

**MINUTES  
CITY OF CHARLOTTESVILLE  
PLANNING COMMISSION REGULAR DOCKET  
TUESDAY, NOVEMBER 13, 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. Craig Barton  
Ms. Nancy Damon  
Ms. Kathy Johnson-Harris  
Mr. Herman Key, Chair  
Ms. Cheri Lewis  
Mr. Kevin O'Halloran  
Mr. Eldon Wood

Staff Present:

Mr. Jim Tolbert, AICP, Director  
Mr. Ron Higgins, AICP, Planning Manager  
Ms. Lisa Kelly, Deputy City Attorney  
Ms. Tarpley Vest, Neighborhood Planner  
Ms. Jinni Benson, Neighborhood Planner  
Ms. Missy Creasy, Neighborhood Planner  
Ms. Claudette Grant, Neighborhood Planner

City Council Members Present:

Ms. Ali Cheesman, Econ. Develop. Specialist  
Mr. Blake Caravati, Mayor  
Mr. Maurice Cox  
Mr. Kevin Lynch  
Ms. Meredith Richards  
Mr. David Toscano

Also Present:

Mr. Pete Anderson, UVA Architect

Mr. Key called the meeting to order at 7:35 p.m. and recognized a delegation of City Planners from Kingsport, Tennessee.

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

There were no matters raised by the public.

**B. MINUTES**

Mr. Key asked if there were any changes or additions to be made to the October 9, 2001 minutes. None being found, Mr. Barton made the motion to approve the minutes. Ms. Lewis seconded the motion, and it carried unanimously.

**C. JOINT PUBLIC HEARING**

Before starting the joint public hearing, Mr. Key mentioned some housekeeping matters such as limiting comments to three minutes; if the comments to be

expressed are similar to those previously expressed, he asked that comments be limited to one minute or that the speaker state, "I concur completely."

1. SP--01-10-15: An application for a special permit to use the property at 517 Park Street for a children's group home for up to 16 children. The general uses allowed in the R-3 Residential zoning of the property are for multi-family residential development of up to 21 units per acre by right. This property is further identified on City Real Property Tax Map #53 as Parcel 9, having approximately 70.5 feet of frontage on Park Street, 142 feet of frontage on Parkway Street and containing approximately 10,179 square feet of land, or .23 acres. The general uses called for in the Land Use Plan of the Comprehensive Plan are for multi-family residential at a density range of twelve (12) to eighty-seven (87) units per acre.

Ms. Vest presented the staff report including a history of 517 Park Street. It was constructed in the mid-1980's as a group home for the CAARC; at that time the zoning ordinance did not require a special use permit. The building has been used by the

Virginia Institute for Autism. The current applicant is seeking approval to return the building to use as a group home for 16 adolescent females. State law allows up to eight adolescent females to be treated as a single-family residence; anything over eight

requires a special permit. The usual special permit criteria were considered including access, circulation, traffic, utilities, natural environment, noise, displacement of current residents, housing and school impact, and historic impact. The site was deemed appropriate for a group home. There is agreement with some of the concerns raised to date.

The noise associated with 16 adolescent girls; however, the home will be subject to the City's noise ordinance as is any residential use. Density in relation to the existing eight bedroom facility meets or exceeds all existing building code standards for that many girls. The building's history shows that it was built for 14 residents, approval is recommended with the stipulation of 14 residents.

Mr. Key called on the applicant to make a statement.

Mr. Brian Weber, representing the STARS program, addressed the concerns. He felt that there would be little noise since most of the girls have jobs. They would not be playing in the yard. They have very little free time and their time is very structured.

He stated that this house was chosen due to its proximity to the skating rink and the recreation center, the bus lines, doctors and therapists. The site was chosen to facilitate the needs of the children. The house has over 6,000 square feet which will allow ample personal space. He closed his remarks by stating that he would like to see approval for 16 residents, but he would accept a decision of 14.

