

## **MINUTES**

### **CITY OF CHARLOTTESVILLE**

### **PLANNING COMMISSION**

**TUESDAY, 11 JULY, 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:

Mr. Jon Fink (Vice-Chairman)

Mr. Craig Barton

Mr. Michael Farruggio

Ms. Cheri Lewis

Mr. Bill Lucy

Mr. Kevin O'Halloran

#### **Commissioners Not Present:**

Ms. Karen Firehock (Chairman)

Mr. David Neuman, Ex-officio, UVa Office of the Architect

#### **Staff Present:**

Mr. Jim Tolbert, AICP, Director NDS

Ms. Missy Creasy, AICP

Ms. Ashley Cooper

Mr. Brian Haluska, AICP

#### **City Council Members Present:**

Mr. David Brown, Mayor

Mr. Kevin Lynch

Mr. Dave Norris

Mr. Julian Taliaferro

#### **Also Present**

Lisa R. Kelley, Deputy City Attorney

## **I. REGULAR MEETING**

Mr. Fink called the meeting to order at 6:30 p.m.

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

Mr. Fink called for matters not on the formal agenda.

Ms. Catarina Krizancic, of 829 Nalle Street, stated a detailed letter had been submitted expressing the concerns she and her husband had about the site plan for 850 Estes Street. She stated the developers had disregarded community input. She stated there was an error in how Ninth and Estes Street is shown on the zoning map.

There were no other matters from the public.

#### **B. MINUTES**

June 13, 2006 -- Regular Meeting

Mr. Fink called for discussion of the June minutes.

Ms. Lewis sought clarification of the vote to approve the River's Edge PUD as to whether the Commissioners had asked that it be brought back to Staff as the motion read. Mr. Fink believed that they had.

Ms. Lewis asked that the next to last paragraph of the last page be clarified by striking the phrase "make the existing zoning not seem right and the new zoning seem better" and replacing it with "show why proposed zoning to PUD was better than the existing zoning." She also asked that the next sentence in that paragraph be struck as well.

Mr. Barton moved to approve the minutes as revised. Ms. Lewis seconded the motion. The motion carried unanimously.

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

Ms. Lewis wanted to know who was the applicant on the John's Street PUD. The applicant is PHA.

Ms. Lewis moved to approve the list of site plans approved administratively 6/1 to 6/30/06 and the list of subdivisions approved administratively for the same period. Mr. O'Halloran seconded the motion. The motion carried unanimously.

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

Ms. Lewis stated the Thomas Jefferson Planning District Commission would be meeting 13 July; this would be its last meeting until September. The Route 250 Steering Committee would meet 27 June at 11:30 at the Downtown Visitors Center. She stated the Affordable Housing work session had been great with much done during the meeting. She suggested the Commission take action soon to change the definition of Average Median Income to encompass the surrounding area and not just Charlottesville. Mr. Tolbert stated he had already written to the City Manager to address the issue and put it on the 7 August Council meeting.

Mr. Farruggio stated the Parks and Recreation Committee had met at the same time as the Interchange Steering Committee meeting. He stated there had been great attendance by the public to the ISC

meeting; there had been a lot of feedback provided. He stated the Neighborhood Federation had not met.

Mr. Lucy stated the Board of Architectural Review would be meeting with City Council and the Planning Commission to discuss several issues brought about by a project on the Downtown Mall.

Mr. O'Halloran had no report as the Board of Zoning Appeals had not met in June. Mr. O'Halloran expressed concern about the Fourth Street crossing as he had seen cars driving the wrong way, speeding, and blocking access.

Mr. Barton stated his committees had not met. He took the opportunity to ask Mr. Tolbert to ask Mr. Neuman to prepare one of his annual State of the University Building Reports. Mr. Barton expressed interest in learning the status of the South Lawn Project and the plans the University had for community involvement.

