

DRAFT MINUTES

CITY OF CHARLOTTESVILLE

PLANNING COMMISSION

TUESDAY, 13 NOVEMBER, 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. Bill Lucy (Chairman)

Mr. Michael Farruggio (Vice-Chairman)

Ms. Cheri Lewis

Mr. Michael Osteen

Mr. Jason Pearson

Ms. Genevieve Keller

Commissioners Not Present:

Mr. Hosea Mitchell

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

Staff Present:

Mr. Jim Tolbert, AICP, Director NDS

Ms. Missy Creasy

Mr. Brian Haluska

Mr. Nick Rogers

Ms. Mary Joy Scala

City Council Members Present:

Ms. Kendra Hamilton, Vice Mayor

Mr. Kevin Lynch

Mr. Dave Norris

Also Present

Richard Harris, Deputy City Attorney

II. REGULAR MEETING

Mr. Lucy called the meeting to order at 5:29 p.m.

A. COMMISSIONERS' REPORT

Ms. Lewis attended the Route 250 Interchange Steering Committee public meeting. Ms. Lewis stated she had been informed the City website no longer had direct E-mail links or E-mail addresses for the Commissioners; the member of the public had been told all correspondence would need to go through Neighborhood Development Services. Ms. Lewis felt contact information should be provided to the public if it is requested.

Mr. Osteen attended the Board of Architectural Review meeting of 16 October where several issues had been addressed including the demolition of properties on West Main, the 250 Interchange, and infill development on Dice.

Mr. Farruggio attended the Route 250 Interchange Steering Committee public meeting. He also attended the Parks and Recreation Advisory Board at which the Smith Pool project was discussed. The MPO Tech Committee met to talk about the Eastern Connector.

Mr. Pearson attended the Thomas Jefferson Planning District Commission meeting at which the audit committee had reported.

B. CHAIR'S REPORT

Mr. Lucy attended the Capitol Improvement Program Forum; project proposals were reviewed. The PAC Technical Committee met and discussed the connection to Interstate 64. Mr. Lucy had spoken with the Director of Parks and Recreation about the Tree Canopy Plan.

C. DEPARTMENT OF NDS/STAFF REPORTS

Ms. Creasy stated utility meetings would be held at regular Council meetings of 19 November and 17 December.

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

There were no matters from the public.

E. CONSENT AGENDA

- 1. List of site plans and subdivisions approved administratively**
- 2. Minutes -- October 9, 2007 -- Regular meeting**
- 3. Minutes -- October 23, 2007 -- Work session**

Ms. Lewis moved to approve the list of site plans and subdivisions approved administratively during the month of October and the Minutes from the October 9th and October 23rd meetings of the Planning Commission. Mr. Osteen seconded the motion. The motion carried, 4-0-2; Mr. Pearson and Ms. Keller abstained.

F. PRELIMINARY DISCUSSION

- 1. Fontaine Rezoning -- 2408 Fontaine Avenue**

Ms. Creasy gave the staff report. The applicant is petitioning to rezone this property from R-2 to B-2. This property had been rezoned from B-2 to R-2 in 2003 as part of the rezoning process; it may not have been meant to occur.

Questions from Commissioners:

Ms. Lewis: If this property were to be redeveloped, would it come before the Commission for Entrance Corridor Review? Ms. Creasy stated it was in the Entrance Corridor.

Mr. Lucy recognized the applicant.

Mr. David Sutton stated the property had been zoned B-2 when he acquired it. He stated no direct notice of rezoning had been received.

There were no questions of the applicant.

Discussion:

Mr. Osteen thought it was appropriate to rezone it as was originally intended. Mr. Pearson and Ms. Lewis concurred with Mr. Osteen.

G. BROOKWOOD PHASE V

1. Preliminary Site Plan

2. Entrance Corridor Review

Mr. Haluska gave the staff report on the preliminary site plan. This was previously before the Commission in July. The applicant has made the changes that were requested. All staff comments are being dealt with at staff level and need not be addressed at preliminary.

Questions from Commissioners:

Ms. Lewis: Did the applicant update the submission to make the sidewalks five feet in width? Mr. Charlie Armstrong, of Southern Development, stated five foot sidewalks would be put in regardless of what was shown on the preliminary plan.

Mr. Osteen: What was the reason for providing two parking spaces per unit? Mr. Armstrong stated there was no proposed on-street parking for Brookwood Drive.

Comments from Commissioners:

Mr. Farruggio expressed concern that vehicles would be parked in the driveway and overhang the sidewalk. He did not know of a remedy for this but hoped there was one.

Ms. Lewis stated the Commission's task was to see if the site plan met the City's requirements. Although she shared Mr. Farruggio's concern, she thought the larger question was to develop townhouse guidelines to address the problem.