Mr. Key called for comments from the public.

Ms. Kara Gloeckner, of 717 Wolftrap Road, Charlottesville, spoke in favor of the plan. She stated that she and her husband, Brian Weber, had been in this business three years. She had worked in 517 Park Street previously when it was a group home. The home had been designated for 14 residents at that time because one bedroom had been reserved for staff. The proposed group home will have no sleeping staff; staff will remain awake to monitor the adolescents 24 hours a day.

Ms. Yvonne Lavan, of 393 Madison Road, Standardsville, spoke in favor of the home, noting that these were not bad girls. They were girls that have had bad situations and they deserved a good neighborhood.

Mr. Garrett Smith, of 329 Parkway Street, Charlottesville, spoke in opposition of the proposal. He expressed concern over not hearing about the meeting earlier than Sunday. He felt that it was inappropriate not to notice the hearing to neighboring streets. His concerns included the noise issue, the lack of the presence of adults in the

facility, the discouragement of economic development activities in the neighborhood, traffic will be increased on side streets, rather than Park Street, due to the location of the site. Mr. Smith stated his belief that the neighborhood is adamantly opposed to this entire process and that the decision is being made without proper neighborhood input.

Ms. Frances Walton, of 532 Park Street, spoke in opposition of the proposal. She felt that the fact that these girls would be involuntary residents of the home, placed there by the courts or Social Services, is a very big factor for consideration. There would be supervision issues for 16 residents. Further concerns included the reported behaviors of residents at similar facilities: sexual activity in the yard, frequent police and rescue squad visits, excessive noise levels, and vandalism. She asked that the CPC specify the rules associated with a special permit if it were granted.

Mr. Barton requested that the Chair give a two-minute notice to the speakers.

Mr. William Walton, of 2114 Ivy Road, a real estate agent for a property in the neighborhood, spoke in opposition of the proposal. He had reviewed police reports on the other residences, which have eight or fewer residents, run by this organization. After pointing out that not every police call results in a report he disclosed a total of 74 reports for three residences: 19 in 26 months, 16 in ten months, and 39 in 19 months.

Mr. David Heilbronner, of 534 Park Street, spoke in opposition of the proposal. He registered concern over lack of notice for meetings held at times when many could not attend. His questions included: How much supervision would be in place? Who is

responsible for damage/vandalism to local property? What is the effect on future business and home buyers? Will there be effective enforcement of the noise ordinance?

Ms. Lynn Valentine, of 534 Park Street, spoke in opposition to the number of young women with problems in this area. While there is a need for intermediate places for these people, 16 is too many for any neighborhood.

Ms. Toni Zeller, 1144 Meriwether Street, a STARS employee, spoke in favor of the proposal. The ladies come from all walks of life with a variety of backgrounds.

Ms. Marla Ziegler, of 616 Park Street, agreed with most of what had been said. Density is the issue. Why is there no resident adult? Three employees working eight-hour shifts is problematic.

Ms. Jackie Taylor, of 104 Northwood Circle, representing the North Downtown Residents Association, spoke in opposition to the proposal. Not enough facts have been provided to the residents who should be allowed some input in this matter.

Ms. Carrie Burke, of 614 Park Street, spoke in opposition to the proposal. The neighborhood association needs the proper facts to weigh the matter. The neighborhood supports other group homes in the area and is concerned about the lack of information provided for this home.

Having heard from all who had signed up to speak, Mr. Key asked for further comments from the public.

Mr. Steve Bolton, of 332 Parkway, spoke in opposition of the proposal. He agreed with the concerns over the change of population type. The rules of the house show possible problems.

Having no further public comment, the applicant was recalled to comment further.

Ms. Gloeckner addressed some of the statistical information. Two of the homes mentioned are not theirs. There are no babies in the population, only teen-aged girls. An adult is always present; rotating the staff reenergizes the staff

and helps the girls. Part-time staff includes police officers, teachers, nurses and other professionals. As a method of accountability for the adolescents, all police calls are initiated by the home, none have been by neighbors.

