

City of Charlottesville - City Planning Commission - Minutes: January 9, 2001

**PLANNING COMMISSION REGULAR DOCKET
TUESDAY, JANUARY 9, 2001 -- 7:30 P.M.
CITY COUNCIL CHAMBERS**

The Regular Meeting of the Planning Commission was held on this date with the following members present:

Ms. Nancy Damon, Chair
STAFF PRESENT:
Ms. Kathy Johnson Harris Mr. Jim Tolbert, AICP, Director
Mr. Herman Key Mr. Ron Higgins, Planning Manager
Mr. Ken Schwartz Ms. Lisa Kelley, Assistant City Attorney
Mr. Marshall Slayton Ms. Ali Cheesman, Econ. Dev. Specialist
Mr. Tim Supler, Vice-Chair Ms. Claudette Grant, Neigh. Planner
Mr. Eldon Wood Ms. Susan Thomas, Neigh. Planner

CITY COUNCIL MEMBERS PRESENT:

Mr. Maurice Cox, Vice-Mayor
Mr. Kevin Lynch
Ms. Meredith Richards
Mr. David Toscano

ALSO PRESENT:

Mr. Pete Anderson, Architect of University of Virginia

Ms. Damon called the meeting to order at 7:37 p.m. She stated that there would be several public hearings and that they were waiting for a quorum of City Council members before they could conduct them.

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

Ms. Damon asked if there were any matters to be presented that were not on the regular agenda. No matters were raised.

B. MINUTES

Ms. Damon stated that the minutes for the December 12, 2000 meeting of the Planning Commission were up for approval, and called for any questions, changes,

or additions. Mr. Supler made a motion to approve the minutes as submitted. Ms. Harris seconded, and the motion carried.

SITE PLANS

1. The Import Car Store

Corner of Hydraulic Road & US Route 29 (old Jefferson National Bank Branch)

File No. 1278

Referring to the site plan, Mr. Higgins described the location of the building and indicated that it had been there a long time, but had been vacant for quite a while. He indicated that when Jefferson National Bank had been bought out, a number of branches were distributed among other banks; however, the bank to which this property had been distributed did not want to locate in that plot and had the property for lease or for sale for some time. He commented that it was a tough, very tiny site that had been designed to be a fairly efficient drive-in, walk-up bank branch about

twenty-five to thirty-five years ago. On behalf of the owners, he stated that, at last, someone had come along with a use for the building that would allow them to use it as it was.

Even though the proposal was for a change of use, with no new buildings being constructed, Staff had reviewed it as a regular site plan because it was located in a double entrance corridor. He stated Hydraulic Road and Emmet Street were both overlay historic district entrance corridors. He indicated that Staff was concerned about how this would look as the change of use occurred, and they wanted to

concentrate on the landscaping particularly, and the appearance from the corridor. He stated that the contract purchasers of the property, the Import Car Store, were an existing business in the Charlottesville/Albemarle area, currently located on 29 North. He indicated that the owners had designed the site so they could remove some of the islands in and around the building, and they had enhanced the landscaping to try to comply with the entrance corridor requirements of the City's landscaping standards, which were higher in the entrance corridors than they were in other areas.

He stated that Staff had held a site plan conference, and very few comments had been made. Most of the comments focused on what was being done to some of the healthy trees and some not so healthy trees. He directed the Commissioners' attention to the

conditions suggested by Staff as they were listed in the memorandum, most of which Staff felt could be complied with, and pointed out that the use of the property was a permitted use by-right in the zone, which was B-3. He indicated that they were not

dealing with a special permit, rezoning or discretionary review, and that the main question at the moment was how to handle the trees. He added that there was a large wooded area around the edge of the site that would not be affected, and one of the

biggest changes in the building would be to convert the drive-in windows to windows for displaying the imported cars. He stated that the applicants were present, if the Commissioners or Council members would like to hear their comments on the proposal. Ms. Damon requested that the applicants come forward and make a statement.

Mr. George Seymour introduced himself and gave a brief presentation. He stated that he and his wife owned and operated the Import Car Store at 2325 Seminole Lane in Charlottesville, Virginia. He commented that the site was extremely limited in size, somewhat less than nine-tenths of an acre, and in order to have space for the necessary forty to forty-two display cars, it was going to be necessary to remove some of the trees. Referring to some photographs of the trees, he indicated that one of the pine trees looked very unhealthy, and the other pine tree at the rear of the building was quite large and was already in contact with the building. He stated he did not feel they were worth saving. The two trees that were of the most concern to Staff and to him were the two big oak trees in the front of the building. Although he did think they might be able

to save one of them, it would take up space, and the two oak trees together would take up the space of four to five cars, which would render the site unusable for them. He stated that they had come up with a very nice landscaping detail for the Hydraulic

Road area that would include five red maples that he believed would replace the oaks and pines that they would be taking out. He added that he did not have any problems with the other conditions that had been suggested by Staff.

Ms. Damon asked Mr. Seymour if he would be making any changes to the building, and he indicated he would not.

Ms. Damon asked if there were any questions for the applicant.

Ms. Harris asked if they were going to try to modify the entrance to the area, because it was in a high traffic area. Mr. Seymour indicated that they would leave it as it was.

Ms. Damon asked Ms. Harris if she was talking about the entrance on 29 North. Ms. Harris stated that she was talking about the entrance off of Hydraulic Road.

Mr. Seymour indicated that, according to the realtor, this property had been on the market for about six months, and his was the first business that could actually use the building. He commented that while a bank would have to have 1,000 or more customers a day in order to make money, they would be happy to have fifty in one day, and that the use of the property would be a lot less than it had been previously.

Ms. Damon asked what the signage regulations were. Mr. Higgins indicated that entrance corridor signage was very limited. He stated that although the applicants would be permitted to use a ground sign, they were going to put up a building sign and would probably eliminate the existing, free-standing ground sign that the bank had used.

Mr. Higgins added that he had forgotten to mention the impact from the traffic, but that was not something they analyzed because the difference would be so profound from that generated by a branch bank.

Mr. Supler asked if the cars would go all around the open asphalt area. Mr. Seymour responded that they would. He stated that the two oak trees in front of the building were significant because the front would be the main display area on the property. Mr. Supler added that he thought this looked like a good use of vacant real estate.

Mr. Lynch asked what percentage of the site was presently under tree canopy. Mr. Higgins indicated that he believed it was probably about sixty to seventy percent, with a very large amount of wooded area at the back of the property. His stated main concern was the appearance on the street and, at present, there was very little landscaping along the street edge. He stated that there were several trees out in the planter. One was an oak tree that had been topped so many times it looked very bizarre, and it would be removed. The other one was a large tree that Staff felt should be left alone.

Mr. Lynch asked about if there was a retaining wall up against the woods. Mr. Higgins stated that there was a retaining wall at the back of the site on the K-Mart side, but it did not interfere with the use of this property. He repeated that his main concern was what to do with the oak trees in the front of the property.

Ms. Damon asked how many trees they planned to remove and to plant. Mr. Seymour stated that they were removing four plus the one Mr. Higgins mentioned that had been topped, and they would be replacing them with five red maple trees.

Ms. Damon asked if anyone had any further questions.

Mr. Supler made a motion to approve the application, and asked if there were any conditions anyone wanted to suggest.

Mr. Higgins suggested that the motion contain specific language about the first condition listed in the memorandum.

After further discussion, Mr. Supler restated the motion, saying that it was for approval, with the addition of conditions A, B, C, and D, as submitted on the memo from the City Planner, Missy Creasy. Concerning condition A, he stated that approval was contingent on replacing the original five trees with five red maple trees. Mr. Slayton seconded the motion.

Ms. Damon called for discussion.

Mr. Schwartz indicated that he needed some clarification on the entrance overlay district regulations and how they related to the question of the trees. He commented he was sorry that the City Planner was not there, because she was concerned about removing the four mature trees, and he asked if there was anything in the corridor overlay district regulations that would tell them whether they needed to save these four trees.

Mr. Higgins responded that there were no more regulations there than there were in the regular site plan review process. He stated that a site plan review before the Planning Commission allowed the Planning Commission to require that an applicant make a bona fide effort to save trees that should or could be saved, but it did not mean that the Commission had to require the applicant to save all of the trees.