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

Mr. Fink, as acting Chair, gave his report. He stated he had been in Asia on business and missed his MPO Tech Committee meeting.

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

Mr. Tolbert stated the University's Health System project would be coming before the Commission in August or September. He stated the September CPC meeting would need to be moved in an effort to avoid parking problems as there was to be a show in the Pavilion the evening of 12 September. The Commissioners felt a different date would be better rather than holding the meeting earlier in the day.

In the absence of a quorum of Councilors, Mr. Fink called for a brief recess whereupon the meeting stood recessed at 6:54 p.m.

Mr. Fink reconvened the meeting at 7:00 p.m.

## **II. JOINT PUBLIC HEARINGS**

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

1. ZM—06-3-3: A petition to rezone from R-1S Residential to Planned Unit Development (PUD), with proffers, the property at 1000 and 1002 Grove Street and Tenth Street, SW. The application is to increase the density to allow single family dwellings of different types. These properties are further identified on City Real Property Tax Map Number 23 as parcels 51 and 52, having 105 feet of frontage on Grove Road, 120 feet of frontage on Tenth Street, SW, 37.5 feet of frontage on King Street and containing approximately 12,850 square feet of land or .29 acres. The general uses called for in the Land Use Plan of the Comprehensive Plan are for Single Family Residential of three to seven units per acre.

Mr. Haluska gave the staff report. The applicant is proposing six units comprised of three single family detached units and a triplex for an overall density of approximately 20 units per acre. The family units would front on Tenth Street, SW and the triplex would front on King Street and Grove Street. Under the current zoning the applicant could build two single family detached dwellings; current allowable density is 6.9 units per acre. The shared open space consists of a common garden area in the middle of the development. The applicant has submitted a proffer to make one or more units of the project affordable

to buyers whose family's gross income is 80 percent or less of the City of Charlottesville's median income. The applicant has added several amenities to the development: stormwater retention, Energy Star design of structures, and conservation of trees. The applicant is planning to minimize the amount of paving on the driveways for the single family detached structures. The traffic impact of the development will be about three times that of the by right layout. Staff received several E-mails from the neighborhood expressing opposition to the application. The applicant has met with the neighborhood in an attempt to address their concerns. Having reviewed the request, staff feels the applicant has made an effort to meet the intent of the PUD ordinance and has included amenities that will enhance the environmental impact of the development. The neighborhood is designated as a single family neighborhood. Staff cannot reconcile the proposed contributions of the development with its proposed density. Staff recommends the application be denied.

Mr. Fink called for questions of Mr. Haluska.

Ms. Lewis wanted to know how the applicant met the open space requirement. Mr. Haluska stated the common garden was 16 percent of the development.

Mr. Fink recognized the applicant.

Mr. Mark Saunders, of 419 Fourth Street, NE, Mr. V. G. Sullivan, of 2406 Cary Lane, Mr. Christopher Genter, of 63 Phillips Street, Boston, MA were present.

Mr. Genter explained the project drawings. He stated the idea was to create compact units to maximize the space. The three detached houses drew inspiration from other houses in the neighborhood. Each unit has a small private yard. He stated they had attempted to meet the neighborhood concern about maintaining trees on the site. Five of the six units would be three bedroom. The central unit of the triplex would be a two-bedroom unit.

Mr. Fink asked if Mr. Genter had any interface with Staff when he started the project. Mr. Genter stated he had not.

Ms. Lewis wanted to know how the applicant had arrived at the open space calculation. Mr. Genter stated it was the area of the drawing which was shaded green. He offered to E-mail the exact dimensions.

Mr. Sullivan stated he had seen the E-mails from the neighborhood. He stated they had tried to get with the neighborhood and include them in everything they did. He stated they had made two or three revisions and had tried to respond to the neighborhood's concerns.

Mr. Saunders stated the project has been designed clause by clause within the PUD ordinance. He reiterated the thought that they had made a good faith effort to respect the neighborhood's concerns.