Mr. Tolbert addressed the concerns of lack of notice to the surrounding neighborhood. Legally the Planning Commission is required to notice adjacent neighborhoods; all might not have been. A policy adopted previously required notice to Neighborhood

Associations and all property owners within 500 feet; this was done for six property owners. He suggested that the proposal be continued until the December meeting in fairness to all concerned. Mr. Tolbert also apologized to the neighbors and the members of the CPC.

Ms. Johnson-Harris suggested that the applicants speak with the Neighborhood Associations.

Mr. Weber said they had done that in Johnson Village for that group home.

Mr. Key asked if there were a motion for that suggestion.

Ms. Johnson-Harris made the motion to defer until the December 11 meeting with the suggestion that the applicants meet with the Neighborhood Association prior to December 11.

Ms. Lewis seconded the motion.

Mr. Barton asked if deferment meant giving up the question and answer session.

Mr. Tolbert said they would be better off doing that.

Mr. Key confirmed that the motion is to defer until the December meeting with the suggestion that the applicant meet with the Neighborhood Association in the interim before that meeting. With the motion having been made and seconded, Mr. Key asked for any discussion.

Mr. Cox wanted to verify that there would be no questions and answers that evening.

Mr. Key confirmed that there would be no questions during the current meeting.

Mr. Higgins called the roll for the vote. The motion carried unanimously.

Mr. Key apologized to the public on the Commission's behalf.

2. SP--01-10-16: An application for a special permit for higher density residential at 222 and 230 14th Street NW. This would allow for the addition for up to 34 units to this site at a density of 46 units per acre instead of the 21 units per acre allowed by right in the R-3 Residential Multiple Dwelling zoning. This property is further identified as City Real Property Tax Map #4 as parcel 292, 295 and 302 (portions), having collectively 216 feet of frontage on 14th Street NW and containing approximately 48,137 square feet of land or 1.11 acres. The general uses called for in the Land Use Plan of the Comprehensive Plan are for multi-family residential at a density range of twelve (12) to eighty-seven (87) units per acre.

Mr. Higgins presented a report while referring to maps on the wall. The properties are owned by Keith Woodard, Woodard Properties. Currently the site contains units in divided housing. The applicant is proposing to build a new building. A provided cross

section shows three levels of parking and three residential levels with management offices on a partial level. All existing housing would remain intact. The project proposes a number of alterations to standards including modification to the parking standards based on sizes, shapes and lengths of the spaces, as well as a request to have more compact car spaces. The site is surrounded by R-3 zoning or commercial zoning. The site is just about 200 feet diagonally from an R-2 parcel on 14th Street. The staff report tried to address zoning in the area, existing land use

patterns, parking and access. He suggested approval, based on the necessary ordinance changes, because it is compatible with area uses and the location is appropriate for the density.

Mr. Barton asked if the 200 foot rule was a modification or a project-specific waiver.

Mr. Higgins said that the request was project specific.

Mr. Key recognized the applicant.

David Anhold, of Anhold Associates, Planners and Landscape Architects, of Greenwood, Virginia, stated that he was there with Keith Woodard that night. They are seeking approval and support for the project, the site plan and the special use permits. The project is good for the city and the particular area. He provided the CPC with additional sketches which showed alternate views of the project. Two points which Mr. Higgins did not bring up were the new pedestrian access and new pedestrian plaza which would be created by the project.

Ms. Damon asked to have the accesses pointed out.

Mr. Anhold explained that there were three, two of which would be off the new road.

Mr. Barton asked if both Saddler and the existing access end up on 14th Street. The applicant replied that was correct.

Mr. Cox asked if something on the plan was an alley.

Mr. Higgins stated that he thought it was an alley which had been abandoned when Saddler was closed.

Mr. Key called for questions or comments from the public, there being none, the public session was closed.

Mr. Key then called for questions from the Commission.