Mr. Pearson concurred with Ms. Lewis. He expressed skepticism as to whether the Commission was the function by which to address the problem. He stated this was not a conversation for this evening.

Mr. Farruggio acknowledged Ms. Lewis' comment and noted there was not much leeway for the Commission. He felt part of the Planning Commission job was to address problems, especially that are human in nature and negatively effect the quality of living.

Ms. Lewis moved approval of the site plan with the condition that new sidewalks be five feet in width and that come back on the final site plan. Mr. Pearson seconded the motion. Ms. Creasy called the roll. The motion carried unanimously.

Ms. Scala gave the staff report for the Entrance Corridor Review. The proposal is for 20 units which would be visible from the Fifth Street Corridor. The Entrance Corridor Review had been deferred at the 14 August meeting. Tree replacements had been done as suggested from the August meeting. The proposed townhouse designs are compatible with other properties on Fifth Street and building materials are mostly consistent with the Guidelines except for the windows. Material samples were available for the Commissioners.

Mr. Charlie Armstrong, of Southern Development, stated the two issues he had heard were window and door design. He stated they were trying to make this the most affordable product in Brookwood. The fiberglass entry door was chosen because it was just as safe as the steel door and was a better insulator.

Questions from Commissioners:

Ms. Lewis: How close is the nearest unit to Fifth Street? Mr. Osteen estimated 80 feet.

Comments from Commissioners:

Mr. Osteen expressed concern about the extreme steep slope. He stated there were six standards for Entrance Corridor Review. He did not think the buildings and structures were arranged in a way to create the aesthetic he would look for in an Entrance Corridor.

Mr. Lucy asked for guidance from the Deputy City Attorney. Mr. Harris stated he would need to review the Entrance Corridor Review guidelines.

Mr. Osteen felt the bottom five units were overly aggressive. Mr. Lucy sought clarification that Mr. Osteen thought the development should be reduced from 22 units to 17. Mr. Osteen thought he could vote affirmatively for 17 units.

Mr. Farruggio concurred with Mr. Osteen's points.

Ms. Lewis stated her understanding that the Commission was to look at Section 34-310 of the City Code. She felt they should defer to staff.

Mr. Harris stated Ms. Lewis was right that the Commissioners needed to consider Section 34-310.

Ms. Lewis wanted to know if the Commission had the ability to tell an applicant they could not build somewhere. Mr. Osteen stated there were things that could be built on the site and this was not the only solution. Mr. Pearson believed Mr. Osteen was correct that there were other design solutions as this design did not encourage pedestrian connections.

Mr. Armstrong stated the hillside could be subject to future erosion and if some additional development was not done on the site such as the proposed homes, then four ten foot tall retaining walls would be

necessary on the hillside. He also stated that a very large condominium building was allowed by right. He stated they were proposing more landscaping than was required.

Mr. Osteen wanted to know how many units were allowed by right. Mr. Armstrong stated the by right was close to 300 units while the proposed total was close to 100.

Mr. Lucy stated it was overreaching, having gone through the substantial number of approvals on this matter, to suggest not building. He did not think it was useful to use the Entrance Corridor Review process to inject a radically different criteria into the development options.

Ms. Lewis concurred with Mr. Lucy.

Mr. Osteen citing Section 34-310, Standards for Considering Certificates of Appropriateness, Item 4 stated he had a problem with the design and arrangement of the buildings and structures on the subject site.

Ms. Lewis sought clarification from Mr. Harris if disagreement with one of the seven criteria exclusively a basis for denial of an application. Mr. Harris stated there was nothing in the Code that goes to the weighing of the six provisions; it could be one or all six.

Mr. Farruggio added Item 6 as related to facilitating pedestrian access, creating an inviting public realm, and respecting and enhancing Charlottesville's character.

Mr. Armstrong stated they had worked on the project for years and this was the best design they had come up with that they could afford to build. Dropping five units from the plan would make it an unfeasible project.

Ms. Lewis moved to defer this matter until the next regular meeting next month as it seems like there could be some give and take on this issue and maybe if the Commission steps away and the applicant has an opportunity to evaluate some of their submission, maybe they could get there. Mr. Osteen seconded the motion. Ms. Creasy called the roll. The motion passed 5-0-1; Ms. Keller abstained due to her lack of background and familiarity with the project.

Mr. Lucy called for a brief recess at 7:16 p.m.

Mr. Lucy reconvened the meeting at 7:23 p.m.