Mr. Schwartz stated that he was not advocating that they save those four trees. He indicated he was familiar with a damaged tree on the lot, and he believed it could be removed without significant loss to the property, but he was not sure about the

others. He stated that his concern was that this was a prominent intersection, and the entrance overlay corridor regulations were clearly intended to protect and improve prominent locations as they approach and enter the City. He commented that the proposed landscaping plans were clearly meant to improve the property, and he was very

much in support of them, but nevertheless he wanted to make a friendly amendment to the motion that they approve the site plan as submitted, with the exception of further discussion regarding the question of the removal of

some of the mature trees, since he was not clear about how to handle this one issue.

Mr. Higgins stated that the entrance corridor addressed landscaping specifically from a screening or frontage standpoint, so there was nothing inherent in the entrance corridor overlay district that said, "This is a district where you can really save trees." Staff's concern was that the entrance corridor regulations were designed to protect and enhance the appearance of a site, and they felt that the existence of some of those trees might contribute to that. He added that if they removed the trees, Item A would be met; they would be meeting the entrance

corridor landscape standards.

Ms. Damon asked if there was any way that they could save at least one or two of the mature trees while the other ones grow, so that they did not get immediate clear cutting. She asked if they had explored that possibility.

Mr. Higgins replied that they had explored that to a certain extent, but the amount of space needed by the client to display cars and circulate and provide customer parking was what was driving the issue. There was very limited space available, unless they expanded the paved area, which they were trying to avoid. He stated that the closer they got to the retaining wall near K-Mart, the more problems they would have.

Mr. Supler commented that the more asphalt one had, the more run-off problems one would have. He added that as he saw it, clean, shiny cars that were for sale could not be parked under old, dirty trees. He stated that he believed the applicant would be improving the landscape overall by planting the red maples, and he asked Mr. Seymour what size the red maples would be.

Mr. Seymour responded that they would be two-and-a-half inch caliper and ten to twelve feet in height.

Mr. Supler commented that he felt comfortable with the motion as he had made it, and wondered if there were a way to defer to Mr. Schwartz and still move forward. He stated that he believed it would be good to have a viable business there, but it was the kind of business that should not be under trees.

Mr. Schwartz made a friendly amendment that, while the motion was to approve the site plan with the four conditions stipulated, Condition A should be modified to read that the site plan must show that landscaping and screening meet Article 8-A of the entrance overlay historic district regulations, and that an additional study should take place between the applicant and Staff about the potential preservation of one or more of the mature trees on site.

Mr. Supler asked if Mr. Schwartz was saying the plan would be acceptable if further study was done and it was found the trees did not need to be saved, and Mr. Schwartz indicated that that wording was on purpose. He stated he was trying to give Staff flexibility to continue the conversation with the applicant in the hope that one or more of the mature trees could be saved. Mr. Supler commented that, given Ms. Creasy's

absence, he was fine with that.

Mr. Higgins commented that he had sent this to them, not Ms. Creasy, and that he felt that one of the oaks in the front should be saved.

Mr. Schwartz asked if the wording of the friendly amendment would give him some flexibility in talking with the applicant. Mr. Higgins responded that all it would do would be to have him tell the applicant again that he would like to see them save one of the two trees in the front.

Mr. Schwartz stated that he would revise the friendly amendment to read that, in addition to the language in A, they stipulate that the one tree that Staff has

identified as significant to be saved, be saved.

Mr. Supler asked which tree it was. Mr. Higgins stated that it was the tree that was the farthest away from the building and the least likely to grow into the building. The difficulty that the applicant had was that it was an oak tree, and oak trees create

a problem with cars.

After further discussion about the trees and the needs of the applicant, Ms. Damon asked if everyone accepted the friendly amendment.

Mr. Slayton asked how they could require that Mr. Seymour keep some of the trees if, even after cutting them down, he was still in compliance with the entrance corridor regulations. Mr. Higgins responded that the Commissioners have discretion whether or not to ask the applicant to preserve trees over eight inches in caliper.

Mr. Schwartz indicated he would like to propose a substitute motion that they approve the site plan as submitted with all of the conditions stipulated in A-D, with a change in the language of A to indicate that the one tree indicated by Staff be saved. The motion was seconded by Mr. Key.

Ms. Damon asked if there was any discussion.

Mr. Slayton asked the applicant if approval of this substitute motion would force him not to put his business on this site. Mr. Seymour confirmed this. He added that approval of the motion would be unfortunate, because it had taken a great deal of time and money to get to this point. He stated that he wished the tree were in the back of the property and could be saved.

Ms. Damon asked Mr. Seymour if he had asked K-Mart whether people who were customers of his could park in the K-Mart parking lot, which was very seldom filled, so that he could realign his parking area. Mr. Seymour responded that he had not. He stated that what was valuable to him was being able to display twelve cars on the front and side, where 30,000 people a day would see them.

Mr. Supler commented that some people had the perception that the City was hard to deal with as far as developing. He believed this Planning Commission and the City Council had tried to counter that perception, and he felt they had done a pretty good job of it. Given that, in most scenarios, all of those trees could be taken down by-right, and there could be a less desirable building put up on the

site, he felt that they should approve the site plan as submitted. He stated that the City could use the business, and it seemed like a nice clean business, with five attractive twelve-foot red maples proposed to replace the oaks. He agreed that it would be nice if they could save all of the trees, but he felt they would be remiss in turning this applicant away since, in three or four months, they could end up

having something less desirable on the property, and they would then be kicking themselves for not having shown a little flexibility.

Mr. Schwartz said that he didn't believe Mr. Higgins had told them that an applicant could come onto the site and clear cut the property by-right, and Mr. Higgins confirmed this. Mr. Schwartz then commented that the substitute amendment was in the spirit of compromise, since it was requesting that only one of the four trees be saved. General discussion followed concerning whether or not the trees could be preserved if an applicant wished to tear down the original building and do new construction.

Ms. Damon called for a vote on the substitute motion, which was to accept the site plan with the four conditions as listed, with a change in the wording on the first condition to say that the oak tree indicated by Staff on the southwest corner of the building be preserved. A vote was taken, and the motion failed.

Ms. Damon called for a vote on the original motion. Mr. Supler stated that the motion was to allow for Conditions B, C, and D, and for the replacement of the four trees in question with five red maples two-and-a-half inch diameter size and approximately

ten to twelve feet tall.

D. JOINT PUBLIC HEARINGS

1. Closing of Alley between 3rd and 4th Street, NE: A petition to close the

10' alley right-of-way running east approximately 103' from 3rd Street, NE

between High and Jefferson Streets.

Mr. Higgins gave a brief summary of the proposal, stating that it had come before the Planning Commission three different times, but the applicant had requested deferral. Referring to a drawing, he indicated that the alley was located between the McGuire, Woods, Battle & Boothe Complex on High Street and the First Virginia Bank and the Temple Beth Israel synagogue on East Jefferson Street. He indicated that the applicants had requested deferral so they could negotiate how they would dispose of the alley once it was closed. He stated that Staff still recommended closing it. He mentioned that although the value of land in that area was very high, people who had looked at this alley had determined that it would not add that kind of value (\$2,200) to the properties in question.

Mr. Slayton asked Mr. Higgins how many parking spaces this would add. Mr. Higgins responded that they might be able to get one more space.

Ms. Damon asked if there were any people present who wanted to speak to the issue.

Mr. Higgins indicated that the applicants were not present, but had sent the Planning Commission a letter stating that they were now ready for the Commission to take whatever action was needed on this issue.

Ms. Damon asked if there was anyone in the audience who wanted to speak. Seeing none, she closed the public hearing.

Mr. Schwartz stated that he would neither participate in the discussion nor vote since he was a member of Congregation Beth Israel.

Mr. Slayton made a motion to approve the closing of the alley, with the request that the applicant pay \$6,000 dollars for the additional land, based on the value that an additional parking space adds to a piece of real estate downtown.

Mr. Supler seconded

the motion.

Ms. Damon asked if there was any discussion. Seeing none, she called for a vote.

Mr. Slayton moved that the Planning Commission recommend to City Council approval of the closing of the 10' alley right-of-way running east approximately 103' from 3rd Street, NE with the recommendation that the approximate value of \$6,000 be requested from the petitioners. Mr. Supler seconded the motion. The motion passed with the following recorded vote: AYES: Damon, Harris, Key, Slayton, Supler, Wood. NOES: None. ABSTAINED: Schwartz.

2. Closing of an alley off of Bainbridge Street: A petition to close the 12' alley

right-of-way running southwest approximately 100' from Bainbridge Street

and wholly within the property area of the Virginia Industries for the Blind.