Mr. Lynch asked if this were in a design review.

Mr. Higgins said it was not in a design review district or in a historic district. He then explained the high density special permit.

Mr. Lynch followed up by explaining his concern over the height of the structure.

Mr. Higgins used the maps and drawings to explain what would be seen.

Ms. Damon asked about the roof height in comparison to the Red Roof Inn.

Mr. Higgins stated that it would be below that height.

Mr. Lynch asked if there were any other six-story buildings for student housing in the area.

Mr. Higgins stated that most buildings in the area were three-story but due to the topography of the locale, some seemed larger than others.

Mr. Cox wanted clarification of street locations on the map. The applicant explained the orientation of the diagram as coming from Wertland Commons.

Ms. Damon wanted to know what would be seen from 14th Street. The applicant explained that view.

Mr. Wood wanted to know the height of the ell. The applicant explained that it was the same height as the building.

Ms. Damon asked what was going to be dug out. The applicant explained where digging would occur prior to building up.

Mr. Barton asked if the request regarding compact cars was to increase the percentage of compact car spaces above the norm. Upon being told yes, he further inquired about the difference in figuring spaces on the current percentage versus the proposed

percentage. The applicant stated that the current parking percentages would work, but they would not make sense.

Mr. Caravati inquired about the need to provide this amount of parking if there was no need to increase the density. The applicant stated that he felt the demand for the parking was there.

Mr. Caravati inquired about the mix of the units. The applicant explained that there was a mix of units listed on the last sheet of the site plan.

Mr. Higgins read off the mix: three four-bedroom, 12 three-bedroom units, six two-bedroom units, the rest are one-bedroom units. If a 30 unit project were to be approved, there would be nine one-bedroom units.

Ms. Damon, having previously seen bikes chained to trees in the area, inquired about the possibility of bike racks. The applicant explained that bicycle storage would be in the parking garage.

Mr. Key asked if there were any more questions.

Ms. Lewis did not have a question, but did want to note that the firm she left eight years ago used to represent Woodard Properties. She further stated that she has had little or no contact with Mr. Woodard since that time. She expressed her belief that she could be impartial in the matter.

Mr. Cox stated that he was pleased with the applicant's attempt to fit in a new model for student housing. He was impressed by the unit mix and the varying parking. However he was concerned with the massing of the building.

The applicant stated that they tried to soften the massing by creating two courtyards. He also stated that he would like to have this on line by next summer since it is student housing. He is seeking approval to begin clearing, excavating and foundation work while the students are gone in December.

Mr. Lynch expressed a desire to better know how the project would look from 14th Street.

Mr. O'Halloran thought there was a sketch in the packet before them.

The applicant attempted to explain the sketch. Coming south on 14th street, people would see the taller facade.

Mr. Barton would like to see more design review. He asked for the applicant, as a responsible developer, to provide the members with additional information. While he could understand the need for a quick decision, he would prefer more information before agreeing to a building that would outlast the Commission.

Ms. Damon wanted to know the type of facade and what materials would be used. The applicant stated the current plan was for a brick facade with white-accented porches.

Mr. Wood inquired when this would go before City Council and was told it would go before them at the December 3rd meeting. He then inquired if more information could be presented to City Council.

Mr. Key called for other questions or comments.

Ms. Damon made the motion to recommend approval of the special permit for higher density for up to 46 units per acre on the properties at 222 and 230 14th Street, NW (TM4 – Parcel 292, 295 and a portion of 302) for the following reasons:

1. It is in harmony with the Land Use Plan of the Comprehensive Plan.
2. It will not have a significant adverse impact on the surrounding neighborhoods if conditions are met.
3. The use is compatible with surrounding uses in the area.

