

**DRAFT MINUTES  
CITY OF CHARLOTTESVILLE  
PLANNING COMMISSION  
TUESDAY, 9 SEPTEMBER, 2008 -- 5:30 P.M.  
CITY COUNCIL CHAMBERS**

**Commissioners present:**

Ms. Cheri Lewis  
Mr. Michael Osteen  
Ms. Genevieve Keller  
Mr. Dan Rosensweig  
Mr. Bill Emory

**Commissioners Not Present:**

Mr. Jason Pearson (Chairman)  
Mr. Michael Farruggio (Vice-Chairman)  
Mr. David Neuman, Ex-officio,  
UVa Office of the Architect

**Staff Present:**

Ms. Missy Creasy  
Mr. Brian Haluska  
Mr. Nick Rogers  
Ms. Mary Joy Scala  
Ms. Ebony Walden

**City Council Members Present:**

Mr. Dave Norris, Mayor  
Mr. Julian Taliaferro, Vice Mayor  
Mr. Satyendra Huja

**Also Present:**

Mr. Richard Harris, Deputy City Attorney

**II. REGULAR MEETING**

Ms. Lewis, serving as Chair of the meeting in the absence of the Chair and Vice-Chair, called the meeting to order at 5:31 p.m.

**A. REPORT OF THE NOMINATING COMMITTEE**

Ms. Lewis and Mr. Farruggio had served on the nominating committee. Ms. Lewis reported that Mr. Pearson, who has been serving as Chair in an interim position, and Mr. Farruggio, who has been the interim Vice-Chair, were the slate of nominees. Ms. Lewis asked if there were any nominations from the floor. **There being none, Ms. Lewis asked if there was a motion to close the nominations. Mr. Osteen so moved. Ms. Keller seconded the motion. Ms. Lewis called a voice vote. The motion carried unanimously.**

**B. ANNUAL MEETING**

**1. Election of Officers**

**Ms. Lewis called a voice vote on the slate of nominees. The motion carried unanimously.**

**2. Review of Annual Report**

Ms. Lewis explained that the Commission was required to give City Council an annual report on what the Commission had done in the previous year. That report was available on the City website and was delivered to City Council.

### **C. COMMISSIONERS' REPORTS**

Ms. Keller stated the Community Development Block Grant Task Force held an organizing meeting for the fall. The CDBG priorities for the year are economic development, work force development particularly for teens and young adults, neighborhood stabilization to include homeowner and rental rehabilitation. The designated neighborhood for the 2009-2010 year will be the Charlottesville Redevelopment and Housing Authority.

Mr. Rosensweig welcomed Bill Emory to the Planning Commission and stated he was looking forward to serving with him. Mr. Rosensweig stated the MPO Tech Committee was doing projects on the UnJAM list to include making recommendations for projects which should be taken off the list and then making recommendations for projects that should go on the list.

Mr. Osteen had nothing to report.

Mr. Emory had nothing to report.

### **D. CHAIR'S REPORT**

Ms. Lewis welcomed Bill Emory to the Planning Commission. She stated he was a long time neighborhood activist from the Woolen Mills neighborhood.

Ms. Lewis stated the City/County Affordable Housing Task Force had looked at a draft copy of its report and decided to revise the report which should be out in October.

Ms. Lewis stated Council had allocated \$700,000 for improving pedestrian wayfaring.

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

Ms. Creasy asked the Commissioners to look over the member list to make sure she had the correct contact information for them.

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

There were no matters from the public.

### **G. CONSENT AGENDA**

1. Minutes -- July 22, 2008 -- Regular Meeting
2. Minutes -- August 12, 2008 -- Pre-meeting
3. Minutes -- August 12, 2008 -- Regular meeting
4. Request for initiation of zoning text and map amendments -- The purpose of initiating these amendments is to allow formal consideration of the applications. These items will be scheduled for future public hearings if initiated:
  - a. Theatre Use in Downtown

b. Definition of Bed and Breakfast

c. Conservation District

d. Density matrix edits and additions to enumerations of zoning districts

Ms. Lewis stated items 1 and 3 were not yet available and were not being considered in the consent agenda. She noted that a Commissioner had requested that items 4a, 4b, and 4c be pulled from the consent agenda for discussion.

