

DRAFT MINUTES

CITY OF CHARLOTTESVILLE

PLANNING COMMISSION

TUESDAY, 10 OCTOBER, 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. Michael Farruggio

Ms. Cheri Lewis

Mr. Bill Lucy

Mr. Michael Osteen

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

Commissioners Not Present:

Mr. Hosea Mitchell

Mr. Jason Pearson

Staff Present:

Ms. Missy Creasy, AICP

Mr. Brian Haluska, AICP

City Council Members Present:

Mr. Kevin Lynch

Mr. Dave Norris

Mr. Julian Taliaferro

Also Present

Lisa R. Kelley, Deputy City Attorney

I. REGULAR MEETING

Mr. Fink convened the meeting at 6:31 p.m. He introduced the new Commissioners, two of whom were unable to attend the meeting. He commended the 14 people who applied for the three positions. Mr. Fink stated ZM—06-10-21 had been deferred by the applicant. He stated a site plan for the medical

center on West Main Street had been left off the agenda. The bylaws stated it could be heard if a majority of the Commissioners present will agree to hear it; a voice vote by acclamation passed.

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

Mr. Serrel Blakehead, of Ruckersville, wondered if signage could be placed warning of the narrowing of the road at Raymond Road. Mr. Fink stated they would notify the Traffic Engineers to check into the matter.

B. MINUTES

These would be discussed at the November meeting.

C. LIST OF SITE PLANS AND SUBDIVISIONS APPROVED ADMINISTRATIVELY

Mr. Farruggio wanted to know what had been changed about Martha Jefferson House. Ms. Creasy stated this was the final site plan; the Commissioners had seen the preliminary site plan. Mr. Fink clarified that the Commissioners had not required the final to come back before them. Ms. Creasy agreed.

Ms. Lewis moved to approve the list of site plans and subdivisions approved administratively from September 1st through the 30th, '06. Mr. Farruggio seconded the motion. The motion carried unanimously.

D. COMMISSIONERS' REPORTS

Ms. Lewis stated the Thomas Jefferson Community Workforce Housing Fund had held a well attended meeting in September. This was the first Community Housing Fund in Virginia that was formed to address affordable housing issue.

Mr. Lucy stated the Board of Architectural Review had met with City Council to discuss whether the Board could consider proposals for the new construction as part of the consideration of partial demolitions which had not been permitted previously.

Mr. Farruggio had no report as two of his committees had not met and he had been unable to attend the Parks and Recreation Committee meeting.

E. CHAIR'S REPORT

Mr. Fink stated a nominating committee needed to be formed; he appointed Ms. Lewis and Mr. Lucy to serve in that capacity. He charged them with suggesting candidates for Chair and Vice Chair at the 14 November meeting.

Mr. Fink stated the following committees needed representatives from the Planning Commission: the School Board CIP Committee, the PAC Tech Committee, the CDBG Task Force, the MPO Technical Committee, and the Martha Jefferson Hospital Committee. Mr. Neuman stated he had sent a letter to the City Manager requesting an appointee to serve on the University's Master Planning Council. Ms. Lewis asked if someone needed to be appointed to the Stream Protection Task Force. Mr. Fink stated it had been an ad hoc committee which only had two or three more meetings. Ms. Lewis also asked if the Downtown Advisory Committee needed an appointee. Mr. Fink stated he was unsure about that

Committee and was going to ask NDS about that. Mr. Lucy stated he had served on the BAR for two years and was willing to allow someone else to serve.

Mr. Fink asked Mr. Neuman to share a report. Mr. Neuman stated the Master Planning Council would be meeting on 13 October to discuss the biodiversity of the University property. Mr. Neuman stated the South Lawn Project would start construction in the next 12 months. The University was undertaking improvements to West Main and JPA.

L. DEPARTMENT OF NDS/STAFF REPORTS

Ms. Creasy stated there would be a Strategic Plan meeting; the Communications Department had asked if a Commissioner could attend. Mr. Lucy volunteered to attend the meeting on 24 October.