This approval is conditioned upon the following:

1. Administrative approval of the site plan with the following addressed:

1. Provide the seal (with date and signature) of the authorized engineer, architect, and/or engineer responsible for the design of the site plan;

2. A subdivision/combination plat must be submitted and approved prior to final site plan approval;

3. Show the location of all utility easement across the entire site;

4. Provide additional detail on the proposed sanitary sewer connection;

5. Provide storm drainage calculations for the 10-year storm event and the detention calculations/design. Post-development runoff from the site may not exceed the calculated water routing to prevent run-off onto adjacent property and structures;

6. Provide grade information for all gravity utility systems;

7. Show the connection of the 24" RCP storm water pipe system (TMP 4-295) to the remainder of the storm water system;

8. Provide details for the retaining walls (material, height, etc);

9. Curb areas should be marked for no parking along driveway curbs to prevent fire lane access;

10. A sheet of details must be provided as part of the plan package;

11. "Village" concept good, but fire access and safety of adjacent buildings poor. Additional hydrant will be desirable;

12. Calculations on existing and proposed tree cover;

13. Provide labeled set of floor plans with final site plan package, and elevations/cross section, and;

14. Correction on plan to reflect consistent number of new units (30 or 34), with correct density calculations.

1. Submittal of a grading and soil erosion/sediment control plan with fee, application and narrative prior to final site plan approval.

2. Allowance of the 200' distance from R-2 zoning to be less as shown.

3. Allowance of the increase in the number of compact spaces to 75% of the total instead of 30% of the total.

Mr. O'Halloran seconded the motion.

Mr. Wood had a question about how much more space would be gotten through the special use permit than what would be allowed with current zoning restrictions. The applicant replied that under current zoning there would be fewer units, but they

would all be four-bedroom units.

Mr. Barton asked that certain suggestions be added to the motion. He asked that additional information be provided with respect to the view of the building from 14th Street and the view from the former Saddler Street.

Mr. Key stated that the motion had been made and seconded to allow special use permit to request for higher density for up to 46 units per acre. He then asked for further discussion. Seeing none, he called for the vote.

The motion passed with the following recorded votes: AYES: Barton, Damon, Johnson-Harris, Key, Lewis, O'Halloran, Wood. NOES: None.

In the interest of time, the remaining items on the agenda were switched.

4. ZM--01-10-18: An ordinance to amend and reordain the official zoning map of the City of Charlottesville, dated May 20, 1991, to change the zoning of 191 properties to one of the following three use categories: R-1, R-1A, or R-2, as may be specified in the City's 2001 Land Use Plan for each property. Each of the 191 properties is currently zoned for more intensive uses than the residential categories specified in the Land Use Plan. The purpose of the rezonings is to achieve the general usage and density range set forth in the City's Comprehensive Plan with respect to each of the 191 properties. A list of the 191 properties which are the subject of this rezoning, and the current and proposed zoning of each parcel, may be examined in the Office of Neighborhood Development Services.

Mr. Higgins stated that this was the result of the '96-'97 Neighborhood Task Force report which requested a study of the compatibility of land use, the land use plan, and the zoning. They were looking for low density -- single or two-family neighborhoods

that had R-3 zoning. A comprehensive study revealed 191 properties. The proposed properties all represent a rezoning to R-1, single family, or R-1A, single family, or R-2. Most are currently R-3. The staff recommend approval.

Mr. Key called for statements from the public.

Mr. Gaines Anderegg, 950 Rives Street, spoke in opposition of the proposal. He asked that it not be done because it will reduce his land value at least \$20,000.

Ms. Damon clarified for the record that his property was 942 and 950 Rives Street.

Ms. Meta Chisholm, 42 Old Farm Road, spoke in opposition of the proposal. As an owner of 3.5 acres currently zoned B-2, she is concerned with a rezoning to R-1A. The value of her property will be significantly reduced.

Ms. Damon asked for the exact address of the property.

Ms. Chisholm stated that it does not have an address, but is located near the corner of Carlton and Meade.