**Mr. Osteen moved adoption of the consent agenda. Mr. Rosensweig seconded the motion. Ms. Lewis called a voice vote. The motion carried unanimously.**

## **H. SITE PLANS**

### **1. Boys and Girls Club**

Ms. Walden gave the staff report. The site plan proposes a new 24,700 square foot facility for the Boys and Girls Club. The total project area is approximately 1.5 acres. The application meets the general requirements of a non-residential use in an R-1S district. Staff is confident that the remaining comments will be satisfied in the site plan process. Staff recommends approval based on the condition that the remainder of the comments in the comment letter sent to the applicant are sufficiently addressed.

Mr. Tom Jones, of the Board of Directors of the Boys and Girls Club and Chair of the Building Committee, noted the scope of the work was significantly higher because the City is also building on the same site. The Boys and Girls Club and the City have signed a memorandum of understanding outlining the ways they would cooperate and coordinate efforts during the building process. The staging area will be within the limits of work.

Ms. Keller expressed concern that adequate care be given to preserve existing trees on the site.

**Mr. Rosensweig moved to approve the preliminary site plan for Tax Map 23, Parcel 192, identified as The Boys and Girls Club at 617 9th Street SW, with the following conditions: The applicant must address the remainder of staff comments as contained in the attached comments letter dated August 28, 2008. Mr. Osteen seconded the motion. Ms. Lewis called a vote by acclamation. The motion carried unanimously.**

Ms. Lewis called the items pulled from the consent agenda.

### **G. 4.a. Theatre Use in Downtown**

Mr. Haluska gave the staff report. This would add the theater use as listed under the use matrix for the mixed use zones to the downtown district.

Mr. Rosensweig sought clarification that theaters were not allowed by right or by Special Use Permit on West Main. Mr. Haluska confirmed that. Mr. Rosensweig wanted to know if there was a rationale for that. Mr. Haluska did not know of one.

Ms. Keller wanted to know if the text amendment would be for both live theatre and cinematic theater. Mr. Haluska thought cinemas and movie theaters were covered somewhere else. Ms. Lewis cited the

definition: "Theater means a building, or portion thereof, used for dramatic, operatic, motion picture, or other performances."

Mr. Rosensweig suggested all mixed use districts be investigated.

Mr. Osteen stated he would support that.

**Mr. Osteen moved to initiate a proposed amendment to the City's zoning ordinance, to wit: amending Article 6, Division 16, Section 34-796 of the City Code concerning permitted uses in the mixed-use corridors. Ms. Keller seconded the motion. Ms. Lewis called the vote by acclamation. The motion carried unanimously.**

#### **G. 4.b. Definition of Bed and Breakfast**

Ms. Walden gave the staff report. This was brought forward by the Commission after questions with a specific application. There are no bed limitations in the current bed and breakfast definition so this is a recommendation for staff to study if there should be a room limitation in the definition.

Ms. Lewis read the proposed definition for the record: Bed and Breakfast means a temporary lodging facility, which serves as the property owner's and B&B managers primary residence; shall be permitted to have up to eight (8) guest rooms; and wherein food service shall be limited to breakfast and light fare, for guests of the B&B only.

Mr. Rosensweig wanted to know how eight guest rooms was decided upon. Ms. Walden stated several Commissioners had proposed eight to ten bedrooms and Staff was thinking something that would be appropriate in a residential area.

Ms. Lewis wanted to know if there had ever been a survey of bed and breakfasts in the City. Ms. Walden stated they had not.

Ms. Lewis read the current definition: Bed and breakfast means a temporary lodging facility in the nature of an inn, which facility serves as the innkeeper's principal residence and wherein breakfast is the only meal provided to guests.