III. JOINT PUBLIC HEARINGS

H. JOINT PUBLIC HEARINGS

1. ZM—07-10-26: (Westwood/Rose Hill Rezoning) A petition to rezone from R-1 Residential to B-1 Commercial, with proffers, the property at the corner of Westwood Road and Rose Hill Drive. The application is to allow for business use. Proffers include limiting the uses allowed on this site to office, utilities and low density residential uses and the maintenance of green space in excess of the current requirement. These properties are further identified on City Real Property Tax Map Number 37 as parcel 79 having approximately 150 feet of frontage on Rose Hill Drive and 98 feet of frontage on Westwood Road and containing approximately 15,681 square feet of land or 0.36 acres. The general uses called for in the Land Use Plan of the Comprehensive Plan are for Single Family Residential.

Mr. Rogers gave the staff report. The applicant proposes using the house as a tax and accounting firm with one full time employee and one seasonal employee. A conceptual plan had been submitted which required additional on site parking, and included new landscaping features, sidewalks, and street trees. Staff had received public comments expressing concern about the addition of more impervious surface to the site, additional cut through traffic, and loss of residential housing. Two proffers had been submitted; the first dealt with the permitted uses. The proffers would follow through with the land, not the owner.

Mr. Lucy recognized the applicant.

Mr. Jim Hamlett, of 1518 Amherst Street, read a prepared statement explaining his rezoning request.

Questions from Commissioners and Councilors:

There were no questions.

Mr. Lucy opened the joint public hearing.

Mr. Edward P. McMahan, was present on behalf of his daughter who owned an adjacent property. He stated there was a transition between residential and commercial. He expressed concern about the impervious surface and its effect on water.

Mr. John Grady, of 2575 Dudley Mountain Road, North Garden, was present to speak on behalf of the applicant.

Mr. Eric Wright, of 1505 Westwood Road, expressed concern about the precedent that would be set by rezoning this property.

Ms. Kirsten Munz was present to speak on behalf of the applicant in rebuttal of public comments.

Ms. Gail Brockman, of 1519 Westwood Road, expressed concern about the Westwood entrance. She had great concern that B1 zoning would not lend itself to the residential character of the neighborhood.

Ms. Carol Hatcher, of 1506 Amherst Street, spoke in favor of the proposed rezoning.

Mr. Kevin Sullivan, of 1531 Westwood Road, saw nothing in the proffers that would prohibit construction in the future and saw no public necessity. He urged the Commissioners to deny approval.

Ms. Susie Hoffman, of 1203 Augusta Street, expressed concern about additional traffic and the long term use of the property.

Mr. Tim Eckert, of 1425 Westwood Road, concurred with Mr. Eric Wright. He presented the Commission with a petition from his neighborhood.

Mr. Ken Sinarski, of 1435 Westwood Road, agreed with the traffic concerns of the neighborhood.

Ms. Donna Schancy, of 10003 Birdwood Road, spoke in opposition of the proposal.

Mr. Stauffer Miller, of 1698 Rugby Avenue, stated this was a use that would not be in keeping with the essential residential character of this neighborhood.

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

Ms. Kirsten Munz, of Collins Engineering of 800 East Jefferson Street, stated they would be glad to reduce the number of parking spaces to reduce the amount of impervious surface. Storm water runoff would be addressed in the site plan. She stated they would be willing to offer additional proffers to address the future of the structure.

Questions from Commissioners and Councilors: None

Comments from Commissioners:

Mr. Farruggio stated that after hearing everything, he didn't see any public necessity in changing the zoning. He expressed concern it would destabilize the residential area.

Mr. Osteen agreed with Mr. Farruggio. He expressed concern about the long term use.

Mr. Pearson concurred with his colleagues.

Ms. Keller commended the applicant and the neighbors for the civility and neighborliness of the proposal and response. She did not see how the Commission could ignore the feelings of the residents.

Ms. Lewis thought there were compelling arguments on both sides. Ms. Lewis stated the property was on the Land Use map as a residential property with no projected changeover to business.

Mr. Farruggio moved to deny the rezoning of ZM-07-10-26, Westwood/Rosehill rezoning. Ms. Keller seconded the motion. Ms. Creasy called the roll. The motion carried unanimously.

2. ZT-07-10-25: (Sign Ordinance) An ordinance to amend and re-ordain §§ 34-1020 through 1069 of the Code of The City of Charlottesville, 1990, as amended (Zoning Ordinance), to allow for revisions to the regulations regarding signage.

Mr. Brodhead gave the staff report. The current ordinance was not clear enough and included portions that were redundant.

Questions from Commissioners:

Ms. Lewis thanked Mr. Brodhead and Ms. Scala for their work on the ordinance.

Mr. Osteen: What are the existing roof signs? S&L, ACAC and The Tavern.

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

Comments from Commissioners:

Ms. Lewis expressed concern about the size of temporary construction and real estate signs.

