

**MINUTES
CITY OF CHARLOTTESVILLE
PLANNING COMMISSION REGULAR DOCKET
TUESDAY, SEPTEMBER 18, 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:

Mr. Herman Key, Chair

Ms. Nancy Damon, Vice-Chair

Mr. Craig Barton

Mr. Eldon Wood

Ms. Kathy Johnson Harris

Mr. Kevin O'Halloran

Ms. Cheri Lewis

Staff Present:

Mr. Jim Tolbert, AICP Director

Mr. Ron Higgins, Planning Manager

Ms. Lisa Kelley, Deputy City Attorney

Ms. Missy Creasy, Neighborhood Planner

City Council Members Present:

Mr. Blake Caravati, Mayor

Mr. Maurice Cox

Mr. Kevin Lynch

Ms. Meredith Richards

Mr. David Toscano

Ms. Damon, the out-going chair, called the meeting to order at 7:30 p.m., explaining that the meeting was originally scheduled for Tuesday, September 11, 2001. She called for a moment of silence.

This being observed, Ms. Damon introduced the two new members of the Planning Commission, Ms. Cheri Lewis and Mr. Kevin O'Halloran. Ms. Damon and Mr. Key then read proclamations honoring the two departing members of the Commission, Mr. Marshall Slayton and Mr. Tim

Supler, for their service on the Commission. Both Mr. Slayton and Mr. Supler thanked the Commission.

Ms. Damon then recognized the reappointment of Ms. Kathy Johnson Harris.

A. ELECTION OF OFFICERS

Ms. Damon turned the meeting over to Mr. Tolbert for the election of new officers.

Mr. Tolbert called on Mr. Barton to present the report of the nominating committee. Mr. Barton announced that the nominating committee had polled the Planning Commission members, exclusive of the departing members, Mr. Slayton and Mr. Supler, and had found that the unanimous choice for the chair was Mr. Herman Key, and for vice-chair, Ms. Nancy Damon.

Mr. Barton then presented these nominations in the form of a motion, seconded by Ms. Lewis. A vote was taken and the motion passed unanimously, whereupon Mr. Key assumed the chair and thanked the Commission.

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

Mr. Key asked if any members of the public were present who wished to address topics not on the formal agenda.

When none were heard, Mr. Barton asked the Commission to welcome students enrolled in Architecture 357 at the University of Virginia. Mr. Key extended the welcome on behalf of the Commission. He then invited comments on or changes to the minutes of August 14, 2001 meeting.

C. MINUTES

Ms. Damon moved to approve the minutes as they stood. The motion was seconded by Ms. Johnson Harris and passed unanimously.

D. JOINT PUBLIC HEARING

1. ZM--01-08-09: An ordinance to amend and reordain Sections 34-4, 34-379, 34-383, 34-409, 34-439, 34-443, 34-464, 34-469.1 and 34-489 pertaining to the definitions of Boarding house, Guestroom and Rooming house as well as the provisions for area/density standard for mixed use projects in B-1, B-2, B-3, B-4 and M-1 zoning districts.

Mr. Tolbert reminded the Commission that the changes had been discussed in concept at last month's meeting and explained that the proposed amendments were designed to correct an issue that Staff had encountered with administering the ordinance as it

applied to mixed-use development. Mr. Tolbert then read the proposed amendments.

Mr. Tolbert recalled an instance where the original proposal for a development had met density requirements, but the developers had subdivided the lot for financing purposes before obtaining a building permit. The subdivided lot could then not support the planned residential density. The proposed amendment would address this problem. Staff

proposed to define mixed-use development differently, so that whatever density was allowed on the whole development site, the residential density could go on a separate parcel within the development site as long as it did not exceed what would have been permitted if the site had not been subdivided.

Turning to the proposed changes to section 34-4 of the City Code, he pointed out that there was currently no density control on rooming and boarding houses. The proposed changes were intended to close this loophole, while giving the City the flexibility to change the way residential density was calculated.

Mr. Key invited members of the public to speak on the matter. Hearing none, he called for comments and questions from the City Council.

Mr. Caravati, reading from section 34-379, inquired if the provision allowing residential density of 22 to 87 units per acre with a special-use permit reflected the density that was currently allowed. Mr. Tolbert confirmed this.