**Mr. Osteen moved to initiate a proposed amendment to the city's zoning ordinance, to wit: amending Article X, Division 1200 (Definitions) relative to Bed and Breakfasts. Mr. Rosensweig seconded the motion. Ms. Lewis called for discussion. Mr. Rosensweig stated he would like to see a possibility of added rooms where it makes sense by Special Use Permit. Ms. Lewis noted Mr. Osteen would like to see the meals not limited to just the residents. Ms. Lewis called the vote by acclamation. The motion carried unanimously.**

#### **G. 4.c. Conservation District**

Ms. Scala gave the staff report. This is a proposal to allow conservation districts as a less restrictive alternative to architectural design control districts. It is intended to protect the character and scale of the more modest historic neighborhoods in the city.

Ms. Lewis noted the Board of Architectural Review had been working on this for a number of years. She thought there were some neighborhoods that were good candidates for this.

Ms. Keller stated this was not her favorite thing. She thought this could be accomplished with different Guidelines and use the existing legislation.

Mr. Emory expressed concern that the preservation design planner has the resources to administer this.

Mr. Rosensweig requested that Staff have conversations with the City's primary partners in redevelopment dealing with affordable housing, PHA and Habitat for Humanity, so they can think about how this might affect future plans. Mr. Rosensweig stated he was nervous about going forward with this unless he saw the affect on affordable housing opportunities.

**Ms. Keller moved to initiate a proposed amendment to the City's zoning ordinance, to wit: amending Article II Overlay Districts, by adding Division 2A Historic Conservation Overlay Districts, and amending Article X Definitions, by amending the definition of "contributing structure" to reference its usage in Division 2A. Mr. Osteen seconded the motion. Ms. Lewis called a vote by acclamation. The motion carried unanimously.**

Ms. Lewis noted that item J had been withdrawn from the agenda by the applicant. Item L 1 had been deferred by the applicant.

### **III. JOINT PUBLIC HEARINGS**

#### **I. JOINT PUBLIC HEARINGS**

Ms. Lewis informed City Council that Mr. Bill Emory was on the Commission. She also reported to Council that the Annual Report had been submitted.

**1. ZM-08-08-30** -- (Coleman Street) A petition to rezone from R-2 Residential to R-3 Residential, the property on Coleman Street. The application is to allow for the construction of six townhouse units. Proffers to be considered include a density reduction and an affordable unit. This property is further identified on City Real Property Tax Map Number 49 as parcels 112, 112.1, 112.2 having approximately 150 feet of frontage on Coleman Street and containing approximately 30,000 square feet of land or 0.69 acres. The general uses called for in the Land Use Plan of the Comprehensive Plan are for Two Family Residential.

Mr. Rogers gave the staff report. No improvements are currently located on the three parcels. The applicant wants to orient the project more perpendicular to Coleman Street with the inclusion of six townhouse units to create a more buildable scenario. Townhouses are not permitted in the existing R-2 zoning. Staff feels the Commission should examine the conceptual landscape plan. Some of the items the applicant listed as proffers are statements of compliance and are not applicable as proffers; staff recommends not accepting those.

Ms. Lewis clarified that proffers 1, 2, 3, 4a and 5a and b were true proffers for consideration. Mr. Rogers stated 3b was not recommended.

Mr. John Grady, of 2575 Dudley Mountain Road, was present on behalf of Mr. Tucker and Mr. Downer, the owners. He stated they wanted to do what they could do by right if they were left as they were. The topography made it virtually impossible to extend Coleman Street and meet public standards.

Mr. Emory wanted to know if these townhouses would be for single ownership. Mr. Grady confirmed the intent was to sell the units as individual lots and individual homes.

Mr. Rosensweig wanted to know if any of the units would be made affordable housing. Mr. Grady said they were exploring the possibility of making one or two units affordable housing.

Ms. Lewis opened the public hearing. With no one wishing to speak to the matter, Ms. Lewis closed the public hearing.