Ms. Lewis expressed a desire to hear about the interrelationship of the Comp Plan and the Strategic Plan.

Mr. Fink called a recess while awaiting a quorum of City Councilors whereupon the meeting stood at recess at 6:55 p.m.

Mr. Fink reconvened the meeting at 7:01 p.m.

II. JOINT PUBLIC HEARINGS

F. JOINT PUBLIC HEARINGS

1. Blight Ordinance Review -- 06-10-20: A request for a recommendation for the Director of Neighborhood Services to declare 610 Ridge Street a blighted property and to recommend a plan to City Council for the purchase the property from the owner(s) as outlined in Section 5-194 of the City Code. The property is located on the east side of Ridge Street, south of Elliott Avenue, and further identified on the City Real Property Tax Maps as Tax Map 29 Parcel 263 having approximately 60 feet of frontage on Ridge Street and containing approximately 0.2234 acres. Report prepared by Jerry Tomlin, Building Maintenance Code Official.

Mr. Tomlin gave the staff report. The Inspections Division had worked with this property for approximately 15 years. The building was condemned in 1992. A court order was issued in 1993 to make some external repairs; the house was painted and secured. The house had exterior deterioration and had no heat, electricity, or plumbing. The house has been vacant since 1993. The owner's brother lives locally and has assisted the City in some work on the property. Mr. Tomlin stated he had been involved with securing the property and cleaning it up since the early 1980s.

Mr. Lucy wanted to know what would happen after this step. Mr. Tomlin stated the City was hoping the owners would come through with some type of plan before it reached this next stage.

Mr. Fink sought clarification from Ms. Kelley about what steps could be taken. Ms. Kelley stated Staff had already been doing what was allowed by state and local law. The next step would be recommending Council acquire the property, remedy the blight, and sell the home to a new owner.

Mr. Fink noted the property was in the Ridge Street Architectural Design Control District and was listed as a contributing structure.

Ms. Lewis sought clarification that Ms. Kelley was giving the opinion that all alternate remedies had been exhausted and this was all that was left. Ms. Kelley agreed.

Ms. Lewis sought clarification that the notice of this hearing had been sent by regular and certified mail to the owner. Mr. Tomlin stated he had received a return for this meeting.

Mr. Lynch wanted to know if this had happened before. Mr. Tomlin stated there had been precedents for razing nuisance structures, but this property was too important to raze. He further stated this was the first case before the Commission.

Mr. Fink opened the public hearing.

Mr. George Jones, of Crozet, stated he was the representative of the owner who was his sister. He requested a 90 day extension to bring in contractors so he could see what could be done to the property.

Ms. Lewis wanted to know his plans for the property. Mr. Jones wanted to get it repaired and back into use. The owner's niece stated they had expected to receive a letter from the owner; they would like to get the property restored and rented.

Mr. Farruggio wanted to know if Mr. Jones had been given legal or financial authority by his sister to make repairs. Mr. Jones stated she had okayed a permit from the City for him to do repairs previously.

Ms. Erseline Inge, of 815 Anderson Street, stated the property was her aunt's and grandmother's. She stated their goal was to get the property fixed up and rented out.

Mr. Eugene Williams, of 620 Ridge Street, stated he had worked with Mr. Tomlin and sent letters about this property as well as 524 Ridge Street which was also blighted and owned by the same person. Mr. Williams read a prepared statement to the Commission and suggested they consider what was done at 515 Ridge Street.

With no one else wishing to speak to the matter, Mr. Fink closed the public hearing.

Mr. Farruggio asked if this ordinance had been used for 515 Ridge Street. Mr. Tomlin stated that had been done under Unsafe Structures and the owner sold the property privately and it was turned around.

Mr. Lucy, citing the long history of disrepair of this property, stated this was unfair to the neighbors and neighborhood. The house was an historic structure and needed to be repaired. He felt they should proceed with Staff's recommendation.