Mr. Fink opened the public hearing.

Mr. John Semmelhack, of 1403 Chesapeake Street, spoke on behalf of the Charlottesville Community Design Center. He stated the design team had entered, and took first place in, the Sunrise Trailer Park design competition. Their entry had met the main challenges of the competition: how to design a high quality medium-density residential area that would be affordable to purchase and maintain and would be ecologically sustainable to construct and operate while respecting the local history and culture of the

site and surroundings. Mr. Semmelhack stated this site contained many of the same challenges as the Sunrise site.

Mr. Herb Stahl, of 1014 Grove Street, spoke in opposition of the proposal. He stated they did not see this project as a buffer. He stated there was not enough room in the site to make tripling the density make sense.

Mr. Paul Mulberger, of 414 Fairway Avenue, spoke in favor of the proposal. He stated that, on a macro level, this seemed to be a good infill development proposal.

With no one else wishing to speak to the matter, Mr. Fink closed the public hearing. He then called for comments from the Commissioners and Councilors.

Mr. Haluska noted for the record that if the Commission did not act on the matter, it would automatically go to City Council with a recommendation of approval since they were up against the 100 days in which they had to act upon a proposal; a deferral would not be the best option.

Mr. Lucy stated the project did have many good aspects. However, the key question was of neighborhood and zoning and the compatibility of the zoning with the neighborhood pattern. He stated the specific geography was difficult because of the narrow band that all the houses were set within. He stated his inclination would be to vote against it.

Mr. O'Halloran echoed Mr. Lucy's comments. He stated he was not a big fan of PUDs on very small lots. He felt this plan was not in the right place. He could not be in favor of this.

Ms. Lewis stated her agreement with Mr. O'Halloran. She stated it was a great plan of development and the applicant had spent a good amount of time developing something that would be nice; however, it would be nice elsewhere in the City. She stated the existing R-1S zoning was reasonable. She cited Section 34-501(b) of the City Code: "building height, scale and setbacks of buildings within" that development "shall complement existing development on adjacent property, taking into consideration: (1) The nature of existing uses, and of uses anticipated by the" comp plan, "adjacent to and in the neighborhood of the PUD development site. Where a PUD is established on property that shares a block face with improved property, development within the PUD facing such existing improvements shall be harmonious as to height, mass, lot coverage, and setbacks." She stated she could not support this project here even though it was a commendable plan of development.

Mr. Farruggio commended the applicants for being responsive to the neighborhood's concerns and for working with the neighborhood and the Planning Commission. He commended them for the homes and designs and the sensitivity to the lots. Mr. Farruggio stated the proposal did not agree with the Comp Plan which calls for single family detached. He felt the houses were too small. He stated he would have to vote no as well.

Mr. Barton, while appreciating the comments of his colleagues, in this instance he disagreed with the other Commissioners. If this site was in the middle of a block, he would echo the comments of inappropriateness; however, the site was at the corner and corner sites are often different than the interior sites. He stated this site had pedestrian accessibility to areas of work and other public transportation sites. He stated he had some questions about the reasonableness of the appropriate

zoning for this parcel and thought the proposed zoning for increased density was both reasonable and appropriate for the site.

Mr. Fink concurred with Mr. Barton. The plan addressed the need for three-bedroom housing in the City. He believed the area would become a transition zone. He felt the proposal was walkability friendly. This is a terrific plan. If density does not occur on this site he was not sure where else in the city it would be appropriate.

Mr. Lucy agreed the walkability factor was important but could be applied to every site from Main to Cherry and from Spring to Ridge; therefore it did not help distinguish among sites. Mr. Barton stated this was one of many characteristics to assess the zoning change for this site.

Mr. O'Halloran moved that they deny the request for a PUD. Mr. Farruggio seconded the motion. Ms. Creasy called the question. The motion passed, 4-2; Mr. Barton and Mr. Fink voted against.