Mr. Steve Melton, representing the Parcel 8/Willoughby Land Trust owned by the Virginia Land Company, spoke in opposition of the proposal. The 14 acres on Raymond Road is currently zoned R-3 with potential rezoning to R-1A. The property has been taxed and marketed as R-3 and rezoning will cause a hardship.

Mr. Wood inquired as to which property that was on the list and was so informed by Mr. Higgins.

Mr. Keith Woodard spoke in opposition of the proposal. As the owner of property at 610 Harris Road a lot of site planning has been done on the site. The site is compatible to current land use and changing it to R-1A is not realistic due to its geography. Keeping the current zoning can help in the prevention of urban sprawl.

Mr. Joel Loving, 605 14th Street NW, spoke in opposition of the proposal especially regarding four properties that are or are surrounded by R-3 zoned properties, including apartments.

Ms. Damon asked that the owners of the other properties be identified. The owners so complied.

Mr. Wood asked what was currently on those properties and was told that all four have single-family dwellings.

Mr. Mason Allen, 217 Lankford Avenue, spoke in favor of rezoning his property to R-1A and hopes that surrounding property will also be rezoned to R-1A.

Mr. Tolbert informed him that the property in question was included in the proposal.

Mr. Michael Webb, 1852 Westview Road, spoke in opposition of the proposal. As the owner of a lot on Barbour Drive, currently R-2, he had purchased the lot to build an upscale duplex and has a permit to go forward with the plans. He also spoke in opposition of the proposal on behalf of a Mr. Williams and Mrs. Paine, neither of whom could be present.

Mr. Key inquired if Mr. Webb knew the addresses of the lots. All of the lots owned by the three are located on Barbour Drive.

Mr. Maurice Cox, 702 Ridge Street, spoke in favor of his property being down zoned from R-3 to R-1A.

Mr. Key called for additional comments from the public. There being none, the public portion was closed.

Ms. Damon asked Mr. Higgins and Mr. Tolbert if they had been called by anyone else who had concerns and had been unable to be present at the meeting.

Mr. Higgins stated that he had talked with 40 to 50 property owners, most of whom had wanted clarification of what could be done with their properties under any zoning. Many had wanted to be sure of the down zoning and saw it as a way to protect their single-family dwellings. He had prepared and submitted a memo listing all who had spoken with him.

Ms. Richards wondered if Mr. Webb's building permit gave him a vested right in the property as it is currently zoned. Upon being informed that it was valid, she further stated that she did not care about the validity, she wanted to know if it gave him a

vested right to the property as presently zoned.

The City Attorney stated that under the state Code there is a specific statute that deals with that. There must be a significant government act or permission that is granted plus a good faith reliance on that by the property owner as well as an outlay of significant expense in furtherance of the development of the property. A building permit is not identified by the state Code as being a significant government act.

Ms. Richards wanted to know if there had been any attempt to evaluate if his investment, permit, or anything else qualifies under the act.

Mr. Higgins replied that there had not been because he had been unaware of the existence of the building permit.

Mr. Webb asked if "outlay" and "expense" could be clarified. The City Attorney suggested that he consult with an attorney.

Mr. Cox asked whether, when considering Mr. Webb's property for down zoning, there were other occupied adjacent R-2 units.

Mr. Higgins explained that there are three houses and one duplex.

Mr. Cox asked about the predominant use of those lots.

Mr. Higgins stated that for the nine properties on Barbour Drive there are two duplexes, three single-family homes, and four vacant properties.

Mr. Cox then asked whether the Carlton Avenue and Harris Road properties coincide with the areas that were part of the Corridor study.

Mr. Higgins informed him that it was a different part of Carlton Road in that study and that Harris Road was not a part of the study, either.

Mr. Wood asked if they adjoined 5th Street and was informed by Mr. Higgins that, physically, they did not.

Ms. Johnson-Harris requested an explanation of the parcel of land between 5th and Raymond Road off of Ridge Street.

Mr. Higgins stated that the comment had been that the topography of that parcel would be self-limiting so it should stay R-3. However, Mr. Higgins stated that

for the same reason, R-1A may work just as well.