Mr. Osteen stated the house was being demolished by neglect at this point. He stated there was no good reason for a plan not to be in front of the Commission today.

Ms. Lewis agreed with her colleagues. She stated a letter of 19 July sent by Mr. Tomlin had requested a plan of action be submitted by 21 August; she wished one had been submitted. She stated there had been no show on the part of the owner to take responsibility for this property.

Mr. Farruggio agreed with his colleagues.

Mr. Fink stated he had gone back and forth over this issue. He felt the City had extended chance after chance after chance. He was willing to see a signed contract with 45 days and having the work started

within 30 days after that to give the owner an opportunity to fix the house; history bodes against that. He stated he was in agreement with most of what his colleagues had said. He stated they needed to keep in mind this was a contributing structure in an historic overlay district which had been condemned for too many years.

Mr. Farruggio made a motion that they accept the Blight Ordinance report 06-10-20 to declare 610 Ridge Street a blighted property and to recommend the plan to City Council for purchase of the property from the owners as outlined in Section 5-194 of the City Code. Ms. Lewis seconded the motion. The motion carried unanimously.

2. ZM-06-10-21: A petition to rezone from R-2 Residential (two family) to R-3 Residential (multifamily), with proffers, for the properties at 320 and 322 Eleventh Street NE. The application is to allow for an increase in the density. The general concept and development layout as outlined in the application is included as a proffer for this development. These properties are further identified on City Real Property Tax Map 54 as parcels 191 and 192 having 105 feet of frontage on Eleventh Street NE and containing approximately 17,783 square feet of land or 0.408 acres. The general uses called for in the Land Use Plan of the Comprehensive Plan are for Office Use. Report prepared by Missy Creasy, Neighborhood Planner.

This matter was deferred by the applicant.

3. SP-06-10-22: An application for a special use permit for additional height for the property on the south side of West Main Street between Eleventh Street and Jefferson Park Avenue. This would allow for a height of up to seven stories on this site instead of the five stories allowed by right. This property is further identified on City Real Property Tax Map 10 as parcels 60, 61, 63, 81.1, 82 and 83, having approximately 244 feet of frontage on West Main Street and containing approximately 118,918 square feet of land or 2.73 acres. The general uses called for in the Land Use Plan of the Comprehensive Plan are for Mixed Use. Report prepared by Brian Haluska, Neighborhood Planner.

Mr. Haluska gave the staff report. This is a Special Use Permit application for a medical office building fronting on West Main Street and a parking garage with access to Eleventh Street and Jefferson Park Avenue. The office building would be six stories and a little over 155,000 square feet with 8,737 square feet devoted to ground floor retail. The parking garage would have 1,050 spaces and be seven stories. There are two parking garages south of the railroad tracks, one of which will be demolished for the Cancer Center. This parking garage is meant to replace that garage and service this building. The applicant has conducted a traffic study in collaboration with the City. The Board of Architectural Review has reviewed this application and gave it conceptual approval, but still have some items which are being addressed. The City has received letters from the Neighborhood Association and the University Baptist Church supporting the project. For this area, the height requirement is five stories with seven stories allowed by Special Use Permit. Both of these buildings would be considered seven story buildings under Code. Parking garages are allowed either as a stand alone use by Special Use Permit or as an ancillary use to another building. The plan does not indicate who will have access to the parking garage. There have been some third party concerns about a road closure of Cochran Street.

Mr. Fink recognized the applicant's representative.

Mr. Tim Rose, Chief Executive Officer of the University of Virginia Foundation, stated Mr. Haluska had covered most of what he wanted to say. He stated the West Main Design Guidelines were being strictly

adhered to. Construction of the garage would start in 2007 followed by the pedestrian link and the building would be the third phase. He stated additional people were available to answer any technical questions.