Mr. Higgins gave a brief presentation. Referring to the site plan for the Virginia Institute for the Blind, he commented that this was state-owned property, and thus not subject to zoning laws. He indicated that the state was finally getting into an

extensive renovation and reconstruction of this old facility, and had submitted plans for them to review and allowed them to present the plans to the neighborhood. The architects and builders had been very cooperative in sharing the plans with them

before they developed it. He stated that after they had completed the plans and begun the demolition process of some of the old buildings and metal additions that had been placed there over the years, they had discovered that there was a paper right-of-way alley behind an old house site that was not owned by the state, but was a City right-of-way. To clear that up, they were petitioning the City to vacate the alley. He stated that Staff had done a report on that, in which the value of the land adjacent to the alley was said to be about \$3.00 a foot and the value of the right-of-way itself \$3,600.

After cautioning the Commissioners that this was all non-tax property and state land, he indicated that Staff recommended closing the alley because it served no city public service, but did not recommend that the state pay the \$3,600. He then added that the

state had provided elevations of the project in case the Commissioners had any questions about what they were doing.

Ms. Damon asked if there were any members of the public who wished to speak on this issue. Seeing none, she closed the public hearing and opened the floor for discussion.

Mr. Supler made a motion to approve the alley closing, and forward it on to Council that they were asking for the \$3,600 fair market value price for the land. The motion was seconded by Mr. Key. Ms. Damon asked if there was any discussion.

Mr. Slayton commented that he felt it was inappropriate, in this situation, to ask the State to pay for it, since they were putting in a huge amount of renovation and it was a state facility. He added that, in the previous matter, the reason the applicants had been asked to pay for the land was that they were getting an additional parking space, which was not the case in this instance.

Mr. Slayton made a friendly amendment that they approve the application without recommending to Council that the State pay for it. Mr. Supler accepted the amendment.

Mr. Key asked why Mr. Slayton would be opposed to making that request. Mr. Slayton responded that since the State was spending a lot of money to renovate, and was providing the services that they were providing, he did not think the Planning

Commission should do anything to deter them.

Mr. Key commented that although he did not believe \$3,600 would be too much to ask the State to pay, he would offer a second on the motion.

Ms. Damon called for a vote.

Mr. Supler moved that the Planning Commission recommend to City Council approval of the closing of the 12' alley right-of-way running southeast approximately 100' from Bainbridge Street with the recommendation that the approximate value of \$3,600 be requested from the agency. Mr. Key seconded the motion. The motion passed with the following recorded vote: AYES: Damon, Harris, Key, Schwartz, Slayton, Supler, Wood. NOES: None.

3. Antoinette Avenue Pedestrian Bridge: The City has received various citizen and

neighborhood requests regarding the pedestrian bridge which crosses Rock Creek between Johnson Village and Orangedale within the Antoinette Avenue right-of-way. Some have asked that it be removed for safety reasons and some have asked for repairs and improvements to the bridge and the environment around it. The Planning Commission and City Council are seeking public comment on the future of this bridge.

Ms. Damon commented that before they started the discussion, she would like to say that she was aware that the closing of the bridge had become a very emotional issue and, personally, if she had offended anyone with something that she had said, she would like to apologize. She stated that the Planning Commission's goal was not to upset people, although they often did; their goal was to listen to various positions on issues and then determine what was best for the community as a whole. This particular topic was taken out of the Neighborhood Plan because two adjoining neighborhoods did not have consensus on it.

One neighborhood had asked to keep the pedestrian bridge open and the other had asked to close it. She commented that the Planning Commission realized that the people who were asking that it be closed were operating on good faith, and that closing it would be a solution to some problems that had been raised. What they were there to do that evening was to listen, both to the problems and to possible solutions. She stated she was not sure if they were going to make a recommendation to City Council that night or not; however, ultimately, the decision to close or not to close the bridge, temporarily or permanently, was a City Council issue.

Ms. Claudette Grant gave a brief presentation. Using several maps, she described the location of the pedestrian bridge. She indicated that a meeting had been held on December 28th with representatives from the neighborhoods adjacent to the bridge, and that everyone should have the notes of the discussion from that meeting. She stated she would be glad to answer any questions.

Ms. Damon indicated that in addition to the notes from the meeting, they had a petition that they had received. She then called for the first person who had signed up to speak to come forward. She reminded her that she would have three minutes to speak.

Ms. Jean Brown, of 715 Village Road in Johnson Village, introduced herself as the current president of the Johnson Village Neighborhood Association. She indicated that the foot bridge had become an issue because of the increased crime in their neighborhood and the perception of some of the residents near the bridge that they were unsafe in their own homes. She stated they felt this way mainly because of the drug trafficking that they believed was taking place on or near the foot bridge. They believed that this drug dealing was not just being done by average drug users or common kids on the street, but by those higher up in the drug trafficking trade who carried guns and were protecting their professions. Some of the residents feared for their lives. She stated that some police officers had indicated to her that their

jobs would be a lot easier if the foot bridge were closed. However, although there was no agreed-upon consensus within the neighborhood as to what they would like to have done with the foot bridge, a petition was put together by some of the residents to

have it closed entirely. She indicated that, at the meeting between the two neighborhoods, they had discussed turning the area into a park-like setting with landscaping and increased lighting; another suggestion was to keep the bridge closed for a year, as it currently was, and then check the crime statistics and residents' perceptions. The only thing they agreed upon was that the situation could

not remain as it was. She asked them not to consider them to be a bunch of elitist racists, because they were not, and added that this was not a racial issue,

but a matter of public safety.

Mr. David Dennis, of 616 Shamrock Road, introduced himself and indicated that he and his wife, Sheila, had lived at this address for 3 years. He stated that he believed the bridge had been built at least 30 years ago and that, though it might have been a

good idea when it was built, it had long outlived its usefulness. He commented that he knew some of his neighbors on Orangedale, Prospect, Bailey and Rock Creek, and they were decent, hard-working and law-abiding citizens. However, it was no news to

anyone that drug dealing had become a major problem in and around Prospect. He therefore recommended removing the bridge because of drug dealing and guns.

He commented that calling the bridge a pedestrian bridge was a misnomer, as very few people actually crossed the bridge for a leisurely walk. Since the closing of the bridge, neighbors had noticed a sharp drop in loud scooter and motorcycle traffic, and

bicycle traffic at all hours. He stated he believed the correct use of tax dollars would be to demolish the bridge, haul it away, clean up the creek and beautify the former crossings at Rock Creek and Antoinette with rose bushes and benches. He

concluded by saying that his top priority was the safety and security of Johnson Village.

Ms. Vicky Duguet, of 1512 Antoinette Avenue, stated that she would recommend demolishing the bridge. She stated that she was familiar with the problems posed

by allowing a drug dealer to remain in one's neighborhood, and commented that she did not move into her neighborhood to deal with drug dealers. She stated she would like to be able to take her son outside and not have to worry about what vehicle was

driving down the street, whether or not they had a beef with one of the guys that was standing out there, or whether or not there would be shooting. She repeated that she had been around drug dealers and knew how volatile that situation could be, and so

she considered the closing of the bridge to be a safety issue.

Ms. Andrea Ferguson, of 1508-A Antoinette Avenue, stated that her concerns with the bridge were vandalism, drug trafficking and other safety issues. She commented that her house was right next to the bridge, and problems she and her direct neighbors had

experienced included people defecating in her yard; a door frame being kicked in; a hose pushed into the house, flooding it; bikes stolen; a briefcase stolen from a car; mopeds and large motorcycles speeding across the bridge; and drug trafficking. As a mother who feared for the safety of her child, she would recommend that the bridge be taken down. Since the bridge's temporary closing, she had not seen any of these problems and had felt a lot safer. She stated that she would appreciate the Planning Commission seriously considering this issue.

Ms. Edith Goode, of 305-B Second Street, NW, indicated that it had come to the attention of the Charlottesville Branch of the NAACP that the City was considering closing or removing the pedestrian bridge connecting the neighborhoods of Johnson Village and Orangedale. She stated that the Charlottesville NAACP opposed this proposal, and that it was their position that removing or closing the bridge would go

against everything the City stood for, particularly improving neighborhood harmony. She recommended that they keep the bridge open, since closing it would further divide the community and would not be compatible with the Comprehensive Plan. She stated

that the Charlottesville Branch of the NAACP supported the renovation of the bridge and more effective community policing. She stated that this effort could be coordinated through the Quality Community Council.