Ms. Lewis had a question for Mr. Loving and his neighbors as to any current or prospective uses that would impact the enjoyment of the property should it be down zoned. Mr. Loving stated that the investment potential would be impacted.

Mr. Cox inquired as to the criteria for selecting properties in regard to Grady and 14th since those properties seem to be surrounded by apartment buildings.

Mr. Higgins responded that none of those four contain 6,000 square feet. All of those lots are undersized for even a single-family lot. They were selected because they looked like an anomaly in their location.

Mr. Wood wondered if there had been any response from the Venable neighborhood. Mr. O'Halloran stated that there had been no discussion from that neighborhood

about these properties.

Ms. Damon suggested that those properties that faced down zoning with no issue or objection be down zoned and that those properties where rezoning has been

opposed be removed from the list and studied further.

Mr. Tolbert asked that, should that be made a motion, the motion would clearly state that this is being done in a comprehensive fashion and those being pulled out are being done so for further study into the issues related with those properties.

Ms. Johnson-Harris wanted clarification on removing properties mentioned by owners not present.

Mr. Tolbert stated that they could be removed pending further investigation, including speaking with those owners.

Ms. Lewis was curious about how many owners had shown up on October 31st. Mr. Higgins felt that there were six or seven at the meeting.

Ms. Damon, stating that, given those properties had been under consideration for a number of years, and given that they were trying to do this in a comprehensive city-wide manner based on the Neighborhood Protection Study and the neighborhood

plans, recommended the rezoning of the 191 properties on the list, excluding those properties owned by Mr. Andrick, Ms. Chisholm, Mr. Hurt, Mr. Woodard, Mr.

Loving on behalf of three other owners besides himself, Mr. Webb and Ms. Paine and Mr. Williams on whose behalf he spoke.

Mr. O'Halloran seconded the motion.

Mr. Key called for any further discussion of the Motion.

Mr. Higgins sought clarification that the exclusion was for the properties that spoke in opposition including all of the properties in the Barbour Drive area as well as those on the list that were unable to attend the meeting but had previously expressed

opposition.

Mr. Cox asked if all the properties on Barbour Court were now in question. Mr. Higgins stated that one man had spoken on behalf of the other two property owners who could not attend. Those owners represented six of the nine lots, hence the need to

study the whole block.

Mr. Cox asked if there were other property owners with building permits. Mr. Higgins answered that there were no others, to the best of his knowledge.

Ms. Lewis offered a friendly amendment to the motion that all of the Barbour Drive properties be excluded.

Ms. Damon accepted the amendment.

Mr. Key stated that a motion had been made and seconded to include all of the properties that had been identified to be rezoned with the exception of properties owned by Anderegg, Chisholm, Hurt, Woodard, Loving, three neighbors of Loving, Webb, and the Barbour Drive properties. Pending understanding of the motion, Mr. Key asked that the question be called.

Mr. Higgins called the roll and the motion carried unanimously.

3. ZT--01-10-17: An ordinance to amend and reordain the following sections of the Charlottesville City Code (Zoning Ordinance), as amended:

a). Section 34-330. Minimum size (of Planned Unit Developments) to repeal the 3 acre minimum.

b). Section 34-944. Exceptions and modifications as conditions of (special) permits, to allow for parking spaces and aisle standards to be modified as part of a special permit.

Mr. Higgins stated that these are matters that have been mentioned previously. A three acre minimum for a PUD is arbitrary and should be repealed. No acreage minimum will be given for PUDs, they must stand on their own. Section 34-944 deals

specifically with the applicant for the high density permit. The current ordinance says that Planning Commission and City Council can modify in a special permit only site specific, standards for setbacks, time limits and standard for higher density. Parking

spaces can be modified for special permits but the standards cannot be. The changes are recommended.

Ms. Damon asked for comments from the public.