Ms. Lewis wanted to know what assurances Mr. Rose could offer that this would not be a stand alone parking garage with no medical building ever built. Mr. Rose stated the land had been purchased to build buildings on the site. The medical center is expanding and needs new facilities.

Mr. Lucy asked if that site was still under consideration for the children's hospital. Mr. Rose was not sure. Mr. Neuman stated it was still being considered for that site.

Ms. Lewis stated she was concerned that this was just going to be a garage. She asked if the applicant would accept a condition that would require them to pull the building permit on the medical center building before a CO would be issued on the garage. Mr. Rose stated he did not think they would have the building ready to meet that deadline.

Mr. Fink asked Mr. Lucy to share the concerns of the BAR.

Mr. Lucy stated the main concern was the garage. The changes made between the first and second meetings included considerably more attention to the facade at higher levels. Later it was suggested the applicant consider a green cover for the facade.

Mr. Fink opened the public hearing.

Mr. Tim Hulbert, speaking on behalf of the Chamber of Commerce, expressed support for the project.

Ms. Denise LeCouer, of 1518 Westwood Road, expressed support for the Special Use Permit.

Mr. Ivo Romenesko, of 117 Bollingwood Road, expressed support for the project.

Mr. John Russell, Esquire, of Williams Mullen, present on behalf of an adjacent property owner, expressed support of the Special Use Permit.

With no one else wishing to speak to the matter, Mr. Fink closed the public hearing.

Mr. Lucy stated the University had been improving its communication and responsiveness to the neighborhoods. Looking to the future with the garage and office building and also the Cancer Center and Children's Hospital, this becomes an increasingly more important sector. He felt they should approve the Special Use Permit.

Mr. Osteen did not share the concerns about the phasing of the project; however, he would appreciate the BAR continuing to be diligent in their pursuit of the best exterior for the garage. He expressed his appreciation for the University working with the neighborhoods.

Mr. Fink stated his belief that they were all uncomfortable with the phasing. He stated there should be some landscaping or visual amenities if the project was going to take a couple of years. He stated he could support the Special Use Permit.

Mr. Farruggio expressed his support as well. He did not share the concern about the phasing.

Ms. Lewis moved to recommend approval of this application for Special Use Permit in the West Main South Zone for the West Main Clinical Building, a proposed parking garage and medical office building located on Tax Map 10 Parcels 60, 61, 63, 81.1, 82 and 83 to permit a maximum height of seven stories with the conditions that follow: approval of a Certificate of Appropriateness from the Board of Architectural Review for the final details for this building; approval by City Council of the closing of Cochran Street; 9,000 square feet minimum of retail on the first floor of the West Main Clinical Building. Mr. Lucy seconded the motion. Ms. Lewis stated this was a great project; a lot of time had been taken with the design aspects. She stated she would be disappointed if the medical center was not built. Mr. Farruggio stated it would be much more than a disappointment. Mr. Fink offered a friendly amendment that they add the condition that Mr. Rose return to the Commission in 12 months and update the plans for the medical center. Ms. Lewis accepted the friendly amendment as did Mr. Lucy. The motion carried unanimously.

Mr. Fink asked Mr. Haluska if there was anything else which needed to be presented for the site plan. There was not.

The applicant had nothing to add either.

Mr. Farruggio made a motion that the site plan be approved subject to approval of the Special Use Permit by City Council pending a Certificate of Appropriateness from the Board of Architectural Review and the successful closure of Cochran Street. Mr. Lucy seconded the motion. The motion carried unanimously.

III. REGULAR MEETING ITEMS (Continued)

G. Items Deferred By Planning Commission at the September 13, 2006 Regular meeting

1. ZM—06-9-13: A petition to rezone from R-1S Residential to Planned Unit Development (PUD), with proffers, for the property at along Hanover Street. This application is an amendment and addition to the Paton Street Planned Unit Development. The application is to allow for increased density to provide mixed income and allow for a mix of single family dwellings of different types. This property is further identified on City Real Property Tax Map 23 as parcel 92 having 240 feet of frontage on Hanover Street and containing approximately 59,150 square feet of land or 1.358 acres. The general uses called for in the Land Use Plan of the Comprehensive Plan are for Single Family Residential of 3-7 units per acre. Report prepared by Brian Haluska, Neighborhood Planner.