2. ZT—06-1-2: An ordinance to amend and re-ordain Sections 34-1101 and 34-1200 of the Code of the City of Charlottesville, 1990, as amended (Zoning Ordinance), to modify the appurtenance regulations allowing certain projections of balconies, decks, platforms and other features into required setbacks. Deferred from the April 11, 2006, meeting.

Ms. Cooper gave the staff report. These amendments have been before the Commission several times in the past. The purpose in amending the ordinance is twofold: to clarify this Section of Code; and there had been numerous citizen requests to add a front porch to their homes. Ms. Cooper stated Ms. Kelley had prepared the amendment into the proper legal format.

Mr. O'Halloran asked if Staff had made recommendations for dealing with balconies and things that project from a building. Ms. Cooper stated this Code would not allow balconies to project into the required yards.

Mr. Fink asked if a pictogram would accompany the amendment after it was approved. Ms. Cooper stated most of the previously created drawings were more confusing than helpful.

Ms. Lewis sought clarification that they could vote on the language prepared by Ms. Kelley and which had been E-mailed to the Commissioners that afternoon. Mr. Tolbert stated Ms. Kelley said they could.

Ms. Lewis felt they were going from one extreme to another since the definition of appurtenance now had no illustrative description.

Mr. Fink opened the public hearing.

Mr. Daniel Ortiz, of 411 Altamont Circle, thanked the Commission for addressing the matter. He felt the provision was improved in that the definitions no longer conflict with one another and had less uncertainty and would provide better guidance for property holders and city planners. He stated there were two minor things which would not hold up the amendment but may deserve attention in the future. The provision as written did not regulate the height of non-rooftop appurtenances and allowing a rooftop appurtenance to contain usable floor area allows the building of an extra story. He again thanked the Commission for their time and patience in dealing with the matter.

Ms. Kiara Peacock, of 1510 Chesapeake Street, as someone wishing to add a front porch to her home, urged the Commission to amend this Code without further delay.

With no one else wishing to speak to the matter, Mr. Fink closed the public hearing and called for comments from the Commissioners.

Mr. Farruggio moved to approve ZT—06-1-2, an ordinance to amend and re-ordain Sections 34-1101 and 34-1200 of the Code of the City of Charlottesville, 1990, as amended (Zoning Ordinance), to modify the appurtenance regulations allowing certain projections of decks, platforms and other features into required setbacks. Ms. Lewis seconded the motion. Mr. O'Halloran sought clarification about the issues raised by Mr. Ortiz. Mr. Tolbert stated the usable floor space of a rooftop appurtenance had been covered by an amendment six months prior. Ms. Lewis stated the non-rooftop height limitation was addressed by Ms. Cooper in item 6 of her memo: "The height of appurtenances is regulated several ways and the current ordinance is a balance between flexibility to allow some rooftop appurtenances while also giving the Director room for interpretation regarding what is absolutely necessary if an appurtenance did exceed a certain height; please note that the sections regarding rooftop appurtenances are not new, they have only been clarified." Ms. Creasy took the role call vote. The motion carried unanimously.

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

#### **G. SITE PLANS**

##### **1. 850 Estes Street -- 27 Condominium Units**

Mr. Lucy recused himself from the matter as his family owns property in the area.

Mr. Haluska gave the staff report. This was coming before the Commission because it had been previously before the Commission as a Special Use Permit. The applicant has revised the submittal. The new submittal is a Mixed Use Project which complies the Zoning requirements of the Cherry Avenue Corridor. The applicant proposes a 44,419 square foot building. The commercial space would make up 1.9 percent of the gross floor area. The applicant proposes an off site storm drain connection to a storm drain line on King Street. The applicant also proposes stormwater detention underneath the parking lot; two Filtera units were designated for installation. Staff had received a packet from Ms. Catarina Krizancic and Mr. Pearson prior to the meeting. Staff recommends approval as the application had met the requirements for a preliminary site plan in the City of Charlottesville.