Mr. Farruggio endorsed the real estate signs. He wanted to know if they really wanted to outlaw roof signs.

Mr. Osteen thought all existing non-compliant signs should be allowed to remain since they were part of the cultural landscape. He asked that the BAR scrutinize the section on marquee signage.

Ms. Lewis stated she was in favor of eliminating the roof signs.

Mr. Brown concurred with Ms. Lewis. However, she wondered if there should be a category of landmark signs.

Ms. Lewis moved to suggest to Council that they approve this draft sign ordinance with sentiment given to reduce the size of temporary signs put on construction sites and reduce the size of real estate signs allowed temporarily on properties to four square feet. Mr. Pearson seconded the motion. Ms. Creasy called the roll. The motion carried unanimously.

Mr. Lucy called for a brief recess at 9:01 p.m.

Mr. Lucy reconvened the meeting at 9:08 p.m.

3. Downtown Mall Crossing at Fourth or Fifth Street: Pursuant to Virginia Code section 15.2-2232, the Planning Commission will review the proposed Downtown Mall Crossing, on Fourth Street or Fifth Street between East Market Street and East Water Street in the City of Charlottesville, to determine if the general or approximate location, character and extent of the proposed mall crossing locations are substantially in accord with the City's adopted Comprehensive Plan. The Planning Commission shall communicate its findings to the Charlottesville City Council, with written reasons for its approval or disapproval. The design concepts of the proposed crossing may be examined at the Department of Neighborhood Development Services, 610 East Market Street, Charlottesville, Virginia, Monday-Friday between the hours of 8 a.m. and 5 p.m.

Mr. Tolbert gave the staff report. He stated there seemed to be a great deal of confusion about what was to be discussed and what had been voted on by Council already. **Mr. Tolbert asked that the matter be deferred.**

IV. REGULAR MEETING ITEMS (Continued)

I. HUNTLEY

1. Site Plan Amendment -- Conservation Plan

Mr. Haluska gave the staff report. At some point there was a violation on the site of a tree clearing which had not been approved. At the time of the violation, the applicant proposed to plant 40 four inch caliper trees across the site. Based on the problems that would be created by the size of machinery necessary to plant four inch caliper trees, the applicant would like to switch to 50 two inch caliper trees.

Mr. Osteen wanted to know if staff was comfortable with 50 two inch caliper trees. Mr. Tolbert stated that was the issue as he did not think this was equivalent to 40 four inch caliper trees. Mr. Tolbert stated he had looked at as how to get the most reforestation on the site as possible.

Mr. Paul Beyer, of 201 Huntley Avenue, stated he saw the distinction as whether the goal is punitive or to reinforce Huntley.

Ms. Andrea K. Wieder, of 2331 Highland Avenue, wanted to know why the trees had not been planted in 2004 when they were promised. She also wanted to know where the landscape plan was for this completely denuded 22 acre site.

Ms. Lewis asked that the City Arborist be named for the record. Mr. Haluska stated it was Tim Hughes.

Ms. Lewis stated this has been a painful experience for the neighborhood but the current neighborhood representative would do the correct thing.

Mr. Pearson moved to support the request of Mr. Paul Byer on behalf of Huntley of Charlottesville to replace the requirement of 40 four inch caliper trees to replace the trees in the cleared area with a requirement to plant two inch caliper trees with the total number of trees required to be determined by the City Arborist, subject to review of a planting plan to ensure that the final tree canopy on the site does truly replace the trees cleared previously; the total number of two inch caliper trees shall not be less than 50 (fifty). Mr. Farruggio expressed concern about limiting the motion to "the cleared area." Mr. Byer asked that a more simple solution be allowed by just choosing an amount. Mr. Pearson withdrew his motion.

Mr. Pearson moved to support the request of Mr. Paul Byer on behalf of Huntley of Charlottesville to replace the requirement of 40 four inch caliper trees to replace the trees cleared on the site with 60 two inch caliper trees instead. Mr. Farruggio seconded the motion. Ms. Creasy called the roll. The motion carried unanimously.

K. FUTURE AGENDA ITEMS

Mr. Lucy stated the December meeting would be a difficult agenda based on the number of items projected. Ms. Creasy stated some of those items could fall by the wayside; however, there was still a week for submittals. Ms. Lewis wondered if there was any flexibility to start the meeting earlier.

J. OTHER ITEMS

Mr. Lucy expressed concern about the role and scope of the Entrance Corridor Review Board. Mr. Harris stated he would do some research into dealing with ERB issues that had arisen during this meeting. Mr. Harris also stated he would be putting together an advisory meeting regarding rezoning.

Mr. Lucy adjourned the meeting at 9:56 p.m.