Mr. Haluska asked for a five minute recess to get materials related to this matter from his office. Mr. Fink called for the Commission to stand at recess at 8:46 p.m.

Mr. Fink reconvened the meeting at 8:52 p.m.

Mr. Haluska gave the staff report. The applicant had provided three revisions. The first was tree preservation measures to preserve the trees that were requested at the last meeting. The applicant submitted two proposals. In one, one unit would be removed in an effort to preserve the poplars at the south end of the site. Some grading would be modified to save the magnolia. According to the City Arborist, the 48 inch maple was very sick and could not be saved. This option included the possibility of the trees failing and needing to be removed in a few years. Another option was to go with the original submission; Staff felt this was the best option.

Ms. Kelley stated they could not consider an option which had not been advertised.

Mr. Overton McGehee, of Habitat for Humanity, was present with Bruce Hogshead, Marsha Joseph, and Mary Newton. He stated they had met with the neighborhood the night after the September CPC meeting. They had discussed tree preservation at that meeting. The neighborhood accepted the income mix: 18 Habitat units to be sold to families earning between 25 and 65 percent of area median income; 10 to 12 mid-range units sold to families earning between 65 and 110 percent of area median income; and nine to 11 market rate units.

Mr. Osteen expressed his appreciation for the applicant's attempt to save the trees. He felt they should go with the original proposal and try to create an opportunity for the two large poplars to live.

Mr. Fink stated trees were on everyone's mind at the last meeting and this application may have been "guilt by association." He further stated Habitat is one of the few developers in this community that builds affordable units reliably. He felt the question before them was did they lose a poplar and gain an affordable unit.

Mr. Farruggio commended Habitat. However, he felt there were a number of problems from the beginning including density and the trees.

Ms. Lewis supported the application. She stated Habitat had worked hard with the neighborhood. Since the applicant had come before them proposing to delete a unit, she stated her support for a proposal of no more than 38 units and saving the four trees in question. She felt there was a compromise to be struck.

Mr. Fink stated this development plan was extremely entrepreneurial with regard to a wide range of affordable housing and market rate housing which allows Habitat to build the affordable units.

Ms. Lewis moved to recommend approval of this application to rezone the property from R-1S to PUD on the basis that the proposal would serve the interest of the general public welfare, good zoning practice. Mr. Osteen seconded the motion. Mr. Farruggio stated this was an experiment moving forward and he would be interested to see what happens. At the suggestion of Ms. Kelley, Ms. Lewis amended her motion to specify Plan B of 38 units and saving the magnolia, pecan, two poplars and the 48 inch oak. The motion carried unanimously.

2. SP-06-9-14: An application for a special use permit for higher density residential development on the property at 201 and 215 Avon Street. This would allow for the construction of 116 units on this site instead of the 50 allowed by right (200 units per acre instead of 87 units per acre). This property is further identified on City Real Property Tax Map 58 as parcels 1 and a portion of parcel 2, having approximately 92.5 feet of frontage on Avon Street and containing approximately 25,265 square feet of land or 0.58 acres. The general uses called for in the Land Use Plan of the Comprehensive Plan are for Industrial Uses. Report prepared by Brian Haluska, Neighborhood Planner.

Mr. Haluska gave the staff report. The applicant had presented a breakdown of mixed use. The nonresidential square footage was for a day spa, health spa, mechanical equipment, and a six-room hotel.

Mr. Farruggio sought clarification of how many parking spaces were required since this was in a parking exempt area. Mr. Haluska stated approximately 160 were required.