Mr. Emory, noting that this property was within a stone's throw of multiple zonings, expressed concern about the variety of zoning types. He thought that it was unusual to find so many zones in a limited area and not good zoning practice.

Mr. Osteen thought it was a very difficult site. He appreciated the concept of trying to find buildable sites on the property. Mr. Osteen thought the site was so unique it needed to be something more to justify building on it.

Mr. Rosensweig echoed those concerns. This neighborhood was updated in the Comprehensive Plan in 2006 to allow for housing of a different type and specifically for affordable units. He was also concerned about connectivity.

Ms. Keller echoed her colleagues comments. She wanted to see something that would take advantage of such a unique and challenging site.

Ms. Lewis reminded the Commissioners that the standard of review was to look into whether the existing zoning was reasonable and then to evaluate whether the proposed zoning was reasonable.

Mr. Emory applauded the applicant's concern for and sensitivity to the site.

Mr. Osteen found the existing zoning to be reasonable. He also thought he could find the proposed zoning reasonable. However, he did have issue with the design.

Ms. Keller thought the R-2 zoning remained reasonable for the neighborhood.

**Mr. Emory moved to recommend denial of this application to rezone property from R-2 to R-3 on the basis that the current zoning is reasonable. Ms. Keller seconded the motion. Mr. Rosensweig suggested giving the applicant a chance to ask for a deferral at this point to be able to work on a new proposal that would be more consistent with the Comprehensive Plan. Ms. Keller stated she would be happy to withdraw her second to allow the applicant to defer. Mr. Grady asked for a deferral and asked to work with staff to bring a new proposal. Mr. Emory withdrew his motion. Ms. Lewis stated for the record that the applicant requested a deferral.**

**2. ZT-08-08-31** -- An ordinance to amend and reordain Section 34-273(b) of the Code of the City of Charlottesville, 1990, as amended (Zoning Ordinance) relating to Individually Protected properties by creating an "overlay" zoning restriction without affecting the underlying zoning district designation. This ordinance would create minor design control districts status for the following:

a. The structure and property at 212 Rosser Ave (Holy Temple Church), Tax Map 3, Parcel 107.

**ZM-08-08-32** -- An ordinance to amend and reordain the Zoning District Map incorporated in Section 34-1 of the Zoning Ordinance of the Code of the City of Charlottesville, 1990, as amended, by adding minor Architectural Design Control Districts for the following:

a. The property at 212 Rosser Avenue, further identified on City Real Property Tax Map Number 3 as parcel 107 having 40 feet of frontage on Rosser Avenue and containing approximately 4007 square feet of land or 0.092 acres. The general uses called for in the Land Use Plan of the Comprehensive Plan are for Single Family Residential. The current underlying zoning, which will remain, is R-1SU.

Ms. Scala gave the staff report. The BAR on April 29, 2008, unanimously recommended designation of the property. Designation ensures that a property cannot be altered on the exterior or demolished unless it first goes through a review process. It also ensures that new development built on the designated property will be compatible with the character of the district. This property is significant for its association with its builder Rev. Charles Brown, a successful general contractor in Charlottesville for more than 50 years; his projects included many commercial and residential buildings in the area. At the BAR meeting on April 29, many neighborhood residents spoke in favor of the designation, including relatives of the late Dr. Brown. Some also spoke with concern about possible additional designations. The current pastor, Samuel Walker, spoke against the designation.

Ms. Keller wanted to know if the BAR had looked at this in the context of Reverend Brown's other work and deemed this the most significant or the most closely associated with him. Ms. Scala stated this was a visible landmark and was suggested for that reason and because this was more of a symbol of the work he did in the community.

Ms. Lewis opened the public hearing.

Ms. Angie Jefferson, daughter of the late Reverend Charles Brown and a member of Holy Temple Church of God in Christ, stated the significance of the church to the community is more cultural than anything else. She stated it represented a place in the community where anyone and everyone could come and be at home. Other organizations, such as the Black Voices of the University of Virginia, were started there. The church was built by a local person to serve the local community.