Commenting that he did not see the development Mr. Tolbert had referred to as a rooming house in the common understanding of the term, Mr. Caravati asked if the changes were intended better accommodate such development.

Mr. Tolbert agreed that this was actually an apartment development. He explained that it had been granted a permit as a rooming house because of a loophole that would be closed by the changes Staff was suggesting. He thought that the proposed amendments would be the best way to recognize and accommodate mixed-use development under the current ordinance.

Mr. Wood noted that, in all three cases, the proposed amendments referred to residential densities obtainable by special-use permit.

Ms. Kelley explained that although there was a chart in the R-3 section of the zoning ordinance listing additional densities allowed by special permit for each zoning district, there were no references in the business district sections to the additional densities allowed for those districts by special permit. The changes in the special-use provisions of

the code did not reflect a change in practice, but were intended to clarify that higher levels of residential density could be permitted in these districts by special-use permit. For mixed-use developments in business districts, one level of density would continue to be allowed for the entire site by right. Under the proposed changes, if the owners of all the parcels on a development site joined together in an application, they could apply for a special-use permit for higher levels of residential density just as the owner of an individual parcel now could.

Ms. Johnson Harris moved acceptance of the proposed changes. Ms. Damon seconded the motion. The motion was passed with the following recorded vote: AYES; Barton, Damon, Johnson Harris, Key, Lewis, O'Halloran, Wood. NOES: None.

2. SP--01-08-10: An application for a special permit to use the property at 2207 Wayne Avenue for a daycare facility. This would permit the occupant to operate the weekday daycare for up to 12 children in this R-1 Residential zone. This property is further identified on City Real Property Tax Map #40B as parcel 27, having approximately 100 feet of frontage on Wayne Avenue and containing approximately 100 feet of frontage on Wayne Avenue and containing approximately 18,662 square feet of land or .43 acres. The uses called for in the Land Use Plan of the Comprehensive Plan are for single-family detached dwellings at a density range of three (3) to seven (7) units per acre.

Ms. Creasy reviewed the application. If granted, the applicant planned to continue child-care activities in her home for up to 12 children. She explained that residents of an R-1 residential district were permitted to care for up to five children as a home occupation by right; a special-use permit and state license were required to care for more than five children.

Ms. Creasy explained the zoning administrator had visited Ms. Blow's residence in response to a complaint. The applicant had been advised of the home-occupation and special-use processes and had been asked to bring the property into compliance.

Ms. Blow had obtained a home-occupation permit and submitted a copy of her State Family Day Home Provider license. The property had been cited with a stop-work notice on June 4 and June 20. Ms. Blow had submitted a site plan, which was currently under review, as well as a special-use permit request.

Ms. Creasy added that the two parking spaces required for the use were met on site. Noise, which had been a concern of the neighboring residents, would be subject to the City's noise ordinance.

Noting that some residents had asked if there were twelve children being cared for in other residential areas of the city, Ms. Creasy told the Commission that Staff had been unable to find an exactly comparable situation elsewhere. She added that the owner had conveyed his support of whatever decision the Planning Commission and City Council made on the request.

Staff recommended the following conditions apply if the use was deemed appropriate for the site:

1. Administrative approval of the final site plan with approval to waive the sidewalk requirement.
2. The applicant shall fence in the outdoor play area.
3. The number of children should be less than 12 per day and the hours of operation should fall within normal work hours with adequate time for drop off and pick up.

She pointed out that the second condition had been met by the applicant.

Mr. Key then requested that the applicant, Ms. Sonia D. Blow, come forward. The applicant stated that she was licensed to keep twelve children. She said she had not thought of obtaining a business license until these issues arose.

Mr. Key asked how long the applicant had been operating a day-care facility. The applicant answered that she had been licensed for six years, but had been watching children longer than that.

Ms. Damon inquired about her hours of operation. Ms. Blow replied that children started to arrive between around 6:35, and that she kept children no later than 7:50 or 8:15 p.m. She added that in the past she had kept children later than this.

Mr. Key asked if the applicant envisioned a problem if the hours during which she could provide daycare services were restricted from perhaps 6:30 a.m. to 6:00 p.m. The applicant expressed concern about jeopardizing a parent's job and said that she would be willing to keep children as late as 8:00 p.m.

