

MINUTES

CITY OF CHARLOTTESVILLE

PLANNING COMMISSION

TUESDAY, 11 SEPTEMBER, 2007 -- 5:30 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 (Outgoing Chairman)

Mr. Bill Lucy (Outgoing Vice-Chair, Incoming Chair)

Ms. Cheri Lewis

Mr. Michael Farruggio (Incoming Vice-Chairman)

Mr. Hosea Mitchell

Mr. Michael Osteen

Mr. Jason Pearson

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

Staff Present:

Mr. Jim Tolbert, AICP, Director NDS

Ms. Missy Creasy

Mr. Brian Haluska

Ms. Mary Joy Scala

City Council Members Present:

Mr. David Brown, Mayor

Mr. Dave Norris

Also Present

S. Craig Brown, City Attorney

Richard Harris, Deputy City Attorney

II. REGULAR MEETING

Mr. Fink convened the meeting at 5:30 p.m.

A. AMENDMENT TO BYLAWS

Ms. Creasy explained the change in the bylaws was to the time frame of the Planning Commission meeting.

Ms. Lewis moved to amend the bylaws as noted. Mr. Pearson seconded the motion. Mr. Fink called for a vote by affirmation. The motion carried unanimously.

B. REPORT OF THE NOMINATING COMMITTEE

Ms. Lewis stated the nominating committee had deliberated over the decision and presented for consideration Mr. Lucy as Chair and Mr. Farruggio as Vice-Chair.

Mr. Osteen moved to accept the slate of candidates. Mr. Pearson seconded the motion. Mr. Fink called a vote by voice affirmation. The motion carried unanimously.

Mr. Fink called for a five minute recess to allow the Commissioners to assume their new seats. The meeting stood at recess at 5:32 p.m.

Ms. Lewis moved to reconvene the session. Mr. Fink seconded the motion. Mr. Lucy reconvened the meeting at 5:34 p.m.

C. ANNUAL MEETING

1. Review of Annual Report

The annual report had been prepared by Mr. Tolbert to detail the number of meetings held, the items which came before the Commission, and the actions taken on those items.

2. Report of Committee Appointments

Thomas Jefferson Planning District Commission -- Mr. Pearson

Board of Architectural Review -- Mr. Osteen

School Board CIP Committee -- Mr. Lucy

Parks & Recreation Advisory Committee -- Mr. Farruggio

Board of Zoning Appeals -- Mr. Fink

PACC Technical Committee -- Mr. Lucy

CDBG Task Force -- Mr. Mitchell

MPO Technical Committee -- Mr. Farruggio

Downtown Advisory Committee -- Mr. Mitchell

Downtown Zoning Committee -- Mr. Osteen and Mr. Pearson

250 Interchange Committee -- Ms. Lewis

UVA Master Planning Council -- Ms. Lewis

Eastern Connector Committee -- Mr. Farruggio

Housing Advisory Committee -- Ms. Lewis

Joint City/County Housing Committee -- Ms. Lewis

CIP Ranking Committee -- Mr. Lucy

CIP Advisory Committee -- Mr. Fink

D. COMMISSIONERS' REPORTS

Mr. Mitchell had nothing to report as his committees had not met.

Ms. Lewis was on vacation when her committees met. She stated there would be a UVA Master Planning Council meeting later in the month which she was unable to attend and hoped another Commissioner would go in her stead. She noted the website www.250interchange.org as being a great source of information for the community.

Mr. Osteen stated the Urban Streetcar Task Force had not met. The BAR had met and discussed a number of items. The BAR is looking for three new members.

Mr. Farruggio stated the Neighborhood Federation did not meet. The Parks & Recreation Advisory Committee and the MPO Technical Committee had met but he had nothing to report from those meetings. Mr. Farruggio had also attended the 250 Interchange Committee meeting. He stated E-mails and phone calls had been received about the Interchange concerned that connectivity was being lost or taken away; however, that is not true. He further stated the overwhelming commitment to increase both pedestrian and bike connectivity.

Mr. Pearson stated the Thomas Jefferson Planning District Commission had met and heard from Piedmont Workforce Network. The TJPDC had acted on the reinvigoration of an idea for creating a TJPDC Corporation that would be a 501(c)(3) public charity organization.

Mr. Fink stated none of his committees had met.