Samuel Walker, pastor of the church, explained he now supported the proposal and felt that this was in the best interest of the church.

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

Mr. Osteen thought this was appropriate and the Commission should move it forward. He endorsed Ms. Jefferson's statements.

Mr. Rosensweig was delighted that the Commission consider this an Individually Protected Property. He was impressed that Reverend Walker was now in favor of the proposal. He expressed his understanding that IPPs should be living, historical artifact which was still vital to the community.

Mr. Emory was thrilled at a chance to remember Reverend Charles Brown. He felt this was a great thing for Charlottesville.

Ms. Keller thought it was appropriate that a family member and a member of the congregation had come forward; however, she was disappointed that this was a single resource because African American historic resources are under represented in both survey and designation. She hoped that this was the first of many coming through.

Based on the criteria 1, 2, 3, 5, 6, and 7, Mr. Osteen moved to recommend the adoption of an ordinance to amend and reordain the Zoning District Map incorporated in Section 34-1 of the Zoning Ordinance of the Code of the City of Charlottesville, 1990, as amended, by adding a minor Architectural Design Control District for the property at 212 Rosser Avenue, further identified on City Real Property Tax Map 3 as parcel 107 having 40 feet of frontage on Rosser Avenue and containing approximately 4007 square feet of land or 0.092 acres. The general uses called for in the Land Use Plan of the Comprehensive Plan are for Single Family Residential. The current underlying zoning, which will remain, is R-1SU. Mr. Osteen also moved to recommend the adoption of an ordinance to amend and reordain Section 34-273(b) of the Code of the City of Charlottesville, 1990, as amended (Zoning Ordinance) relating to Individually Protected properties by creating an "overlay" zoning restriction without affecting the underlying zoning district designation. This ordinance would create a minor design control district status for the following: The structure and property at 212 Rosser Ave (Holy Temple Church), Tax Map 3, Parcel 107. Mr. Emory seconded both motions. Ms. Keller sought clarification as to why Mr. Osteen had not included criteria 4. Mr. Osteen stated he did not find its age particularly significant. Ms. Keller offered a friendly amendment to add criteria 4. Mr. Osteen and Mr. Emory accepted the friendly amendment. Ms. Creasy called the roll. The motion carried unanimously.

Mrs. Angela Brown, of 706 12 Street NW, widow of the late Reverend Charles Brown, thanked the Commission for passing this.

**3. ZT-08-08-33** -- Planting Strips and Tree planting in the Right of Way -- An ordinance to amend and reordain Section 34-870 of the Code of The City of Charlottesville, 1990, as amended (Zoning Ordinance), to allow for the planting of trees within a planting strip between the curbing and sidewalk on public and private streets. This provision would allow for this tree planting in the City right of way.

Mr. Haluska gave the staff report. The current section states that streetscape trees shall be planted outside existing or proposed rights-of-way, but within 15 feet of the edge of such rights-of-way. Three major issues arose: overhead power lines, which are frequently in this area of the right of way and where large shade trees would interfere with those lines; underground utilities, which could be disrupted by roots of large trees; and maintenance of the trees. Under the current ordinance the trees are planted on private property and are maintained by the property owner. Currently trees that are in the right of way in planting strips are maintained by the City. Staff consulted with the City Attorney's office who consulted the Code of Virginia and concluded the City could not force people to plant trees in the right of way nor maintain them.

Mr. Osteen wanted to know what kind of agreement the City had with the power company about what trees could be planted. Mr. Haluska did not know. He stated it would be in the franchise agreement which was handled by a different office.

Mr. Mike Svez, Director of Parks and Recreation, explained the most integral part of tree maintenance is what takes place in the first two years.

Ms. Lewis opened the public hearing.

Ms. Edith Good, of 305 Second Street, wanted to know if dwarf trees had been considered. Mr. Haluska stated the Code contemplates smaller trees in certain situations.