Mr. Barton asked how long the applicant had been keeping children on Wayne Avenue. She answered that she had moved there in June of 2000, and the problems had begun four months later. She continued that she was a decent woman, operated her daycare in a safe, decent environment, caused no harm to anyone, and left her home infrequently.

Mr. O'Halloran asked many children the applicant provided daycare for. Ms. Blow replied that she kept six children full-time, and two or three part-time.

Ms. Johnson Harris commented that she understood the child that the applicant kept until 8:15 p.m. would no longer be in her care once she reached school-age. Applicant confirmed this, adding that the child was currently in pre-school.

The applicant volunteered that she did not let the children outside very often, and that they were under control when she did.

Mr. Key asked if members of the City Council had questions for the applicant. Hearing none, he invited members of the public to express their views.

Mr. Henry Rees, of 1609 Cedar Hill Road, stated that he had moved into a residential area and had not agreed to live next door to a business. He thought that if the applicant was going to operate a business, it should be moved to a commercial area. He urged the Council to vote against the permit.

Mr. Earl Marsh, of 2206 Wayne Avenue, complained of traffic noise and congestion, saying there was not enough room at the site. He asked that the permit not be approved.

Mr. Richard Gibbs, III, introducing himself as a former military man, police officer, and two-term member of the Charlottesville Traffic Committee, described the Meadows as a quiet, clean neighborhood, with many homes valued at over \$100,000, and many

elderly residents. He affirmed that there were problems with traffic and speeding by cars coming in and out of Wayne Avenue. He said that he had moved into the neighborhood with expectations of peace and tranquility. He objected to having the daycare center in the Meadows because it was a quiet neighborhood.

Ms. Katina Davis, of 2303 Peyton Drive, Apartment E, introduced herself as one of the applicant's clients. She described Ms. Blow's daycare as orderly, respectful and decent, and characterized the applicant as providing a service to the community by providing reliable, affordable daycare. She said the facility had not been noisy when she had visited it during the daytime, and that parents parked in the driveway as requested by the applicant. She said the loss of the daycare would displace families in the community and urged the Commissioners to grant the permit.

Odessa Snow, of 2205 Wayne Avenue, said she did not want a daycare center with 12 children to be next door to her. She acknowledged that the applicant needed to earn a living but doubted that she needed to keep that many children.

Marion Dixon, of 606 Bailey Road, explained that she was a former home-daycare provider herself and a friend the applicant. She said she had visited the applicant without telling her in advance and did not hear any noise. The applicant's facility was below

ground and well insulated. One could not hear the children from the street when they were in the back yard. She advised the Planning Commission to investigate the complaints before taking any action. She added that pre-school children such as those the applicant cared for were usually not noisy.

Mr. Blow, the applicant's husband, described himself and his wife as the only African-Americans in the neighborhood. He denied that his wife's business generated noise and attributed the complaints to racial motives.

Sue Rees, of 1609 Cedar Hill Road, said she had lived with people of other races. She said that she got tired of the noise the children made and suggested that the daycare should be somewhere more commercial.

Ms. Sherry Gibsker said she said she grew up in the Meadows at 2300 Dellmead Lane. She commented that there were many African-Americans living in the neighborhood and was sorry race had been mentioned. The problem was a business moving into residential

neighborhood; the residents did not move next to a daycare, the daycare moved next to them.

Ms. Lucille Morris, of 2206 Wayne Avenue, explained that the children didn't bother her, but vehicles blowing their horns at the applicant's residence were distracting. She wondered why residents should have to put up with a daycare center in a neighborhood not zoned for one. Because the applicant had kept more children at her facility than allowed in past, she thought she would be likely to exceed an increased number allowed by a special permit. She urged the Planning Commission to deny the application.

Ms. Kathleen Hutchinson, of 2304 Angus Road, was concerned that if one such permit were allowed, others would be granted in the future, and wondered what impact it would have on the whole community. She asked if the proposed special-use permit would

apply to the whole neighborhood or just the parcel where the Blows resided. Mr. Key explained that the proposal only applied to one parcel. Ms. Hutchinson remained concerned that granting the applicant's request would make it easier for others to obtain

such permits in the future. She pointed out that her immediate neighbors were African-American, and denied that her opposition to the permit was racially motivated.