Ms. Katie Mullen, of 1510-B Antoinette Avenue, stated that her property was about three houses from the bridge. She commented she was in support keeping the

bridge open and taking a chance to create a more beautiful and usable space in the area. She said they could do a lot with extra lighting and police help that could send a strong message, and if they worked together and were cooperative, she was

confident they would find a proper solution.

Ms. Jane Foster, of 6 Gildersleeve Wood, introduced herself as president of the JPA Neighborhood Association, and congratulated Claudette Grant for doing a good job in getting the two neighborhoods together. She also stated that all of the people in

neighborhood associations were grateful to Jim Tolbert and all of the neighborhood planners who had worked with them in dealing with developers and various problems. She stated that she was concerned for the people in Johnson Village and Orangedale,

since both neighborhoods would be affected by the presence of drug trafficking, but she did not know what the solution was. She stated that she had thought that if the bridge were reconstructed, the place cleaned up, good lighting installed and some

neighborhood protection, from the police and from a neighborhood watch plan, put in place, perhaps that would take care of the problem. She stated that she did not think they should drop it, and she believed that Claudette Grant should be able to go on working with the groups and with the police, because it was not just a matter of protecting Johnson Village but of protecting the people in the other neighborhood as

well.

Ms. Pam Fisher, of 1604 Trailridge Road, introduced herself as a member of the Johnson Neighborhood Association. She stated that she had been in support

of closing the bridge but that, after much discussion, she did not believe the solution to the crime in the area would be fixed solely by closing a walkway. She stated she would like to encourage the Planning Commission and the City Council to commit resources to fix the bridge and the surrounding area, making it family-friendly and less welcoming to criminal activity; to repair the bridge, add better lighting and clear the brush out for better visibility; to improve the community policing of the area; and to have the Commission facilitate this project between the Johnson Village and Orangedale communities, to keep crime out of both neighborhoods and to create a usable space for both communities. She also wanted to encourage the Planning Commission and the Council members to honor the process of using the neighborhood feedback, and to continue to use Ms. Grant. She stated she had heard City representatives refer to Johnson Village as a neighborhood with few of the risks or issues that plagued other neighborhoods in the city, but she felt the area

could be at risk if the Comprehensive Plan ignored the wishes and concerns of Johnson Village and Orangedale.

Mr. Jim McGinnis, of 617 Rock Creek Road in the Forest Hills section of Rock Creek, stated he believed all the neighborhoods needed to come together and find permanent solutions to some of the problems that had been plaguing the area, particularly the problems on Prospect Avenue. He stated that he was concerned when this issue came up, because it appeared that these two neighborhoods were clashing. He indicated that he had attended the meeting on December 28, 2000, when there appeared to be a consensus that they ought to keep the bridge and work toward making it a more park-like setting, which would encourage law-abiding citizens to use it and make it less attractive to criminals. He stated he had attended a lot of the Comprehensive Plan meetings the previous year, and felt that the general consensus was that people wanted to make Charlottesville a more walkable community. Therefore, he would recommend saving the bridge, because he did not think taking it down would stop the criminals, though it would inconvenience law-abiding citizens.

Ms. Leslie Scott, of 910 Rock Creek Road, stated that she had talked to a lot of the neighbors on the Orangedale side, many of whom did not know about this issue, which concerned her. She stated that a lot of people mentioned that they missed walking their dogs there, and the children missed riding their bikes and being able to intermingle

with other neighborhoods. One of the neighbors mentioned problems with motorcycle noise, but suggested putting up a sign prohibiting motor traffic rather than tearing down the bridge. She indicated that she had worked on the Washington Park initiative, and their efforts saw a major decrease in drug activity in that area, so she would suggest taking a proactive rather than a reactive approach to the pedestrian bridge. She stated that she was uncomfortable with the "us against them" mentality that seemed to be surfacing, and she felt that the neighborhoods needed to work together and move forward, looking at increased community policing, increased information going out to all of the neighborhoods surrounding the bridge, and going back into the Comprehensive Plan, so that if they got to the point where they wanted to do renovations, they could tap into neighborhood grants. She stated that they needed to upgrade and renovate the bridge and the surrounding area by improving the lighting, clearing the brush, and making pathways or trails, and reiterated the need to tackle the drug problems proactively rather than run away from them.

Mr. John Sleeman, of 1617 Trailridge Road in Johnson Village, stated that he had not heard about the December 28th meeting. He mentioned that he had attended a couple of meetings at UVa and had heard that localities were having to make up the deficit in

the car tags, and he did not believe they should spend money to renovate the bridge since it was clear that criminal activity there was a problem. He commented that he would prefer the money be spent on closing the bridge and possibly put into other

things, such as a park.

Ms. Beatrice Mook, of 1514 Trailridge Road, stated that an alternative could be to continue the moratorium and see if keeping the bridge closed for a while longer did stop all the problems that had been happening in Johnson Village. She stated that this

would provide some definite figures to look at to see if the crime, illegal parking activities and various thefts that had been going on were actually deterred by the closing of the bridge. She commented that in the middle of the night it was difficult to cross stones, so the closing of the bridge might actually be helpful.

Ms. Judy Ricken, of 715 Highland Avenue in Johnson Village, stated that she supported her neighbors who lived at the bridge on Antoinette in requesting that

the bridge continue to be closed, if not removed. She indicated that she had heard there were some statistics about criminal activity before and after the bridge closed, but they did not seem to be available. She stated that she had attended all five

Comprehensive Plan meetings for Johnson Village, most of them well-attended, so that when Ms. Grant called the December 28 meeting she felt it was too little, too late. She stated that at the Comprehensive Plan meetings, Johnson Village had reached a nearly

unanimous decision that the bridge should be closed or torn down altogether, and she compared this to the December 28th meeting, which was sparsely attended. She reminded the Commissioners that Johnson Village was a small community compared to a neighborhood like Fifeville, and asked them to keep that in mind when looking at the petition. She added that she felt the issue had been polarized somewhat by the Planning Commission itself, which she regarded as very unfortunate.

Mr. Wyatt Johnson, of 1005 Ridge Street, stated that he was in support of keeping the bridge open. He commented that in order to sell drugs, you had to have a market, so the neighborhoods should consider what was going on in Johnson Village and Prospect

Avenue to attract drug dealers. He did not think the bridge was the problem. He stated that when he was President of the Ridge Street Neighborhood Association, he had worked with several other neighborhoods to try to solve various problems

dealing with drug trafficking and crime, and he suggested that the neighborhoods in this part of town work toward the same end. He commented that one gentleman had mentioned children getting around by cars, and he reminded the Commissioners that not everyone in the Prospect Avenue area had the same facilities as other people, so that, for them, the bridge was very useful. He urged the Commissioners to keep the bridge open.

A member of the public stated that she wanted to voice an opinion about the petition the Planning Commission had received. She indicated that it only allowed for an either/or option; there were no other options given. She stated that she had heard several members of her neighborhood express concern that if they had been given another option before they had signed the petition, they might have reconsidered

what they had signed.

Ms. Damon asked if any other members of the public wanted to speak on this issue. Seeing none, she closed the public hearing.

Ms. Damon asked if there was any discussion.

Ms. Johnson Harris stated that she had lived on Rock Creek Road in Orangedale, and on Antoinette Avenue, and the spirit of the latter when she lived there was that of a family neighborhood, where neighbors watched out for one another. She stated that she would like to know how many people had asked the police to come in and talk to them, because if anyone had studied drug addicts they would know that if a drug addict wanted to get into your house, he was going to get in, even if you put up a stone wall. She did not feel that closing the bridge would prevent this from happening, and that what they needed was the police department there listening to the neighborhoods' concerns.

Mr. Supler commented that it disturbed him to hear that the police response to the problem was: "Close the bridge down. It will cut the crime down." He felt that this was not the right response, and that the police needed to do their job. He stated that a big part of the Comprehensive Plan and a big part of the input they had heard from across the city was to increase pedestrian accessibility, not to decrease it. Another concern was to get neighborhoods together, not to separate them. Therefore he felt that there should be increased policing, but he was opposed to closing the bridge. He felt they should address the problem, but that removing the bridge would neither address it nor help the community, and would not go to the root of the problem.

Mr. Key commented that it was a complex problem. He gave an example of how Tonsler Park used to be a major drug area. He said the lesson to be learned from that was that it became a community effort to revitalize the park; the citizens decided they wanted to take back the park for their own community. He

stated that one of the things that happened from the December 28th meeting

was the beginning of dialogue between the two neighborhoods. In his opinion,

removing the bridge was not necessarily the solution. He believed the police department, the Police Chief, the Planning Commission, the City Council, and the

two neighborhoods involved should try to come up with a creative solution that would have a lasting impact on the problem.