**Mr. Haluska asked that the matter be deferred** because under the current configuration of the maintenance, they would like to have the maintenance agreement drafted and ready to hand out to applicants as soon as it is passed and to be able to specifically mention a maintenance agreement in the Code.

Ms. Lewis stated the public hearing would remain open for further comment due to the deferral.

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

**J. SP-08-07-24** -- (608 -612 Preston Avenue) An application for a special use permit for the property at 608-612 Preston Avenue. This is a request to allow a dance hall within the Central City Corridor. This property is further identified on City Real Property Tax Map Number 32 as parcel 14 having approximately 165 feet of frontage on Preston Avenue and containing approximately 74,488 square feet of land or 1.71 acres. The zoning of this property is currently Central City Corridor and general uses called for in the Land Use Plan of the Comprehensive Plan are for Commercial Use.

**Ms. Lewis stated this had been withdrawn by the applicant.**

Ms. Lewis noted for the record that the Commission was an hour and-a-half ahead of schedule.

Mr. Rosensweig asked if the Commission could take a break. Ms. Lewis recessed the meeting at 7:45 p.m. Ms. Lewis reconvened the meeting at 7:57 p.m.

#### **K. PARKING WAIVERS**

##### **1. Meade Park Aquatics Center**

Mr. Haluska gave the staff report. The project is the demolition of the existing pool and the construction of a new aquatic facility at a different location in the park, closer to Meade Avenue. Parking is determined based on the amount of recreation space for outdoor recreation facilities. This facility would require 104 spaces. These spaces would take up about half the park. The applicant requests a reduction of 66 spaces. Staff supports the waiver because: one, the City's desire to encourage alternative methods of transportation to the automobile is best served by limiting the amount of parking available on-site, and thus making other modes of transportation more attractive; two, the stated intent of the public park protection overlay district is to preserve open space is best served by limiting the amount of impervious surface constructed; three, the provision of the required number of parking spaces would necessitate the paving of, in the applicant's estimation, half of the available parkland; and, four, the combination of available on-street spaces and the number of parking spaces proposed by the applicant is reasonable to serve the proposed aquatic facility.

Ms. Keller sought clarification of the neighborhood concerns mentioned in the staff report. Mr. Haluska stated there had been several. The neighborhood was concerned about the number of people who come to that park and that if the parking was limited that volume would be kept down.

Mr. Rosensweig wanted to know what other programmatic elements were gone from the existing park. Mr. Svetz explained the pool replacement program drove the design. Green space was being replaced in the back of the park. Other elements would be determined once the old pool was removed.

Mr. Chris Gensic, Parks and Trail Planner, stated the Coal Tower Trail Project will now terminate into Meade Park.

Mr. Rosensweig found it ironic that for the bulk of the year there was too much surface parking for the new programming in the park. He expressed a desire to see more of the programmatic elements added back in.

Mr. Osteen agreed with his colleague but wondered if there was some way of ensuring that available parking is present when someone comes from across town.

Ms. Keller thought it was a positive concept to try to discourage driving by limiting parking. She wanted this concept applied to more projects.

Mr. Emory was sorry to lose the programming space. He was also concerned about losing green urban space.

**Ms. Keller moved to approve a 66 space reduction of required off-street parking for Meade Park on the basis that it is a good zoning practice and will promote the general welfare. Mr. Emory seconded the motion. Ms. Creasy called the roll. The motion carried unanimously.**

## **2. Forest Hills Park**

Ms. Walden gave the staff report. The Parks and Rec Department is requesting that all on-site spaces be waived. The parking requirement would require 34 spaces. Forest Hills Park has no existing parking available on-site. The site plan shows approximately 15 spaces after renovation. The Comprehensive Plan designates Forest Hills Park as a Neighborhood Park. Neighborhood Parks primarily serve neighborhoods and other residential areas of the City, have a service area of no more than one mile and visits are less than two hours. They can be accessed by bicycle, pedestrian activity or car depending on setting and access. Staff supports this request for the following reasons: there appears to be adequate on-street parking spaces; requiring a park to add 34 spaces when they currently function without any spaces seems unreasonable; increasing impervious surface to add a parking lot is not consistent with Charlottesville's environmental goals. Staff would recommend that the applicant look at the proposed curb choker, which has a slight impact on possible on-street parking.