E. CHAIR'S REPORT

Mr. Lucy stated his committees had not met but would be meeting soon. He stated the Commissioners would discuss the proffer policy at the October meeting.

F. DEPARTMENT OF NDS/STAFF REPORTS

Mr. Lucy stated this would be moved to the end of the agenda.

G. MATTERS TO BE PRESENTED BY THE PUBLIC NOT THE FORMAL AGENDA

There were no matters from the public.

H. CONSENT AGENDA

- 1. List of site plans and subdivisions approved administratively**
- 2. Minutes -- August 14, 2007 -- Pre meeting**
- 3. Minutes -- August 14, 2007 -- Regular meeting**

Mr. Farruggio asked that, in Item 3, the word "pedestrian" be added to the sentence "Mr. Farruggio stated one of the issues he had with the site was the connectivity" at the bottom of page 7. Ms. Lewis sought clarification that the neighborhood had seen the amendment to the First Baptist Church site plan; Ms. Creasy stated there was an existing site plan that was a few years old that contained the lights and some other improvements which could be implemented but the plan was no longer valid and needed to be resubmitted. Mr. Pearson asked that the phrase "and the marginal difference in load to the system would seem to be minimal so he did not consider this an appropriate consideration for the rezoning discussion" be added to the end of the sentence "He further stated that either by-right or rezoning would put the sewer over capacity" which was found in the middle of page 7 of Item 3.

Mr. Fink moved to approve the consent agenda. Ms. Lewis seconded the motion. Mr. Lucy called a vote by affirmation. The motion passed, 6-0-1; Ms. Lewis abstained as she had not been present for either August meeting.

I. GRAY COMMUNICATIONS

1. Site Plan

Mr. Haluska gave the staff report. The property is zoned Manufacturing Industrial. This is coming before the Commission because it is in an Entrance Corridor. The major issue with the plan is the landscaping on site. The applicant is required by Code to do a ten percent tree canopy. The site is shaded very well by large canopy trees that are on adjacent sites. The applicant proposes to add trees as those adjacent trees died or were removed. The city arborist stated planting a large canopy tree in the shade was not a good idea; he suggested under story trees which were acclimated to growing in shady conditions.

Mr. Lucy called for questions of Mr. Haluska.

Mr. Farruggio wanted to know what sidewalk was in place and why it was not going the full length. Mr. Haluska stated it was not going full length because it was no longer adjacent to the property.

Mr. Fink did not think the site plan, as presented, met the requirements of Code. He suggested the Commission hear from the applicant.

Mr. Lucy recognized the applicant.

Mr. Clark Gathright, of Daggett & Grigg Architects, and Emily Novey, of Daggett & Grigg Architects, were present. Mr. Gathright stated this was an existing parking lot. He stated they had cut in a number of landscape islands. He explained they were trying to keep the central part of the parking area clear of any trees that would interfere with the satellite dish transmission.

Mr. Lucy called for questions of the applicant.

Mr. Farruggio wanted to know why the sidewalk did not continue. Mr. Gathright stated that at that point it veered into the county.

Mr. Lucy called for comments and discussion.

Ms. Lewis stated she was struggling with the landscape waiver. She felt there should be some justification for granting a waiver.

Mr. Fink concurred with Ms. Lewis. He felt the applicant had not made a strong argument for justification of why these trees need to be removed. He stated it was a dangerous precedent to allow a neighbor's tree to become part of the canopy percentage.

Mr. Farruggio stated he was sympathetic to the applicant wanting to redesign the property, but the neighbors' trees could not be used to generate the site's shade. He felt this was a dangerous precedent.

Mr. Osteen felt there was too much asphalt.

Mr. Farruggio moved to not approve the site plan for the following reasons: the dates of the drawings are not found, the zoning districts are not found, the existing landscaping plan does not meet the requirements by utilizing trees from other property. Mr. Fink seconded the motion.

Ms. Valerie Long, Esquire, of Williams Mullen, as counsel for Gray Communications, stated they were very comfortable with the conditions of approval that were in the Staff report. She stated they could easily comply with the landscaping requirements and suggestions of the Commission with regard to the use of understory landscaping. She respectfully asked for a recommendation for approval subject to all the conditions recommended. She stated they were on a very tight construction schedule.