Ms. Johnson Harris stated that a large part of Antoinette Court and Antoinette Avenue were owned by an organization, and she suggested that this organization should be part of the conversation regarding the pedestrian bridge. General conversation followed concerning who owned the rental homes on Antoinette Court and Antoinette Avenue, and Mr. Wood suggested it might be LeRoy Bruton.

Ms. Harris then suggested that the owner should have a voice in saying what ways they would be willing to improve the new area, and to be involved in the

discussion with the people who were living there.

Mr. Wood stated that he lived a few blocks away from the pedestrian bridge. He commented that he was neutral on the issue, but he got a little upset on occasion when this was characterized as a racial issue, which it was not. He did not think it would be easy to get major cooperation, but he acknowledged that they had to start somewhere.

Mr. Slayton suggested that they ask Staff to come up with alternatives and recommendations, and to cull through the comments that had been made at that

meeting as well as the comments that were made regarding suggestions, and then have the Police Chief, Mr. Rittenhouse, come and present to the Planning Commission the options, problems and solutions, so they could have more information on the issue. He concurred with the comment that the police

should have been there, and stated he felt it was a shame they were not present, since this was primarily a safety issue. He stated that he would like an audiotape of the meeting presented to Mr. Rittenhouse so that he could listen to it and then comment appropriately at the next Planning Commission meeting, when they would have some recommendations and information from Staff. He stated that would be his recommendation for going forward with this at the next public hearing, and he invited everyone to come back and hear what Mr. Rittenhouse had to say.

Mr. Key suggested that there should be a meeting between residents of Johnson Village, Orangedale and the Police Chief to come up with some recommendations. He did not believe it should be strictly limited to Staff alone.

Mr. Slayton commented that he did not have a problem with that. General discussion followed concerning Mr. Slayton's making a motion, and he asked for comments before making a formal motion, since several Commissioners had something to add.

Ms. Johnson Harris stated that the QCC group was also with the Orangedale group and had been coming up with suggestions. She felt that that group, with the policing aspect, should be a part of the discussions, since they might have already started some connecting with other neighborhoods.

Mr. Supler said he felt that if this issue required the Planning Commission to facilitate a meeting between neighborhoods and the Chief of Police, then it should be done, but he was not sure if that was really the role they should fulfill. He commented that it seemed they needed to address the way this affected the Comprehensive Plan, and the concerns Johnson Village had with the Planning

Commission's removing their suggestion from their neighborhood amendment to the Comprehensive Plan. He believed that there must be a mechanism to address

this without the Planning Commission actually facilitating it. He stated he was very disturbed to hear certain police officers suggest that closing the bridge would cut crime down, since he did not think that was the right attitude and the right impression the police should be giving. He felt that it was important that Chief Rittenhouse be made aware what his officers were saying, but he did not think the

Planning Commission should be facilitating all of this.

Mr. Slayton made a motion to advertise this issue again for the next public hearing on the second Tuesday of February, and to ask Staff to come to that meeting with a list of options and alternatives. He suggested that they also ask Buddy Rittenhouse to

listen to the tape; to meet, either together or separately, with both the Orangedale and the Johnson Village neighborhoods to talk about issues; and then to come back and make a presentation to the Planning Commission regarding the facts of crime, and the

reduction of crime that has happened since the closing of the bridge, if any. Staff would then present them with issues so that they could go forward from there and institute a committee, involving Orangedale, Johnson Village and the police

department, to come up with an alternative as to what they should do. The motion was seconded by Mr. Key.

Ms. Richards stated that she liked that approach. She felt it left the question open for Mr. Rittenhouse to continue investigation and inquiry into the crime situation in Johnson Village as well as in Orangedale and Prospect, and subject it to some scrutiny. She indicated that she would like to see, as part of this analysis, some proposal as to how they should benchmark for the future the various outcomes they were looking for. She stated that when people came to them with direct experience of the situation, and with recommendations growing out of that, they ran the risk of making a mistake if they ignored those recommendations. So, if the decision

were made to keep the bridge open or to beautify it and make it a more desirable and friendly place, she felt they had to be accountable for those outcomes,

and for whether or not they were correct. She stated there had to be a way that they could determine whether they had made the situation worse or better.

Mr. Schwartz stated that he appreciated the clarity with which his colleagues had already talked about the issues, which was why he was not adding to the discussion. He agreed with all of the perspectives brought forward. He added that he wanted to thank the members of the public who showed up at the meeting, because he learned a great deal in listening to several sides of the issues. From what he had heard, he was convinced there were very serious public safety issues involved, which did have overlapping implications for them as the Planning Commission. However, exactly how or in what appropriate ways that might move forward was still an open question for him. He added that he also appreciated the motion from Mr. Slayton.

Ms. Damon called for the vote on the motion. The motion carried unanimously.

4. ZT-00-12-16: An ordinance to amend and reordain Chapter 34 of the Code of the City of Charlottesville (1990) as amended by adding a new Article XVIII-B

(Communication Facilities and Towers) to provide for regulation of cellular

towers in commercial zones and the elimination of such towers from residential areas. The ordinance includes design guidelines and incentives for co-location of such devices on other towers and on top of buildings.

Mr. Tolbert gave a brief report. He stated that they had had a preliminary discussion three months ago about the need to amend their ordinances to deal with the regulation of cellular phone towers and antennae, with the intent that they would bring a draft

ordinance back to the Planning Commission. He summarized what had been discussed at the previous meeting, and stated that they had since come up with

an ordinance that he felt would allow the City to better regulate the location of cellular towers in the community. He indicated that the industry was changing quite a bit, and the term cellular phone tower was no longer appropriate; now it was called a

personal wireless service facility. He stated that the most important part of the ordinance before the Planning Commission was that it limited and prohibited and allowed the towers by zoning district. It would prohibit these facilities within residential districts and within historic entrance corridor overlay districts; it would allow them, with limitations, in the mixed use and the B-1, B-2, B-4, B-5, and B-6 zoning districts, but only in those locations where there were attached facilities

located on top of existing buildings or poles; and it would allow construction of new towers only in the B-3, M-1, and M-2 zoning districts. He stated that the recommendation also was that these things, within limits, would be by-right, and only when they exceeded those limits would they become a special-use permit. In his opinion, this ordinance was something that would give them a great deal more control over the facilities and, as far as he knew, did not conflict with the Constitution or any of the telecommunications acts in overly restricting the ability of this industry to operate. He commented that he felt that there was some urgency in their getting this on the books,

because every time they talked about it they got a flurry of applications or at least inquiries into the office, and so Staff would like to propose that they recommend this to the City Council.

Ms. Damon asked if there was anybody in the audience who wanted to speak on this issue.

Ms. Valerie Long, of 1716 Yorktown Drive, indicated that she represented one of the wireless carriers who was licensed to provide service in the area. Based on preliminary review of the proposed ordinance, she wanted to provide several brief comments. She indicated that she had had a lot of experience representing Triton PCS, which was a wireless carrier, commonly known as Suncom. Up to the present, they had built out their network in the city, but they were working on a number of facilities in the county and surrounding counties. She stated that they did not have any immediate needs for any additional facilities in the area, but they were

interested in working with the City to make certain that if the need arose for additional facilities in the future or for modifications to any existing facilities, that the ordinance was flexible and could be implemented in a way that would allow the most amount of flexibility for the City and for the industry. She suggested that the Planning Commission try to preserve the flexibility to the extent possible. She stated that they agreed and supported the effort to make use of existing structures and facilities. Based on her information, that was the method that Triton had undertaken when building on its network to the extent possible in this area, and

that was what most of the industry carriers preferred to do, since it was usually more affordable, had less of an impact on the community, was less visible, and

was more acceptable to the communities and the city representatives. She indicated that her initial concern was the prohibition against any type of

facilities in the residential or entrance corridor areas, and suggested that they might consider some potential exceptions to that under certain conditions. As an example, she stated that she thought the ordinance prohibited use of alternative

structures like light posts or attachments to an existing utility pole, which in her opinion were some of the most effective facilities for attachment and use. She commented that it was important to preserve flexibility and control over the process, so if it was not an appropriate location, such as in a residential area, they would have the opportunity to limit that; but if, from many perspectives, the best

location happened to be adjacent to or in a residential or entrance corridor area, then it might be appropriate for the ordinance to permit an alternative structure or a "stealth" design in such an area.