Mr. Rosensweig had no problem with the parking waiver, but expressed concern about making the park less usable. Mr. Svetz explained they were replacing a wading pool with a water feature that would serve a much larger age population.

Mr. Osteen was concerned about losing one of the basketball courts but felt good about the parking waiver.

**Mr. Osteen moved to approve a 34 space reduction of required off-street parking for Forest Hills Park on the basis of Staff recommendations 1 and 2. Mr. Rosensweig seconded the motion. Ms. Creasy called the roll. The motion carried unanimously.**

Ms. Lewis suspended the Planning Commission and convened the Entrance Corridor Review Board.

## **L. ENTRANCE CORRIDOR REVIEW**

### **1. Barracks Road Shopping Center -- Barnes and Noble Relocation**

**Ms. Lewis noted this had been deferred by the applicant.**

### **2. 2101 Jefferson Park Avenue**

Ms. Scala gave the staff report. A certificate of appropriateness for a similar project was approved April, 2006, with conditions of: unpainted brick on the foundation to match the proposed garden wall in lieu of the then-proposed split face block; aluminum clad two over two windows with exterior and interior muntins and spacer bars; and aluminum doors. A site plan for that building was approved April 10, 2007. The applicant has proposed the following changes to the approved plan: the third-floor arched windows will be changed to standard double-hung windows with an arched trim piece above the window made of painted Fypon; the two over two windows will be aluminum clad wood; landscaping will be added to screen mechanical units, as previously offered; the foundation will be unpainted brick, as previously required.

Mr. Osteen stated the perspective drawings suggest the balconies are projecting from the building while the elevations suggest otherwise. Mr. Keith Lancaster, of Southern Development, confirmed the majority of the patio is recessed within the building.

Ms. Keller wanted to know if the applicant had explored any alternatives to have some sort of entrance oriented to JPA. Mr. Lancaster explained they had but in working with the parking layout to make sure the parking was shielded from the entrance corridor, the other entrance worked easier.

Mr. Osteen wanted to know if the applicant had considered having the ground floor unit open straight out to JPA. Mr. Lancaster stated it had a patio there. Mr. Osteen suggested it be arranged to appear as if it was a door to a unit so someone could come off JPA and walk a few steps to that unit. Mr. Lancaster thought that having one access point would help with security. Mr. Osteen thought it would be helpful to have connection to the street. Ms. Keller agreed with him. Mr. Osteen also suggested a landscaping that defined the idea that it was potential access.

Ms. Keller stated she would like to see some kind of gesture to the street.

Mr. Rosensweig concurred with his colleagues. He had discomfort with waiving what he thought was one of the most important and crucial design principals of the Entrance Corridor.

Mr. Osteen noted that in previous projects the neighborhood had been concerned about balconies and what balconies in student units become. Mr. Osteen wanted a commitment from the owner that balconies would be actively managed.

Ms. Lewis expressed concern about the depth of the stairwell and the landscaping around it. She saw it as a security issue. Mr. Lancaster stated he had seen that in the minutes from the 2006 meeting. He noted that security was one of the bigger issues in regards to having access to that one unit. Mr. Lancaster stated the ERB decision at that meeting was to centralize the access to one point with security lights within that stairway. Mr. Lancaster, in response to the safety concerns, suggested a sidewalk leading up to the stairwell and breaking the grade down. Mr. Osteen thought that would be the safest unit in the building.

Ms. Lewis thanked the applicant for replacing the lowest story with brick.

Mr. Osteen expressed concern about how the deep recesses would look.