Mr. Farruggio wanted to know if an increase of density could be conditioned with a request for an increase of available parking. Ms. Kelley stated that would be correct.

Ms. Lewis wanted to know if the BAR's concerns had been addressed in any redesign. Mr. Haluska stated he had not received any updates from Ms. Scala.

Mr. Fink recognized the applicant.

Mr. Randy Croxton, of Croxton Collaborative Architects, stated parking had been determined based on the 50 by right spaces plus spaces for the mixed use. By design there would be 100 units in the building. There were an additional 50 units under the provisions of the adjoining cooperative parking arrangement for a total of 100 parking spaces in a parking exempt zone.

Mr. Farruggio felt higher density required additional parking and wanted to know how the applicant reconciled that. Mr. Croxton stated they had added parking units for marketability as only 50 spaces had been required. He also stated it would be a rare occurrence when all spaces were full.

Mr. Fink called for comments.

Mr. Farruggio stated the biggest problem was parking. He expressed concern that more than 100 spaces would be required for the building and parking in the area would be lost. He stated more parking needed to be included in this Special Use Permit.

Mr. Lucy thought this was an excellent location for that number of units and for the height. He stated this was a terrific opportunity for the City to have such a high quality use on that site. He stated this would be a benefit to the tax base. The green features were a bonus. He did not think there would be any adverse impacts.

Ms. Lewis expressed agreement with Mr. Lucy's comments. She did not share Mr. Farruggio's concerns about parking in this building. She expressed hope that this building would create more of a pedestrian downtown.

Mr. Fink thought the level of construction is exciting but he was concerned about how the building would affect the visual and social fabric of the City. He saw nothing in the application that had any contribution to the structural welfare and the health, safety, and welfare of the general public. He was unconvinced of the commercial viability of the mixed use of spaces. He liked the application, but was not ready to support it.

Mr. Osteen thought this was a difficult site and anyone would have a hard time achieving a building this applicant seemed prepared to put on the site.

Mr. Farruggio agreed with Mr. Fink and expressed his concern that they would see more applications like this and was afraid they would be setting a precedent by granting this Special Use Permit.

Mr. Lucy moved to recommend approval of this application for Special Use Permit in the DE Zone for the 201 Avon Street, a proposed Mixed Use Development at 201 and 215 Avon Street, with a maximum density of 200 units an acre or 116 dwelling units with the conditions listed in the staff report: one, the nonresidential uses of the building shall not be ancillary to the residential use of the building; two, the required setback on South Street is reduced from ten feet to zero feet; three, the required setback on Avon Street is reduced from ten feet to zero feet. Ms. Lewis offered a friendly amendment that another

condition be the provision of 100 parking spaces on or off site. Mr. Lucy accepted the friendly amendment. Ms. Lewis seconded the amended motion. Ms. Lewis stated that from this point forward when an applicant asks for increased density, they need to be evaluating applications to see whether they are providing affordable housing or providing cash proffers for affordable housing; this would be the last time she voted in favor of increased density without affordable housing being addressed in the application. Mr. Fink stated he appreciated Ms. Lewis' comment. He respectfully reminded the Commissioners that by law they were not allowed from the dais to ask or suggest proffers from an applicant. Ms. Lewis stated she was not doing that and vehemently disagreed with his interpretation of her comment. She stated her comments were very conditioned and were not a request at all from the dais for that which she could not do. Mr. Fink asked Mr. Haluska to call the question. The motion passed, 3-2; Mr. Fink and Mr. Farruggio voted against.

Mr. Haluska stated the major issue with the site plan at the previous meeting was the mix of uses. That had been corrected on the site plan and was included on the front page of the site plan. All other issues had been addressed by the applicant.

Mr. Lucy stated: Having met the requirements of the Zoning Ordinance regarding development of the Downtown Extended Zone, the Planning Commission recommends the site plan be approved subject to approval of the Special Use Permit by City Council and granting of a Certificate of Appropriateness by the Board of Architectural Review. Ms. Lewis seconded the motion. Ms. Lewis reminded her colleagues that the review of the site plan is administrative; no matter how one voted on the previous application, this was looked at with a different standard of review which was whether the site plan meets the elements of the Code. The motion carried unanimously.