Ms. Damon asked if there was anyone else who wished to speak. Seeing none, she closed the public hearing and opened the meeting up for discussion.

Mr. Supler commended Mr. Tolbert and the Assistant City Attorney on the 14-page draft, and asked if there were any caveats in it to allow for wiggle room, not legally so that people could hold them to it, but so they could look at things on a case-by-case basis.

Mr. Tolbert indicated that their recommendation was that they leave it as it was and not allow it. He stated that the B-3, M-1, and M-2 areas were unlimited for towers, and looking at the B-1, B-2, B-4, B-5, and B-6 districts, there was very little area where they could not get coverage. He added that the overlay districts were only 100 feet deep from the right-of-way. He stated that he and Ms. Kelly had talked about this, and if someone came along and made a case that the ordinance unduly restricted them, then Staff would be flexible enough to bring it back to the Planning Commission and address the matter then. However, they did not want

to open it up and make it too easy for people to go into those areas, because he felt that there was plenty of opportunity without it.

Mr. Slayton commented that he had heard that there were instances where churches or other institutions earned income from allowing wireless tower facilities to be placed on their steeples or elsewhere, and this ordinance would eliminate that. He stated that he felt there should be some exceptions, so that institutions with structures currently in existence over a certain number of feet would have the right to still do that.

Ms. Damon stated that she was not aware how the technology was changing, but she felt that cellular towers were horrendous and not very attractive. She wondered if the technology was changing, so that things would become smaller, less obtrusive and less intrusive.

Mr. Tolbert stated that the industry was saying that in two years' time everything was going to satellites and so they did not need all of these ordinances to regulate them because they weren't going to be building towers anymore. He asked Mr.

Higgins about the height of the tower application that they had received last month, and Mr. Higgins indicated it was 150 feet. Mr. Tolbert then suggested that if Mr. Slayton felt led to suggest an amendment, then the language ought to be that, A) it

should be a special-use permit on any non-residential structure, as one of the attachments; and B) It should be a special-use permit after it had been proven by the applicant that that was the most appropriate alternative for them.

Mr. Slayton stated that he felt that was a very appropriate use of the special-use permit in this situation, to allow for a location like that, and to allow them to look at it on a case-by-case basis. He did not feel comfortable just passing the ordinance, and suggested that they take it up in a Work Session, or look at it again after it had been amended.

General discussion followed about the timeliness

issue for getting it on the books, and Mr. Tolbert commented that they were going to be rewriting the zoning ordinance in several months, and they could incorporate the change at that time. Mr. Slayton concurred.

Mr. Schwartz asked about the definition of alternative tower support structure. Mr. Tolbert pointed to the definition in the ordinance that described it as "a support structure that camouflages or conceals the presence of the antenna array."

Mr. Toscano commented that they had heard one company represented at the meeting, and asked if this issue had been shared with other people who were active in the field to get their comments. Mr. Tolbert replied that the public hearing was advertised, but they had not done any outreach. Mr. Toscano suggested that that might be useful, since there were other companies that were active in this arena that might want to take a look at the ordinance.

Mr. Toscano then commented that the ordinance mentioned reception facilities as well, and he wanted to understand whether or not this ordinance would

prohibit someone from erecting a four-foot high wand on their chimney in a residential zone. Mr. Tolbert gave the definition of a communication facility, and

the Assistant City Attorney added that it was not their intention to cover private, residential use.

Mr. Toscano then brought up the issue of fencing, and expressed a concern that it would be ugly, metal fencing. Mr. Tolbert stated that there was a provision that all security fencing should be screened from view.

Mr. Lynch indicated he wanted to echo some of the concerns expressed by Mr. Slayton regarding allowing attachments under some conditions in residential areas, particularly if it could preclude building a new tower in a commercial zone.

Mr. Slayton made a motion that they approve the ordinance as it was and send it on to City Council. He felt it was important to go ahead and put it on the books. He stated that if the industry wanted any changes, then they could request them at a later time, since ample notice of the public hearing had been given and he did not want to wait any longer.

He indicated that one change that he would like to see was the special-use permit, which they could take up at the next Planning Commission meeting. The motion was seconded by Mr. Schwartz.

Ms. Johnson Harris asked if perhaps the Planning Commission was failing to allow input from the community by moving this through so quickly. Mr. Tolbert and several other Commissioners responded that this matter had been advertised to the public.

Mr. Schwartz commented that he felt it was okay to move forward like this. They had heard from a representative who knew something about the industry and worked with the industry and, according to her, there was current coverage for her clients within the city, so they were not putting forth something that appeared to be jeopardizing their business. He added that Mr. Tolbert had indicated that within the designated zoning districts which allowed towers to be built under this ordinance, there was likely to be sufficient coverage for the city. He commented that he understood some improvements and refinements might be necessary, but he was very comfortable with putting this forward and felt that this was an excellent ordinance on which a tremendous amount of work had been done.

Mr. Wood asked about the history of requests for location of towers within the city. Mr. Tolbert responded that, to date, most of the towers had been placed on top of existing buildings or in industrial areas. He stated that they had been lucky that they had not had a lot of requests, but his main concern was about getting a tower in the wrong place, one that they wouldn't be able to get down once it was up.

Mr. Slayton moved that the Planning Commission recommend to City Council approval of the ordinance to amend and reordain Chapter 34 of the Code of City of Charlottesville, 1990, as amended by, adding thereto a new article XVIII-B (communications facilities/towers). Mr. Schwartz seconded the motion. The motion passed with the following recorded vote: AYES: Damon, Harris, Key, Schwartz, Slayton, Supler, Wood. NOES: None.

Mr. Tolbert commented that the City Council would be given a presentation on the JPA project the following week, but they could get another version of it at this meeting if they wanted to stay.

The Commissioners took a break from 9:47 p.m. to 9:51 p.m.

E. OTHER MAJOR PLANNING ITEMS

1. Jefferson Park Avenue Circulation Study

Mr. Tolbert stated that at a previous meeting the Planning Commission had requested information on what was going on with the JPA Circulation Study. He gave some background on the project, and then indicated that the report was now finished and that Ms. Mary Hughes would make a presentation. He stated that the matter would be on the City Council's agenda the following week because they were asking Council to

apply for a T-21 application to do Phase One of the project. He added that he believed it would really transform that corridor when and if it was done.

Ms. Mary Hughes stated that she was the University landscape architect and worked for Pete Anderson in the Office of Architecture at the University of Virginia. She stated that the project was an outgrowth of deliberations by the Bicycle Advisory

Committee of the City and that, two years ago, they had worked very hard to try to find ways to implement the recommendations of the City's bicycle plan, which recognized the JPA corridor as a critical link in the network of bikeways around the city. In particular, they worked to try to find a way to restripe the existing road width to allow five foot bicycle lanes on each side, and a plan was developed by Jim Marshall, the traffic engineer at that time, to achieve that. They were able to find a way to restripe the existing road corridor without having to widen the streets, but at the expense of the center turn lanes, particularly in front of Cabell Hall where people turn onto Jefferson Park

Avenue. She stated that there was a concern at the time about what effect that change would have on existing traffic patterns, particularly in light of two major

projects in that area, namely the 9th/10th connector street and a 1,000 car parking garage off of 16th Street that the Health System was building. Since the corridor was already congested, the decision was made that the City, the Health System, and the

University would do a comprehensive study after the projects were completed. She indicated they also recognized that pedestrians were not being well served in the corridor because there was not a continuous sidewalk on both sides of the street.

Ms. Hughes gave a brief slide presentation on the project. She stated that the study looked at a specific corridor that went from West Main Street up to McCormick Road, but they also considered traffic patterns over a wider area because they didn't want

to exacerbate problems on Cherry Avenue or in any of the other neighborhoods in the area. She stated that the goals of the study were to accommodate the neglected modes of travel on JPA, primarily pedestrians and bicycles, to make the street easier to cross and also to make vehicular traffic flow better. She stated that in order to gain the width they needed for bicycle lanes and sidewalks along the corridor, they narrowed the lanes to eleven foot travel lanes, ten foot turning lanes when they were needed, and they shortened the turning lanes in some cases to gain additional width. On the north side of the road, which was all University property, they did have to propose widening the lanes in some areas, which was where a lot of the expense of the project originated. She indicated on a map where they planned to improve and humanize intersections at Stadium Road and West Main Street. She described how synchronizing the lights in the area and having buses stop in their own pull-out areas would improve traffic flow, despite the narrowing of the lanes. She added that they did not propose any real changes to West Main Street, because bicycle lanes already existed there.