Hearing no further comments from the public, Mr. Key closed the public comment portion of the meeting.

Ms. Johnson Harris asked the applicant how often a JAUNT bus stopped at the house, and what proportion of the children were delivered by private vehicles. The applicant replied that a JAUNT bus came once in the morning and once in the evening; the rest of the children were dropped off and picked up by private vehicles.

Ms. Johnson Harris asked the applicant to describe noise the children made when they were outside. The applicant reiterated that children were inside most of the time and made very little noise.

Mr. Key asked how long the children were outside during the day. The applicant answered that she took the children outside for 40 minutes to an hour once every one or two weeks. She acknowledged that they had been outside more frequently before complaints had been made, but said that they still had not been outside very often and had been under control.

Ms. Lewis asked the applicant how many of her clients lived in the neighborhood, or within a mile. Ms. Blow responded that none lived in the neighborhood but one lived close by.

Ms. Richards asked how many children the applicant was keeping. The applicant told her she was keeping six children full-time and two part-time. She said she had had eleven children in the daycare facility off and on prior to the complaint.

Mr. Key wanted to know the maximum number of children in the house at one time. The applicant replied that the maximum number was eight.

Mr. O'Halloran asked if there was a minimum number of children the applicant needed to make her business profitable. The applicant replied that she would probably need to keep seven or eight. She added that she and her husband hoped to move in the near future.

Mr. O'Halloran and Mr. Key wondered why the applicant was applying for the special use permit if she was planning to move. Mr. Key asked if the applicant would still move if she was granted the special-use permit.

The applicant said that they would remain there longer if the permit were granted and explained that she would need to keep more than five children while still at her current residence but did not want to violate a city ordinance.

Ms. Damon and Mr. O'Halloran pointed out that the special permit would apply to the property rather than the business. Ms. Blow said she understood this.

Mr. Toscano asked if the applicant's landlord had been aware she planned to operate a daycare center on the property. The applicant assured him that he had been informed, and added that she had purchased insurance for the daycare facility prior to moving in.

Ms. Damon asked Ms. Creasy to clarify her statement that said that Staff had been unable to find other places where someone in the community had a special use permit for a daycare center to keep 12 children. Ms. Creasy responded that Staff had not found a

daycare center with such a permit in an R-1 residential zone. She agreed with Ms. Damon that there were other family day-homes in R-1 residential districts and recalled an application from a daycare center on Long Street, also in an R-1 district, that the Commission had heard a few months previously.

Mr. Higgins added that, though this facility had been in an R-1 residential district, it was adjacent to a school and abutted an R-2 district.

Ms. Damon wanted to know the largest number of children Staff had found in a daycare center in an R-1 residential district.

Mr. Higgins explained that an individual could keep more than five children without a special permit, as long as no more than five children were present at a given time. This was quite common. Occasionally, such a provider would want to expand or be cited for

having exceeded the number of children allowed and the option of applying for a special-use permit would be discussed.

Ms. Damon was curious about the number of trips on the street per day generated by the residents and the daycare center.

Explaining that a count for Wayne Avenue was unavailable, Ms. Creasy replied that the 2000 VDOT Traffic Count listed 1,800 trips per day on neighboring Angus Road between Ricky Road and Emmet Street.

Mr. Tolbert observed that single family residential use is typically about 9 to 10.

Assuming that 12 children would generate 24 trips per day, Ms. Damon asked if this would be considered a significant increase.

Ms. Creasy thought that it would not be significant and pointed out that since some children could be siblings, this should be considered a maximum figure. She added that since the state license would allow the applicant to keep up to twelve children at a

time, there was concern that an additional increase in traffic might result if the times were staggered, but this was not the applicant's assumption.

Ms. Damon recalled having seen children in the neighborhood and wondered if staff knew how many other children lived in the neighborhood. Ms. Creasy apologized for not having census data with her, but also recalled seeing children in the area. She was not certain if any lived on Wayne Avenue.

Mr. Key asked if members of the City Council had questions.

Mr. Toscano inquired if the adjacent property owners had been notified. Mr. Higgins replied that they had been notified three times, once for this hearing, once each for two preliminary meetings conducted by staff.