Mr. Rosensweig stated he was in favor of approval with the conditions recommended by Ms. Scala and an added condition that a sidewalk be added from JPA to the entrance of the building serving that singular unit on the bottom floor.

**Mr. Osteen moved to approve the Entrance Corridor certificate of appropriateness subject to: the third-floor arched windows will be changed to standard double-hung windows with an arched trim piece above made of painted Fypon; the two over two windows will be vinyl clad wood with exterior and interior muntins and spacers bars; with the landscaping as shown to screen the mechanical units; the foundation to be unpainted brick and the main facade of the house to be painted brick; and that a new entrance will be created from JPA directly to the ground floor unit with appropriate design to be approved administratively. Mr. Rosensweig seconded the motion. Ms. Creasy called the roll. The motion carried unanimously.**

Ms. Lewis closed the Entrance Corridor Review Board and reopened the Planning Commission.

## **M. PRELIMINARY DISCUSSION**

### **1. Paton Street PUD**

Ms. Walden gave the staff report. The Habitat for Humanity is seeking direction on action to take on amending the PUD. This is a three phase development. The PUD was approved in 2006 with the condition that five significant existing trees be saved. The Erosion and Sediment reviewers feel that three of the five trees cannot be saved under the proposed layout; Habitat's arborist agrees. The applicant proposes two options to resolve this issue. Option 1 is the removal of the three trees -- 48" Oak, 60" Poplar and 36" Poplar -- to be able to build the four cottages and planting six trees in their place; Option 2 would be building four townhouses instead of four individual cottages, using less land and allowing the trees to be saved. Ms. Walden also wanted the Commission to decide if this was a minor change that should be approved administratively and changed in the site plan or one that would require a public hearing to amend the original PUD.

Mr. Rosensweig wanted to know if attaching the four units increase the affordability of the units by lowering construction costs. Ms. Walden stated the applicant preferred the townhomes to taking down the trees.

Ms. Marcia Joseph was present on behalf of Habitat for Humanity. She explained the houses were designated as creative housing which was more than Habitat but less than market rate. She stated they were going to do everything they could to protect the trees.

Mr. Bruce Hogshead, Site Development Manager for Habitat for Humanity, explained the drawings for the Commission.

Mr. Rosensweig wanted to know if the difference in price had been figured out. Mr. Hogshead estimated there would be a ten percent savings in building the townhouses versus stand alone cottages.

Ms. Keller thought this was the perfect solution which avoided sacrificing trees and affordability.

Mr. Emory stated option 1 appealed to him.

Mr. Osteen thought Habitat had made tremendous attempts to be responsive to the Commission and to their market. He appreciated the efforts they were going through to try to find a solution that hopefully allows the trees to survive. He expressed support for the townhouse uses with the maximum attempt to preserve the existing trees.

Mr. Rosensweig agreed with Mr. Osteen. He stated he would be in support of attached units as a minor PUD amendment approved by the Director. He thought deepening the affordability of the units was consistent with what Habitat was trying to do. He thought it was good design as well to open up more space and create a mews-like environment. He thought there might be more room for tree planting in the space that is saved.

Ms. Keller expressed support for Option 2.

Ms. Lewis also supported Option 2.

Ms. Lewis then sought the Commission's desire as to whether this was a minor change or one that required a public hearing.

Mr. Osteen thought this was an opportunity to streamline the process applicants faced. He suggested administrative approval.

Ms. Keller thought it was a minor amendment so administrative approval made sense.

Ms. Lewis did not think this needed to come back to the Commission.

Mr. Rosensweig concurred with his colleagues.

Ms. Lewis thanked the applicant.

#### **N. FUTURE AGENDA ITEMS**

Ms. Lewis called the Commissioners' attention to the future agenda items listed at the bottom of the agenda.

**Mr. Emory made a motion that they adjourn until the second Tuesday in October. Mr. Rosensweig seconded the motion. Ms. Lewis called the vote by acclamation. The motion carried unanimously whereupon the meeting stood adjourned at 9:28 p.m.**