Ms. Hughes indicated that they were proposing to take out a portion of the intersection at West Main Street, because it was the most difficult one in the city for pedestrians to cross, and making it more of a normal T-intersection. She indicated that the corridor in that area was too narrow to allow bicycle lanes, but they had enough space to put a sidewalk there, which they felt was the priority need over bicycle lanes in that section.

In response to questions from the public, Ms. Hughes indicated that they did not plan to install a traffic light at the Lane Road intersection at the present time, but their traffic engineers had informed them that one would probably be required there in the near future. She stated that they had already put in a traffic light at Brandon Avenue, and they had moved a bus stop to another location because the consultants felt that the bus would be protected by the traffic light in moving back into traffic. However, they had not yet built the bus pull-off because it was more expensive than they were able to afford. She stated that they had a proposal for a pedestrian-activated crosswalk at the bus stop at Cabell Hall, and that it would be synchronized with the light on either side so that, if somebody wanted to cross, they could press a button and that would trigger the cycle of the traffic light. She said that their next major move would be to change the large intersection at JPA and JPA Extended by removing the three right-hand turn lanes. That would narrow the street that pedestrians needed to cross, and slow the

traffic down, but the synchronization of the lights should keep traffic from backing up. She stated that the profile of JPA was that it would remain a two-lane street with an occasional turn lane ten feet wide. There would be continuous eight-foot sidewalks

on either side, street lights, stone retaining walls where needed, and improved landscaping. She indicated the price of the entire project would be \$3.9 million, without underground utilities, which would cost an additional \$3 million. That exceeded what the T-21 Enhancement Grant would allow in one year, so they were planning to do the project in five stages: First, from the intersection at West Main

Street down to Lane Road; second, from Brandon Avenue down past Cabell Hall to the pedestrian crossing; third and fourth, the intersection change at JPA and JPA Extended; and finally, up to the ramp to McCormick Road.

Mr. Slayton asked if Cabell Hall was in the second or third phase, and Ms. Hughes indicated it was the third phase. She stated that they were doing it in linear order because of the cost, but also because the University was contemplating development in the B-1 parking lot area that might or might not come to completion, and they would know that better in a couple of years.

Mr. Key asked about the flow of traffic with the pedestrian crossing. He felt that the high number of students going from Cabell Hall to the other side of the street could potentially cause traffic to back up.

Mr. Tolbert indicated that they had asked the traffic engineers to look at that. The engineers ran models on it, and they felt that if they moved the buses and got control of that, it would not have a negative impact on the flow of traffic.

Mr. Schwartz stated that one often heard about the City and the University not cooperating or not listening to each other, but he felt that this was a fantastic example of collaboration. He commented that this should be given as much press as possible

so the public could understand what some of the issues were.

Ms. Damon asked Ms. Hughes if it would be okay if anyone wanted to ask her questions individually outside of the meeting. Ms. Hughes said that that

would be fine.

2. Capital Improvement Program Allocation Formula

Mr. Tolbert gave a brief report. He stated that he wanted to give everyone an update of what happened at the City Council meeting which he had attended the previous week. At the Council meeting, two issues were raised that he believed were very valid. The

first was that they wanted Staff to meet with Johnson Village to discuss the whole connectivity issue, to see if they could get some comfort level there and make sure everyone understood it. The second issue was that there was still some apprehension on the City Council's part that, because of the way the plans were written, that false expectations might be created in the minds of some of the neighborhood residents. He stated that someone who had been through the process might understand that there were limited resources and not all of the projects could be funded immediately, but somebody who had not been through the process might not understand that. To

resolve this, therefore, in the next 30 to 45 days staff was going to go back to the neighborhoods with an estimate of the amount of CIP funds available for them this year and ask them to prioritize their key actions into what they wanted to do this year. Staff would then come back to the Planning Commission with a plan that would list the item or items identified by each neighborhood as their 2001/2002 work item.

None of the items would be removed from the Comprehensive Plan, but the language would be reworked to make it clearer that each year the neighborhoods would have the opportunity to select which ones they wanted to have funded. The third part of it would be to take all of those things that the neighborhood said that they wanted to do

themselves and leave those clearly identified as neighborhood actions that the neighborhood was going to accomplish. The fourth part would be to list issues that the neighborhoods had identified that would require action from the City from an

operational standpoint, such as increased police protection. These would be evaluated by the City Council and, if appropriate and funds were available, they would be implemented.

Mr. Slayton asked how long they expected it would take the neighborhoods to do this. Mr. Tolbert replied that they felt this could be accomplished in one good meeting.

A member of the public commented that some neighborhoods were much bigger than others and deserved much more money.

General discussion followed on the wording of the plan and how it could be made clearer.

Ms. Johnson Harris stated that they needed to advocate that people needed to work with their neighborhood associations, too.

Ms. Damon commented that, at one point, the City Council wanted them to shorten the neighborhood plans themselves, but she was unwilling to do so.

Mr. Tolbert asked if everyone had received the email he had sent out regarding the funding allocations, and the Commissioners indicated that they had. He stated that he had met a few weeks ago with Mr. Key and Ms. Johnson Harris to talk about the issue that they raised at the Work Session concerning how they would allocate money in a fair manner to the neighborhoods, and they developed a proposal to bring to them to deal with the allocation. He stated that it would be the same, no matter what the amount of dollars set out would be each year. The first part of the proposal was that all eighteen neighborhoods would share in the first seventy percent of CIP funds

available to neighborhoods, meaning that if \$1 million were appropriated to neighborhood implementation, then \$700,000 of it would be divided equally among all of the neighborhoods. The first seventy percent would then be divided by eighteen,

and each neighborhood would get that as their base formula. The remaining thirty percent could be allocated essentially to the CDBG target neighborhoods, namely Fifeville, Ridge Street, Rose Hill, Starr Hill, Belmont, and 10th and Page, meaning

that, as projects were recommended by the neighborhoods, the Planning Commission would have the ability to take the other money and allocate it to those neighborhoods for additional, or larger, projects. However, recognizing that there were other

needs in non-CDBG neighborhoods, five percent of that thirty percent could be allocated to one of the non-CDBG target areas if there was a particular need.

He stated that they also suggested that funds could go only to things that were already in the plan, so if a neighborhood wanted to do something that was a new idea and not in their plan, they would first have to amend the plan and then deal with that item in

following years' dollars. That was to make sure that they were implementing the plan that they had adopted. He added that they felt that neighborhoods should be able to bank their dollars to complete a larger project, meaning that if what was available

was \$50,000 for one year, and a neighborhood had a project that was \$120,000, they would be able to declare that that was their number one priority and they would be able to hold onto their money, or it would be held for them, until enough money had been allocated to allow them to do that. He stated that if a neighborhood did not use its allocation, and they had not identified a banking, then that money would go back into the pot for distribution. He indicated that, apart from the funding formula, there

were other items they felt needed to be pulled out of the CIP dollars, such as city-wide drainage problems, which were too big for a neighborhood to deal with, or sidewalk repair, because of liability reasons. He stated that money for items such as traffic calming or sidewalk repair would be put in the CIP pot for neighborhood improvements, and then those projects would not be picked by City Council, but by the

neighborhoods themselves.

Mr. Supler asked if they had not decided at their Work Session that a larger chunk would go towards the neighborhoods that had been overlooked in the past. Mr. Tolbert stated that that was why thirty percent was being allocated for the CDBG target areas. Mr. Supler stated that he gotten the impression that the seven of them had decided that it would be closer to ninety percent or even a hundred percent.

General discussion followed on the limited amount of funds available, and how they would be distributed. Mr. Tolbert pointed out that the amount available was so limited, if they went lower than seventy percent, the amount each of the 18 neighborhoods received would not be enough to accomplish anything.

Mr. Supler commented that he recalled the conversation being that some areas might not get a penny so that other areas could get a good jump on improvement, after having been overlooked for so many years.

Mr. Key stated that the available money was going to be pretty small, and he believed they were going to have a major problem dealing with other neighborhoods if they did not recognize them and give them some money. He stated that with this proposal,

they would still be able to provide additional money for CDBG neighborhoods as a way to try to help.

Mr. Supler suggested that, as opposed to pulling a number out of hat, he would first like to see the prioritization by the CDBG neighborhoods of their top concerns, and then take a look and see what those projects were and what it was going to cost to fund

them, and then after that, come up with a split that would meet the goals that they wanted.

Mr. Tolbert stated that this was something that they could recommend to change every year, but he believed they were never going to get through with the planning process if they did not have a funding allocation agreed on fairly quickly.