Mr. Toscano also wanted to know if the adjacent units were rental or owner-occupied. A number of the members of the audience replied that they were owner occupied. Several added a reference to one rental unit.

Mr. Key called for discussion.

Ms. Johnson Harris thought that the Commission needed to address the application if the applicant intended to remain at her current residence, but expressed concern about moving forward if she planned to move in two months.

Mr. Barton noted that the applicant had the right to withdraw her application, but since she had not done so, the Commission was obligated to act on the application as it stood, even though the situation was confusing.

Mr. Tolbert pointed out that the application was before the Commission because the applicant had been cited for a zoning violation and had been given the opportunity to remedy the situation by applying for a permit. She would need resolution of the issue whether she stayed at the location or not.

Mr. O'Halloran was concerned that the parcel would remain permitted for special use after the applicant moved if the application was approved. He wondered if there was an alternative.

Mr. Higgins inquired if the property would lose its status in 18 months.

Reading from the ordinance, Ms. Kelley clarified that a special-use permit granted by the City Council would expire in 18 months if improvements necessary for the use had not commenced sufficiently to establish intent to utilize the permit. However, once established, the zoning would remain unless changed by City Council.

Mr. O'Halloran confirmed with Ms. Creasy that the ordinance did not address a permit that was in use, but then went dormant for a period of time before someone came along seeking to reactivate it. He then stated that approval this evening therefore would be approval for an indeterminate period of time.

Mr. Barton noted that, although granting a special-use permit changed the status of the land, it was not an uncommon procedure.

Ms. Kelley pointed out that the zoning ordinance for the R-1 districts allows day-facilities for up to five children as a matter of right, whether or not that type of use had existed in the neighborhood previously. She said that the practical issue before them was whether more than five children was an appropriate level use and whether conditions should be attached that would lessen the impact on the neighborhood.

Ms. Richards inquired whether the state licensing standards for home daycare applied regardless of the size of the structure.

Mr. Higgins said 25 square feet were required per child. Ms. Kelley assumed that if the state had granted the license, the home had been inspected and space and staff determined to be sufficient for 12 children who might be present simultaneously.

Ms. Richards asked if the permit had been obtained for this home. Ms. Kelley indicated that it had.

Mr. Lynch wondered if it were possible to place a sunset provision on a special-use permit.

Ms. Kelley and Mr. Barton remembered that this issue had come up at an earlier meeting of the Planning Commission. Ms. Kelley thought from a zoning standpoint, it was preferable to focus on the nature of the use and its appropriateness for the neighborhood; if sunset provisions or time limitations were used frequently, the zoning regulations enacted would appear person-specific.

Mr. Barton asked if conditions could be put on use of the property to reduce the number of children the applicant would be permitted to keep from that allowed by the license.

Ms. Kelley replied that the applicant was still subject to zoning regulations for the property. If the Council set a lower number than permitted by her license, the applicant could only keep the number allowed under the zoning regulations.

Mr. O'Halloran asked whether there were any hours specified in the Code as to what is appropriate for operating a daycare. Ms. Kelley answered that there were no hours specified in the Code and pointed out that this was within the Planning Commission's discretion to determine that as a condition to lessen the impact of the use.

Mr. Cox inquired if there was a precedent for granting a special-use permit allowing a daycare center in an exclusively residential neighborhood to have up to twelve children in the past two years.

Ms. Kelley recalled that there was such a request in the past year. That facility had also been in an R-1 residential district, but there had been a school nearby, whereas in this case the neighborhood was purely residential, so the character of the neighborhood was different. She believed the permit did not impose a condition for less than 12 children.

Mr. Cox thought the Council had entertained a child care facility in a single family house just north of West Street. Mr. Higgins replied that that facility had been in an R-2 area at the time the permit was granted, and in response to further questioning, confirmed that the permit had been for less than twelve children due to the size of the house.

Ms. Kelley noted that both R-1 and R-2 districts required special permits for daycare services with over five children.

Ms. Damon remembered the Commission had heard similar applications from churches.

Mr. Cox thought that it would be helpful to have information about similar cases to understand the larger context in which the decision was being made.