Mr. Fink sought clarification of the percentage of commercial use required in a Mixed Use plan. Mr. Haluska stated there was no requirement in the Cherry Avenue Corridor.

Ms. Lewis asked if Staff was happy that the applicant had identified all existing trees and bushes on the property. Mr. Haluska stated he had not gone out and physically compared the site with what had been presented by the applicant. He stated the site plan proposed saving a walnut tree in the back corner; all other trees were being cleared due to the excavation that was required. For that reason, Mr. Haluska stated it would be an exercise in futility to list all trees because all trees would be destroyed. Ms. Lewis stated a tree survey was a requirement of the site plan. Mr. Barton stated there were less than a dozen trees and was not convinced it was an onerous task for either the applicant or the City to check. Mr. Haluska stated he had not made a practice of going out to check the tree survey on any of his site plans.

Mr. Barton sought clarification of how the numbers of tree coverage were arrived at. Mr. Haluska stated the tree canopy requirement was broken down by zone by state law. He stated the City tree list has ten-

year canopy numbers. Mr. Haluska stated this developer had calculated a 20-year canopy based on multiplying the ten year list by 1.7.

Ms. Lewis stated the staff report said there was one trash container yet another part of the report said there were no dumpsters. She stated the site plan ordinance requires the location and dimensions of the dumpster. Ms. Lewis sought clarification that lighting for a parking garage was required and asked if it was shown on the site plan.

Mr. O'Halloran stated he did not see how they could approve a site plan which did not have all the required information.

Mr. Barton expressed concern that no lighting plan had been included. Mr. Haluska stated the lighting plan was part of the final site plan approval. Mr. Tolbert stated that on a preliminary level the lighting plan was not necessary; the preliminary level was to ensure the applicant was meeting access and parking and other big issues. Mr. Tolbert reminded the Commission they could call the final site plan back up for their approval.

Mr. Barton echoed the comments of Ms. Lewis and Mr. O'Halloran. He did not see any reason to take a step backwards. He felt the matter should be deferred until the Commission had the complete list of information for the preliminary level. Mr. O'Halloran stated that sounded like a motion. Mr. Barton stated he was happy to make his statement a motion.

Mr. Farruggio asked if five foot sidewalks were required for new construction. Mr. Haluska stated there were conflicting sidewalk requirements.

Mr. O'Halloran seconded the motion. Mr. Fink called the question. The motion passed, 5-0-1; Mr. Lucy abstained from the matter.

## 2. Eddins Cottages PUD Preliminary site plan and Preliminary subdivision plat -- Chestnut and Carlton -- 10 Residential Units

Mr. Haluska gave the staff report. The applicant is Carlton Property, LLC. The subdivision must come before the Commission as it is a subdivision of ten lots or more. Staff recommends the site plan and subdivision be considered under separate motions. The applicant proposes ten units in six single-family detached units and a four-unit townhouse. The applicant shows 8,270 square feet of open space which is 18.8 percent of the site. This complies with the concept plan. Staff recommends approval of both the site plan and subdivision.

Mr. Fink recognized the applicant.

Mr. Charles Hendricks, of the Jones Group, was present on behalf of the applicant.

Ms. Lewis sought clarification of the open space. The applicant stated the rain gardens and the communal garden spaces were the common areas. The rain gardens were along Chestnut Street and Carlton. Ms. Lewis stated she was struggling with this proposal because open space, as defined in Section 34-493, was "land designated as being reserved for the use, benefit and enjoyment of all residents... such open space may consist of common areas." She stated open space needed to be accessible by all within the PUD. She was not sure everyone would enjoy the rain gardens space. The applicant explained the rain gardens were for the benefit of all due in part to the service of getting rid of



pollutants that would go into the storm system and because of their landscaping. Ms. Lewis stated the rain gardens would meet Section 34-493(c): "Open space must be usable for recreational purposes, or provide visual, aesthetic or environmental amenities." Ms. Lewis stated the rain gardens come in through the environmental amenities.