Mr. Fink called for a brief recess. The meeting stood at recess at 10:39 p.m.

Mr. Fink reconvened the meeting at 10:45 p.m.

H. SUBDIVISIONS

1. Carters View Subdivision -- Final -- Baylor Lane -- 29 Single Family Detached dwellings

Mr. Haluska gave the staff report. This was coming before the Commission because lot 10 had been altered to allow for moving around of the property. Nothing else had changed and staff recommended approval.

Mr. Farruggio wanted to know why the sidewalks were shown as being four and-a-half feet. Mr. Haluska stated the road widths were reduced and there was only a 35 foot right of way.

Ms. Lewis moved to approve the proposed final subdivision plat located at Tax Map 26 Parcels 45, 66, and 67 with the condition that the applicant bond all public improvements and erosion and sediment control measures. Mr. Osteen seconded the motion which carried unanimously.

2. Brookwood Section IV -- Preliminary -- Brookwood Drive -- 12 Townhouse units

Mr. Haluska gave the staff report. This was coming before the Commission because it was over ten lots. It matches the site plan that was originally planned for Brookwood.

Mr. Fink asked if there was anything that was non-compliant. There was not.

Mr. Farruggio moved to approve the proposed subdivision plat located on Tax Map 25A Parcel 41, Brookwood Section IV. Mr. Lucy seconded the motion. The motion carried unanimously.

I. SITE PLANS

1. Brookwood Section II and III – Amendment – Brookwood Lane and Raymond Road – 31 Single Family Detached

Mr. Haluska gave the staff report. This is the site plan amendment to the original plan to take into account the PUD which was approved several months ago. It matches the concept plan. Staff recommends approval.

Mr. Lucy moved that the Planning Commission recommends approval of the site plan amendment for Brookwood PUD phases II and III. Ms. Lewis seconded the motion. The motion carried unanimously.

2. Pace Realty -- Preliminary -- 1138 East High Street -- Office Building

Ms. Creasy gave the staff report. The proposal is to add a second story to an existing one story building. It complies with all aspects of the site plan regulations. Staff recommends approval.

Ms. Lewis moved that the site plan be approved with the condition that if more than 25 percent of the existing building is removed for any reason that a new site plan conforming to current codes will need to be submitted. Mr. Lucy seconded the motion. Ms. Lewis welcomed the applicant to the city. The motion carried unanimously.

J. ENTRANCE CORRIDOR

1. Brookwood Section II and III -- Brookwood Lane and Raymond Road -- 31 Single Family Detached

Mr. Haluska gave the staff report. This request amends the previous Entrance Corridor approval of 10 January, 2006, when townhouse designs were approved. This application includes 14 single-family detached units in Phase II and 17 single-family detached units in Phase III. These Phases are not visible from Fifth Street Corridor and no conditions were imposed regarding materials in these areas. Staff does not recommend any changes to the application. Staff notes the applicant previously agreed that the foundations on all townhouse units would be brick rather than stone veneer. These units have brick veneer on the front foundation, but the side and rear foundations are painted stamped concrete to match the siding.

Mr. Frank Ballif, of Southern Development, explained that Ms. Scala had not liked the stone foundations on the front of the buildings as had originally been submitted and asked them to switch that to brick.

Mr. Farruggio moved to approve the Entrance Corridor Certificate of Appropriateness for Brookwood Phases II and III, single-family detached units including lots 18-31 on Brookwood Drive and lots 1-17 on Raymond Road cul-de-sac. Mr. Lucy seconded the motion. The motion carried unanimously.