Ms. Johnson Harris commented that, since the state mandated a certain square-footage for each child, and had granted a license, apparently the space in the home was in compliance. Ms. Kelley assumed the state had made an inspection, but suggested that it might be better to ask the applicant.

The applicant confirmed that there had been an inspection and that the inspectors had assumed 12 children would be staying in her home.

Ms. Damon thought that everyone agreed that daycare was needed in the community and there seemed to be no question that this was a good daycare home. She pointed out that, although it was a quiet neighborhood with many older residents, there were other children in the neighborhood. She noted that the noise of children playing was an appropriate sound in a neighborhood, and suggested they try to come up with an appropriate number of children for this situation.

Mr. O'Halloran thought the Commission should consider appropriate hours of operation as well.

Ms. Johnson Harris commented that, while the issue of noise should be addressed, conditions should not be placed on hours of operation. She referred to the need for affordable daycare in the community and the variable hours of parents.

General discussion followed on the need to come to an understanding of the appropriate noise level allowable at different hours within the neighborhood. Ms. Damon observed that the noise problems were contingent on whether parents came quietly to pick up their children or not.

Mr. Key remarked that, while everyone would like to live in a community where no one makes any noise, this was impossible; there were simply noises associated with living in a city. Children were part of the vibrancy of the community; busses were one of the things that were present on city streets. He questioned how much noise five children could make and wondered how one could object to living next to a daycare or parents with children. He saw a need for tolerance and understanding on both sides and believed the special-use permit was appropriate for a residential neighborhood.

A member of the public interjected that there was a difference between five children and twelve.

Mr. Key acknowledged this and responded that the Commission was trying to arrive at a reasonable number that would allow the applicant to make a living and at the same time understand and give respect to concerns expressed by people in the neighborhood. He thought nine was a reasonable number.

Another member of the public commented that none of the neighbors had objected to the applicant keeping five children; the objection was to her keeping more than that.

Mr. Barton remarked that the issue expressed by both neighbors and applicant seemed focus on the number of children served. His sense was that eight, the number then in place, was more than the neighbors wanted and less than the applicant wanted, but something that could be amenable to both sides.

After a brief discussion, Mr. Barton offered a motion that the Commission recommend approval of the application, accepting the administrative stipulations and limiting the number of children to eight per day. The motion was seconded by Ms. Johnson Harris.

Mr. O'Halloran wanted to know how other Commissioners felt about attaching a condition limiting the hours of the daycare center. He thought something like 6:00 to 6:00 would allow some flexibility for parents and expressed concern about traffic late at night.

Mr. Key doubted that there would be high levels of parental pick-up. He noted that the traffic referred to by the neighbors had been during day-time hours.

A member of the public commented that Mr. Key did not live in the neighborhood. Mr. Key acknowledged the comment and said that his neighborhood was considerably noisier.

Mr. Barton expressed willingness to entertain a friendly amendment.

Ms. Damon noted that if the number of children during the day were limited, this would also limit traffic. She referred to Ms. Harris' concern about parents' working hours, adding that a situation where all eight children would be picked up at night would be unlikely.

Mr. Wood wondered if such a stipulation could be policed. Mr. Tolbert responded that it would have to be complaint driven.

Mr. O'Halloran offered an amendment that the hours of operation be 6:00 a.m. to 9:00 p.m.

Mr. Key asked if the Commissioners wanted to consider the question of hours separately.

Mr. Barton said that he was happy to accept the amendment. Ms. Damon agreed. The motion carried as amended by Mr. O'Halloran with the following vote: AYES: Barton, Damon, Johnson Harris, Key, Lewis, O'Halloran, Wood. NOES: None. Ms. Johnson Harris voted in favor while expressing her opposition to the restriction of hours of operation.

Mr. Cox informed the residents of the Meadows neighborhood present about the Sperry development off of Hydraulic Road with over 1 million square feet of proposed mixed-use development. He pointed out that Swanson Drive and Cedar Hill Road would be the

principle points of access from Hydraulic Road. He thought this might be an occasion for the neighborhood association and residents to seek information from the planning department.

A member of the audience asked why they should if they were not going to be listened to anyway.