Mr. Barton wanted to know if there was a calculation sheet for parking spaces, tree canopy, open space and other items were noted. The applicant stated there was no list. Mr. Barton stated the Commission had asked that all submittals provide for their review the calculation. Mr. Barton asked if the applicant could do that. The applicant stated they could. Mr. Barton asked that be provided so they could review the submittal which seemed to meet the necessary requirements. The figures were on page 5 of the submittal. Mr. Fink suggested the applicant break out the calculations in an easy-to-read, understandable method on the first page.

Mr. Farruggio moved that they accept the preliminary site plan as shown. Mr. O'Halloran seconded the motion. Mr. Fink called a voice vote by acclamation. The motion carried unanimously.

Mr. Farruggio moved that they accept the preliminary subdivision plat as shown. Mr. O'Halloran seconded the motion. Mr. Fink called a voice vote by acclamation. The motion carried unanimously.

#### **H. PRELIMINARY PUD APPLICATION DISCUSSION**

##### **1. Paton Street PUD Phase II -- Hanover Street -- 18 Residential units**

Mr. Haluska stated that, due to a family emergency, the applicant had deferred. However, the applicant did ask Mr. Haluska to forward any comments from the Commission.

Mr. Barton stated the applicant could get 12 parking spaces along the thoroughfare with less impervious area if they reconsidered their current proposal for parking along Hanover Street.

Mr. Farruggio stated the City needed more affordable housing but he did not think they needed more tiny housing. In light of the Commission's earlier action on Grove Street, he felt this proposal was very dense and incredibly small.

Mr. O'Halloran stated Mr. Farruggio made a good point for consistency's sake.

Mr. Tolbert stated there would be a Joint Eastern Connector Study with Albemarle County. A Steering Committee would be comprised of one City Councilor, one Planning Commissioner and one citizen. He asked the Commission to think about who might serve; a decision would be made at the August meeting.

Mr. Tolbert also asked for a Commissioner to volunteer to serve on a committee to interview candidates for Planning Manager. Ms. Lewis suggested Mr. Fink serve on the interview committee.

Mr. Fink stated he would be willing to serve on the Connector Steering Committee since it was part of his MPO responsibilities. He also stated that if his schedule permitted, he would be part of the interview team.

Mr. Tolbert asked for a back up just in case Mr. Fink was not available. Mr. Lucy volunteered to be the back up for Mr. Fink on the interview committee.

Mr. Barton stated he needed to amend his Commissioners' Report. He stated he had met with Ron Cottrell and another member of the Martha Jefferson Hospital staff in regards to constructing a public process to talk about the property. Mr. Barton stated he had recommended that they speak with Katie Swenson of the Charlottesville Community Design Center.

#### **I. FUTURE AGENDA ITEMS**

1. July 13, 2006 -- 5:00 -- Joint City Council/Planning Commission (BAR will join the group at 6:30) Topics -- Land Use Comprehensive Plan Chapter discussion, Downtown Mall Urban Design
2. July 25, 2006 -- 5:30 p.m. -- Planning Commission Work Session -- Topic -- CIP
3. August 8, 2006 -- 6:30 p.m. -- Planning Commission Regular meeting

Joint Public Hearings

Paton Street PUD Phase II

Other Items

4. August 22, 2006 Planning Commission Work Session
5. September 12, 2006 -- 6:30 p.m. -- Planning Commission Regular Meeting

UVA South Lawn Project Presentation

Special Use Permit for 201 Avon Street

Mr. Fink stated he was not going to go over the future agenda items and asked if there was a motion to adjourn.

Mr. O'Halloran so moved. Mr. Lucy seconded the motion. Mr. Fink called a voice vote by acclamation. The motion carried unanimously whereupon the meeting stood adjourned at 9:20 p.m.