2. Brookwood Section IV -- Brookwood Drive -- 12 Townhouse units

Mr. Haluska gave the staff report. Phase IV is visible from the Entrance Corridor. A preliminary site plan was approved 10 December, 2005. The townhouses are Jeffersonian architecture style with steep gable roofs, shed roofs over some of the garages, false dormers, traditional light trim, metal railings, multi-light double hung windows, and panel doors. Three conditions were placed on future submittals of the

Brookwood project visible from the Corridor: the vinyl siding should be replaced with painted wood or painted smooth cementitious product; the fiberglass or vinyl trim and railing should be replaced with painted wood or composition product -- this has been met; the windows visible from Fifth Street should be a quality material, preferable vinyl or aluminum clad windows with simulated divided lights with muntins on the interior and exterior with spacer bars; shutters visible to Fifth Street should be wood and should be sized to fit the windows if closed -- this has been met. The applicant is proposing to use Abingdon brick and agrees to substitute Old Salem for the Sante Fe bricks. The proposed townhouse designs are compatible with other properties along Fifth Street.

Mr. Fink recognized the applicant.

Mr. Chris Bowens, of Skyline Home Builders, stated they were fine with the substitutions with one exception. They windows they prefer are equal to the others in the rest of the subdivision. They would not have the simulated divided light, but would have the grill between the glass. He stated only one of the units was fully visible from Fifth Street and that was at such a distance the difference in the windows would not be noticeable.

Mr. Osteen expressed his appreciation for the work that was being done. He stated the dormers did not add to the facade.

Mr. Fink sought clarification from Ms. Kelley as to the Commission's purview. Ms. Kelley stated they should be reviewing the application as submitted to determine whether it met the Entrance Corridor Design Guidelines.

Mr. Farruggio moved to approve the Entrance Corridor Certificate of Appropriateness for 12 townhouse units in Phase IV including lots 36-47 on Brookwood Drive that are visible from Fifth Street with the following conditions: one, due to the distance of over 100 feet, windows should be quality material, preferably vinyl or aluminum clad wood with grill-between-glass lights; two, Old Salem brick should be substituted for the Sante Fe brick; three, use of wood shutters sized to fit the windows if closed; four, that additional steps be incorporated to reduce the vertical design appearance of the buildings. Ms. Lewis seconded the motion. The motion carried unanimously.

3. Pace Realty -- 1138 East High Street -- Office Building

Ms. Creasy gave the staff report. The french doors and awnings will provide a distinctive look for the renovated building. The shutters are painted vinyl with two options provided. Staff feels this building will be a positive addition to East High Street. Staff recommends approval. Ms. Creasy provided the Commissioners with samples of the shingles.

Mr. Fink stated he found the plan to be fairly well conceived and it would be a welcome addition over what is currently on the site.

Mr. Osteen expressed concern about the awnings.

Mr. Farruggio stated he also had reservations about the cloth awnings. He stated the lighting spacing was a matter of scale; he expressed a preference for the first choice of light but was not sure the wattage would be enough.

Mr. Fink agreed that the applicant may want to reconsider the use of these awnings.

Ms. Lewis expressed her support of the staff report which was incredibly thorough. She stated the hardest thing about this corridor was the fact it did not have an architectural identity.

Ms. Lewis moved to grant a Certificate of Appropriateness under the Entrance Corridor Review for this application. Mr. Fink offered a friendly amendment that it was with the option for paneled shutters. Ms. Lewis accepted the friendly amendment. Mr. Lucy seconded the amended motion. The motion carried unanimously.

Mr. Fink recognized Ms. Kelley as this was her last meeting. Mr. Fink acknowledged her many years of service and stated they would miss her and her expertise as well as the calming presence she brought to the Planning Commission and her ability to help them.

Mr. Norris seconded Mr. Fink's comments on behalf of City Council.

Ms. Lewis moved to adjourn until the second Tuesday of November, being November 14. Mr. Farruggio seconded the motion. The motion carried unanimously whereupon the meeting stood adjourned at 11:43 p.m.