Mr. Cox responded that he wanted to think that such information would allow the residents to be informed and to speak more clearly about their opposition or support. He suggested that the planning department share the information with the neighborhood association.

Mr. Lynch added that this was a County rather than a City project; the City had objected to the way the streets had been aligned.

A member of the public pointed out that every neighbor had voiced objection to the proposal and it still was approved. Mr. Key commented that disagreement with a decision did not mean that the residents had not been heard.

Mr. Tolbert explained that this was a recommendation of the Planning Commission; it would be discussed and voted on by the City Council on October 1, 2001.

Mr. Key thanked the public for coming.

A member of the public approached the Commission and asked how the Commissioners could live in different neighborhoods and pass judgment on their neighborhood. Mr. Key replied that the Commission was making a recommendation and reiterated that her disagreement did not mean Commission had not listened to the residents.

Noting that Items E and F on the agenda had already been covered, Mr. Key called for consideration of Item G.

G. LIST OF SUBDIVISIONS AND SITE PLANS APPROVED ADMINISTRATIVELY

Mr. Wood made a motion to approve the list site plans and subdivisions approved administratively, seconded by Mr. Barton. The motion carried unanimously.

Mr. Tolbert explained for the benefit of the new members that Staff had the authority to approve most subdivisions and all site plans unless they were called before the Planning Commission or were part of a special-use permit. These were then brought to the Commission for review.

LIST OF SUBDIVISIONS APPROVED ADMINISTRATIVELY

8/1/01 TO 9/1/01

1. Revised Lots 12 & 13, Block F, "Green Valleys" No new lots

419 & 421 Mosley Drive Steven M. Friedman,

Carol Connelly

File No. 1181-A Preliminary & Final

Final Signed: 8/1/01

2. Redivision of lots 3 & 4, "Megan Court" One new duplex lot

Megan Court at Locust Lane at "Locust Meadows" R. Stanley & Judy M. Tatum

Jonathan E. & Janet L. Frank

File No. 1088-D Preliminary & Final

Final Signed: 8/3/01

3. Revised Parcel 159, TM 23 No new lot

Valley Road r-o-w at rear of 103 N. Baker Street City of Charlottesville and

Thomas B. Rohr

File No. 1261 Preliminary & Final

Final Signed: 8/3/01

4. Lots A & B, Division of Lots 17 & 18, TM 50-65 One new duplex lot

"Locust Grove Addition", 807 Moore Avenue Wendell W. Gibson, Inc.

at Grace Street

File No. 1260 Preliminary & Final

Final Signed: 8/14/01

LIST OF SITE PLANS APPROVED ADMINISTRATIVELY

8/1/01 TO 9/1/01

1. File No. 789 Sigma Chi Fraternity – Deck 608 Preston Place

Addition

2. File No. 1272 "Adelphia Building" Rooming E. Market & 10th at CSX

House Note

3. File No. 884-A Immanuel Lutheran Church - 2416 Jefferson Park Avenue

Pre-school use

H. COMMISSIONERS' REPORTS

Ms. Johnson Harris indicated that she had nothing to report.

Ms. Damon reported that the Thomas Jefferson Planning District Commission was in the process of finding a new executive director as Ms. Nancy O'Brien planned to retire at the end of November. The Planning District Commission had also had a report on their endeavor to categorize and catalogue touristic projects in the different counties. She offered to provide copies of this report to the Commissioners. The Planning District Commission was also discussing the Bicycle, Pedestrian and Greenways Plan, of which the City of Charlottesville was a part along with the University of Virginia and the counties of Albemarle, Fluvanna, Greene and Louisa.

Mr. Wood indicated he had nothing to report.

Mr. Barton reported a number of important public projects that had recently come before the Board of Architectural Review, including a new building for the Live Arts Theater Company on Water Street, and the beginning review of Paramount Theater renovation-restoration. He added that the Board of Architectural Review planned to send a representative to the team that would interview the short-listed design teams for the redesign of the Downtown Mall.

I. CHAIR'S REPORT

Mr. Key indicated he had no report.

J. DEPARTMENT/STAFF REPORT

Mr. Tolbert explained that changes had been made in City Hall building security because of problems with street people entering the building during off hours. At this and future meetings in the Council Chambers, the Market Street entrance to City Hall would be locked, although other entrances would be open.