Mr. Fink stated they needed to address all site plans the same. He stated this site plan was lacking and he was not comfortable letting this site plan go forward.

Mr. Pearson stated he was not uncomfortable with a motion to approve with conditions.

Ms. Lewis moved they call the question.

Ms. Creasy called the roll. The motion passed, 6-1; Mr. Pearson voted against.

III. JOINT PUBLIC HEARINGS

K. JOINT PUBLIC HEARINGS (There was not a quorum of City Councilors)

1. ZM—07-07-19: (Rialto Street PUD) A petition to rezone from R-1S Residential to Planned Unit Development (PUD), with proffers, the property along Rialto Street. The application is to increase the density to allow single family dwellings of different types. Proffers include donation of lots to the Charlottesville Police Department Foundation, construction of public sewer main, monetary contribution for a stream restoration project on Moore's Creek, limit the number of units constructed (for a period of time) until adequate public sewer capacity is established, sidewalk extension into neighborhood, and monetary donation for tree planting. These properties are further identified on City Real Property Tax Map Number 59 as parcels 375, 375.1 and 379 having 390 feet of frontage on Rialto Street and containing approximately 98,000 square feet of land or 2.25 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. This is the third public hearing on the Rialto Street PUD. The fifth proffer is new and obligates the applicant to construct a sidewalk along Palatine Avenue to connect the proposed development to the sidewalk along Avon Street.

Mr. Lucy recognized the applicant.

Mr. Andy McGinty stated ten of the properties would be sold to help cover the proffer costs.

Ms. Lewis thanked Mr. McGinty for the clarity of the proffers.

Mr. Farruggio commended the applicant on the proffers.

Mr. Pearson sought clarification that the sidewalks would be built in Phase II in conjunction with the unit density increase.

Mr. Lucy opened the public hearing. With no one wishing to speak to the matter, Mr. Lucy closed the public hearing.

Mr. Lucy called for comments from the commissioners.

Mr. Fink, after seeing many PUD applications over a number of years, thought they may be able to point to an application like this as what the City would like to see going forward. He stated the proffers were clear and enforceable. Mr. Fink thought the application was well crafted.

Ms. Lewis stated the PUD zoning does give a better product. She found this property was appropriate for PUD rezoning.

Mr. Pearson moved to recommend the approval of this application to rezone property from R-1S to PUD with proffers as submitted on the basis the proposal would serve the interests of the general public welfare and good zoning practice. Mr. Farruggio seconded the motion. Ms. Creasy called the roll. The motion carried unanimously.

I. GRAY COMMUNICATIONS (Continued)

2. Entrance Corridor Review

Mr. Lucy stated that given the denial of the site plan, the Commission could only give clarity about how approval might be attained. He convened the Commission as the Entrance Corridor Review Board.

Ms. Scala gave the staff report. The applicant is applying for a Certificate of Appropriateness. This had been before the Commission/ECRB at their 9 January 2007 meeting. The height, mass, and scale are consistent with other structures on Hydraulic Road. Ms. Scala did not think the sign structure met the ordinance. Staff would specify clear glass for the windows. Staff recommends the following changes: uplighting fixtures should be checked for compliance with dark sky requirements; two, a sign permit is required, and will be approved by staff with ERB guidance; three, the landscape plan should meet the ordinance requirements, including large street trees along Hydraulic Road, parking lot screening and interior landscaping, and tree canopy requirements should be met on site; and, four, some sort of brick screen wall -- or some alternate landscaping solution -- be used to screen the satellite dishes.

Ms. Lewis wanted to know if staff recommended street trees on Hydraulic. Ms. Scala thought the ordinance would require two of them.

Mr. Fink thought a monument sign would be appropriate in the grassy area in front of the brick site wall. This would allow for a tree in the location where the sign is currently shown.

Ms. Emily Novey, of Daggett & Grigg Architects, stated they would submit a photometric plan; all of the lighting levels would meet the dark sky requirements. She stated all of the lights specified for uplighting are shielded on three sides and have adjustable lamps. She stated they would appreciate guidance on the signage. She felt the signage tower was very appropriate and that it complemented the architecture.