Mr. Slayton asked about having a 60/40 split.

Mr. Supler stated that he left the Work Session with the feeling that the Planning Commission had decided to do a really gutsy thing, which was to try to help the neighborhoods that have been overlooked for so long, and not put money towards some of the wealthier neighborhoods even though they went through the process. He left the meeting feeling like they had made a statement that they were willing to take

the heat for not funding some of the wealthier neighborhoods at the expense of funding some of the poorer neighborhoods. He asked if anyone else remembered the meeting this way.

Mr. Key stated that that was the gist of the meeting. However, he did not think that, as a commission, they had looked at what the breakdown should be. That was what they were discussing here.

Mr. Slayton asked Mr. Supler what he would suggest. He suggested that the numbers should be reversed.

Mr. Tolbert stated that also in the CIP, there was \$225,000 of capital money, city dollar, committed to CDBG target area match, and then the CDBG budget was

almost \$800,000 every year, with \$300,000 to \$400,000 going into capital improvements each year.

Mr. Supler commented that there was such a disparity in wealth in the city, and here they had an opportunity to make a statement to shorten that disparity.

Mr. Key stated that he did not object to that.

Ms. Johnson-Harris commented that she lived in one of those neighborhoods that have been neglected, but she believed that if they took all of the money and

put it into her neighborhood, people in another neighborhood were going to feel like they were not being addressed at all. She felt that this plan was pulled together to hear from everybody, so one of the suggestions that she brought up to this committee was

that if the money wasn't used at a certain point in time, then what was left over would go to the neighborhood in need. She stated that giving all of the money to one or a few neighborhoods and not to others would break down the communication that she

believed this process had brought about. She pointed to Johnson Village and Orangedale as an example.

Mr. Slayton stated that that was the reason he suggested the 60/40 split. He felt 70/30 was a little skimpy. He suggested that the forty percent could be allocated among the CDBG neighborhoods, giving them thirty percent of what was left, and then ten percent could be left in a fund to be used for large projects that came in. If they wanted to give to CDBG, that would be great; if there was a project that needed to be done in Johnson Village or somewhere else, they could do that.

General discussion followed concerning which projects neighborhoods were actually asking to have funded, how much money was available and how it should be divided.

Mr. Tolbert stated that from his Staff perspective in having to deal with this, they had to be careful. He stated he was afraid that even \$30,000, which was what would be available to neighborhoods if they followed this proposal, was almost a slap for the

neighborhoods that had been asked to plan for a year, and giving them less money would be worse.

Mr. Schwartz commented that he remembered the discussion well, and he shared the sentiment of the discussion when it first occurred. However, he got the sense that if they looked at the budget in isolation, without all of the other sources of funding, they would get one impression; if they looked at it in isolation from the political reality

of the neighborhoods, they might not be giving it enough due. He stated that he supported the proposal. He felt that Mr. Tolbert had given it a lot of thought, and Mr. Key and Ms. Johnson Harris had given their input as representatives of the

Planning Commission, and he thought that it was a very prudent and moderate proposal. It made sense to him. He stated he did not know if 70/30 was the

right split; he doubted it was perfect. He commented that he could understand the argument for a 60/40 split, and giving a bigger piece of the pie to the less affluent neighborhoods made sense to him, but he did not know what the right answer was. However, he did not feel that it was necessarily the right outcome to stick to what they had discussed in a Work Session, because they had discussed it and felt strongly about it, after they weighed a lot of other dimensions that people who they paid and collaborated with on the Commission had suggested. He stated that either of the splits proposed made sense to him, but doing it to the extreme that they had contemplated in

their first discussion of this issue did not, even though he felt exactly the way Mr. Supler felt coming out of the meeting.

Ms. Damon stated that she felt that they had to give enough of something to every neighborhood to start with, so that they would feel like they had something to work with. That was important to her.

Mr. Supler commented that he echoed what Mr. Schwartz emailed everybody -- that Ms. Johnson Harris, Mr. Tolbert, and Mr. Key did a great job with this -- but he wanted to know how they got from the Work Session to this. He felt as though he

misunderstood the Work Session.

Ms. Damon asked what they wanted to do with the numbers.

Mr. Anderson suggested that the difference between \$30,000 a neighborhood and \$25,000 a neighborhood was not that significant. He did not think that the

neighborhoods would be able to do much with either. If they allotted \$25,000 to each neighborhood, that would work out to sixty percent, and he felt that

would be a reasonable compromise.

Ms. Johnson Harris made a motion that they leave it at seventy percent to thirty percent. She commented she believed they should keep it the way it was, and

in one year come back and evaluate it.

Mr. Key asked if it was possible there would be additional money to use, given that there might not be CIP projects. Mr. Tolbert stated that there could be \$100,000 to \$125,000 extra to split, based on what was not in some of the plans.

Mr. Slayton asked whether a neighborhood, if it did not have a CIP project, could still bank its money until the following year when it might have one.

Mr. Tolbert responded that it could not if it was not in the plan.

Mr. Key seconded the motion. A vote was taken, and the motion carried five to two.

F. LIST OF SUBDIVISIONS AND SITE PLANS APPROVED ADMINISTRATIVELY

Ms. Damon asked if there was any discussion.

Mr. Slayton made a motion to approve the site plans. Mr. Wood seconded, and the motion was unanimously approved.

LIST OF SUBDIVISIONS APPROVED ADMINISTRATIVELY

12/1/00 to 1/1/01

1. Division of Parcel 90A, Tax Map 34 One new industrial lot

Harris Street Virginia Land L.L.C

File No. 1245 Preliminary & final

Final Signed: 12/15/00

2. Boundary line Adjustment No new lots

Between Parcels 36 & 37, Tax Map 16 John M. Crafaik, Jr. and

1815 Jefferson Park Avenue Edgehill Apts. Land Trust

File No. 1249 Preliminary & final

Final Signed: 12/21/00

LIST OF SITE PLANS APPROVED ADMINISTRATIVELY

12/1/00 to 1/1/01

1. File No. 761 Ntelos Tower Replacement at 1515 6th Street SE

Yellow Cab Maintenance Site

2. File No. 1250 Tiger Convenience Center Route 29 and

(Replacement of Powell's Exxon) Hydraulic Road

G. COMMISSIONERS' REPORTS

Mr. Slayton, Mr. Supler and Mr. Key indicated that they had no reports.

Mr. Schwartz stated that he had sent everyone a letter on behalf of the BAR, and he would appreciate everyone reading it. He stated that it was his attempt to try to put words to discussions that took place during two separate BAR meetings that

considered the corridor study. Ms. Damon asked if they needed to act on it that night or just read it, and he responded that he wanted them just to read it.

Ms. Johnson Harris reported that she was still meeting with Mr. Schwartz for the Court Study. She stated that the Task Force meeting was Thursday, and added that CIP completed their matrix and turned it in and it was headed their way.

Mr. Wood indicated that he had nothing to report.

H. CHAIR'S REPORT

Ms. Damon reported that the Planning Commissioners and the Supervisors met the previous Thursday night for dinner with state legislators in their district and the news was not good. She stated that they had made all sorts of requests, but the legislators said that their budget did not look good and so they should not expect to get much money.

I. DEPARTMENT/STAFF REPORT

Mr. Tolbert informed the Commissioners that the Work Session the following night was cancelled. He had also thought about cancelling the one on the 18th, but remembered he could not; he assured them it would be brief. He said that he had intended to bring new drafts of the Comp Plan to this meeting, to allow the Commissioners a week or better to look at them before the following Thursday, but because of some delays due to Christmas and problems getting the maps and graphics together, he had decided he would rather hold off and get all the edits done and get it

close to a form that he was comfortable with before he gave it to them. He indicated he would like to give it to them on the 18th, run through it, and then they would schedule the remaining Work Session. He stated that the meeting would not last more than an

hour at most, and asked whether or not they still would like to have dinner at 5:30 pm. The Commissioners indicated they would just like to have snacks.

Mr. Tolbert thanked the Commissioners for coming to the Christmas luncheon. He stated that the Staff was excited to know that the Planning Commission cared

enough to show up. He then presented the Commissioners with some Christmas gifts from Staff.

Mr. Supler made a motion to close the public hearing. The motion was seconded by Mr. Slayton.

Whereupon, the meeting was concluded at 11:05 p.m.

Respectfully Submitted:

James E. Tolbert, AICP
Secretary

APPROVED:

Nancy Damon, Chair