Mr. Tolbert further reported that he had been asked to invite Mr. Pete Anderson to make a presentation on the University of Virginia's Master Plan at a Joint Meeting of City Council and Planning Commission, which was scheduled for the next regular meeting date, October 9. Noting that the Commission had a busy agenda for the next meeting, he suggested that the Commission consider meeting at 7:00 p.m. to allow time for Mr. Anderson's presentation before taking up the regular business.

Mr. Tolbert then informed the Commission that consultants working with Staff had presented an opportunities and constraints study that identified where opportunities for greenways and constraints on them existed. He described the steering committee

involved in the project as good-sized and very representative of the community. The steering committee had been looking at greenways along the river, creeks and drainage ditches, and on-street bicycle and pedestrian systems. A community-wide meeting was scheduled for October. He promised to send invitations to the Planning Commissioners.

Turning to the Urban Design RFP, Mr. Tolbert reported that the 12 proposals submitted had been short-listed to four. Interviews for these would take place in the second week of October. Since the Union Station project had fallen through, and the City had over

\$3.5 million in funding for a transfer facility, the idea had been moved to the east end of the Mall. By doing this, he said, the City would be able to do the east-end Mall extension and tie in Seventh Street, and use federal funds for projects that had been under discussion. The design firms were being asked to design this and to look at changes that needed to be made in the Mall. Construction plans and specifications for the east end of the Mall and the transfer facility were expected, as well as ideas on possible retail space on the platform above the transfer facility. The design firms had also been asked to look at changes that needed to be made in the Mall. He mentioned side-streets and tree-replacement as issues that needed to be addressed.

Mr. Tolbert reminded the Commission that a time needed to be set for an orientation and work session. He then passed out packets to Planning Commission members, containing an agenda; a calendar, prepared by Mr. Higgins, outlining major up-coming issues; a

list of current members on each of the Planning Commission committees; schedules and deadlines for the committees; organizational charts; contact sheets for the Commissioners and Staff, and a map of the 18 planning neighborhoods.

After a brief discussion, the Commissioners agreed to meet from 4:00 p.m. to 7:00 p.m. on Monday, October 1, 2001.

Mr. Tolbert then drew attention to material in the packet dealing with zoning ordinance review and redraft. He reminded the Commissioners that, as decided in August, letters had been sent to everyone that had participated in the Comprehensive Planning

process and other contacts in the neighborhoods, asking them if they would be interested in serving on a committee. He reported that there were not enough names to fill all of the committees.

Reading a revised list of committees recommended by Staff, Mr. Tolbert explained that Staff recommended combining the six corridor committees originally envisaged into a single 18-member committee, because insufficient interest had been expressed in serving

on these committees; the other committees would remain as planned. In response to questions from the Commissioners, Mr. Tolbert assured the Commission there would be no less commitment to listening to public comment from people adjacent to the corridors,

and said that he thought the single committee would be more manageable from a Staff standpoint.

Mr. Tolbert pointed out that, although Staff had attempted to place everyone who had expressed interest on the committee of their first choice, five people who had expressed interest had not been placed yet. He asked the Commissioners to select committees

that they were interested in serving on. He also requested permission to send a letter to people suggested by his own and the Economic Development staff, listed as "Names Suggested by Others," and asked the Commissioners to suggest anyone else they knew who might be interested in serving.

In answer to a question from Mr. Key, Mr. Tolbert explained that the names needed to be finalized by the work session. Mr. Key offered to have these by the end of next week.

Mr. Tolbert informed the Commission that 6:00 to 9:00 October 18 was still the target date for the kick-off. He needed to get one more confirmation and find a place to meet.

Mr. Tolbert further reported that there would be no citizens' committee this year working on the CIP and that the time that the CIP came to the Planning Commission would change. He confirmed for Mr. Key that an individual from the Planning Commission would not be needed for the CIP.

Following a general discussion, Ms. Damon moved that a Joint Public Hearing be held on Tuesday, October 9th at 7:00 p.m. The motion was seconded and passed unanimously.

Whereupon, the meeting concluded at 9:45 p.m.

Respectfully Submitted:

James E. Tolbert, AICP
Secretary

APPROVED:

Herman Key, Chair