Ms. Novey referred the Commissioners to an image of an existing tree on the site which she felt would cause damage to the property; they were recommending extensive landscaping at that corner to complement the architecture and create a green corner for Charlottesville. Ms. Novey stated they had looked at options for a screening wall. If it were to be a brick wall, it would need to be 15 feet high and 140 feet long. She felt this was the wrong thing to do and that a green screen would be more appropriate.

Mr. Fink cited the Entrance Corridor Guidelines: large scale commercial development with limited setbacks, auto-oriented, screened surface parking, pedestrian connectivity within developments, articulated building forms to reduce mass, and divided and planted parking lots to reduce visual impact. He expressed his discomfort with the large sign which was larger than the building was tall. Ms. Novey stated the sign was at the same height as the proposed site wall. She added Hydraulic Road needed some height.

Ms. Lewis wanted to know if the applicant was aware of the planting guidelines within the Entrance Corridor Guidelines. Ms. Novey stated she had read through them and she felt they had put together a landscape plan that creates variety and complements the architecture.

Mr. Lucy called for comments.

Ms. Lewis felt the sign was an effort to circumvent the height restrictions. She stated it did not seem appropriate.

Mr. Osteen thought the sign was a strong design element.

Mr. Pearson concurred with Mr. Osteen. However, he felt it was unfortunate that the sign replaced a large tree. He considered the sign to be appropriately scaled for automobile reception.

Mr. Farruggio concurred with Mr. Osteen as well. He thought the sign was architecturally attractive and that it set the tone for a news agency.

Mr. Lucy agreed and added that he, too, was not happy with replacing the trees. He stated shading the pedestrian area was important.

Mr. Fink stated he had very little problem with the time and temperature display; he had a problem with the structure of the sign.

Ms. Lewis felt a wall sign would be appropriate rather than the proposed sign as this was not a retail establishment that needed to be recognized.

J. PRELIMINARY DISCUSSION

1. Hill & Center PUD

Mr. Haluska gave the staff report. The PUD zoning is sought for reduced lot size, reduced setbacks and a variation of road standards. The concept plan shows a rather unorthodox road design which has been looked at by the Traffic Engineer and Fire Marshall. They did not raise any serious concerns. The applicant shows 25 parking spaces, 22 of which are off street. The parking requirement by right is 13. There is some subdivision possibility on this but there are some issues about slopes that are going to affect rezoning and any subdivision. R2 zoning is a concern in the Fry's Spring neighborhood.

Mr. Lucy recognized the applicant.

Mr. Jack Stoner stated this was a wonderful infill project. It connects two dead end streets. He stated there had been at least ten or more meetings with the Neighborhood Association task force to arrive at a scheme and product they would like. The rezoning would allow for single family dwellings rather than the duplex zoning which could be done by right. He stated their intention was to go to extreme measures with E&S to try to protect the stream and the quality of the water in the buffer zone which was proposed.

Mr. Fink stated he liked the concept and he liked the connectivity but he was concerned about the slope.

Mr. Farruggio stated he had no problem with going more dense in the area. He stated they were looking for access for the recreational area and street trees next to the street.

Mr. Pearson wanted additional information on the slope and the traffic impact of connecting those streets.

Ms. Lewis stated she was not sure 18 units would be possible.

Mr. Farruggio asked the applicant to consider the affordable housing percentage which would require three units to be affordable. He further added the ability to reduce the footprint of the 4 larger and wider lots to the same size as the others with the possibility of finding a way to have a planting strip for large shade trees.

Mr. Haluska stated it would be Staff's recommendation that when this comes forward to the Commission, a steep slope waiver comes with it.

F. DEPARTMENT OF NDS/STAFF REPORTS

Mr. Tolbert stated there would be a meeting, Monday, 17 September at 1 o'clock to discuss some legislation for regulations for incentives for density.

Mr. Tolbert stated he had sent an E-mail to the Commissioners about questions that came up about Fontaine Research Park Area B Study.

Mr. Lucy wanted to know if the University had any interests or plans in more housing for faculty or researchers near Fontaine. Mr. Neuman stated they were. In addition to that, they were looking at extending UTS full service to Fontaine.

Ms. Creasy reminded the Commissioners of the Joint Work Session on 25 September.

Mr. Pearson moved to adjourn. Mr. Farruggio seconded the motion. The motion carried unanimously whereupon the meeting stood adjourned at 8:52 p.m.