Corridor Review would be undermined by changing the material palette from a higher grade palette to a lower grade palette. Mr. Higgins called the question. The motion carried unanimously.

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

Mr. Tolbert stated they had distributed the training information again.

Mr. Tolbert stated there were 12 more neighborhood meetings to be held in January. There has been great attendance.

Mr. Higgins asked that nominations for the Planning Awards be submitted before the February meeting.

Mr. Farruggio moved to adjourn. Mr. Lucy seconded the motion. The motion carried unanimously whereupon the meeting stood adjourned at 10:55 p.m.

Respectfully Submitted:

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Jim Tolbert, Secretary

Approved:

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Ms. Karen Firehock, Chair