Mr. Keith Woodard felt that this was another tool that would be consistent with providing flexibility.

Mr. Barton asked him to which section he was referring.

Mr. Woodard explained that he was in favor of 34-944.

Ms. Damon called for further public comment. There being none, she closed the public hearing. She then called for questions and comments.

There being no questions or comments, Mr. Wood made the motion to recommend the modifications to Section 34-944, allowing parking standards to be a part of special permit considerations. Before being able to make Section 34-330 part of the motion he queried the proposed wording and asked if it could be made one sentence: A Planned Unit Development may be comprised of one or more contiguous parcels of land.

The City Attorney explained that she had worded the modification so that if there is more than one acre, the acreage must be contiguous.

Mr. Wood stated that he would consider that to be part of the motion, but asked that the second read: A Planned Unit Development may be comprised of one or more contiguous parcels of land.

Mr. O'Halloran seconded the motion.

Ms. Lewis wondered how one parcel could be contiguous unto itself. Mr. Wood volunteered to change his motion on that to go with the wording as originally

prepared by the City Attorney.

Ms. Damon read the motion as being recommendation of approval of the changes to Section 34-330 and Section 34-944.

Mr. Higgins called the roll with all members present voting Aye. The record would show that Mr. Key abstained.

#### E. LIST OF SUBDIVISIONS AND SITE PLANS APPROVED ADMINISTRATIVELY

Ms. Damon asked if there were any questions or concerns. There being none, Ms. Lewis made the motion that the list be approved. Ms. Johnson-Harris seconded the motion. The motion passed unanimously.

## LIST OF SUBDIVISIONS APPROVED ADMINISTRATIVELY

10/1/01 TO 11/1/01

1. Boundary Line Adjustment, Parcels 30-8 & 30-9 No new lots

Sprint Switching Building at Estes Street U.S. Sprint Communications Co.

File No. 1263 Preliminary & Final

Final Signed: 10/18/01

## LIST OF SITE PLANS APPROVED ADMINISTRATIVELY

10/1/01 to 11/1/01

1. File No. 1294 St. Paul's Memorial Church University Avenue at

Access Modifications Chancellor Street

2. File No. 1222 Affordable Efficiency Suites 524 Harris Road

of America – Deck Addition

3. File No. 1291 Ceramico Tile – Drainage 1028 Linden Avenue

Inlet Alternative

4. File No. 1041 Pen Park Shop – Fill Area Pen Park Lane

5. File No. 1256 Blue Ridge House – Landscape Elliott Avenue

Additions & Amendments

6. File No. 1290 First United Methodist Church 830 Monticello Avenue

at Belmont Baptist Church

## F. COMMISSIONERS' REPORTS

Mr. Wood had nothing to report.

Mr. Barton had nothing to report.

Mr. O'Halloran had nothing to report.

Ms. Johnson-Harris had nothing to report.

Ms. Lewis had nothing to report.

Ms. Damon reported that the Planning District Commission is honing in on selecting a new Executive Director.

## G. CHAIRS' REPORT

Mr. Key stated that the McIntire Park and Recreation Advisory Committee meeting would be the next day. An e-mail is to be sent out proposing dates to tour the park. Mr. Key also stated that CGBD would be meeting next month.

#### H. DEPARTMENT/STAFF REPORT

Mr. Tolbert indicated that he had copies of the zoning committees meeting dates and these had been sent out already. He also stated that there was a need for diversity on the committees.

Ms. Lewis inquired about the type of diversity.

Mr. Tolbert stated primarily African-American diversity. The committees already have a good mixture of male/female, business/neighborhood people.

Ms. Johnson-Harris asked about who should call Mr. Tolbert. Mr. Tolbert stated that interested parties should call him.

Mr. Tolbert had neighborhood plans to distribute. He stated that Comprehensive Plans had not been received as yet. He further stated that the plans had been put on CDs as suggested.

Mr. Wood asked if the plans have been bound into one volume. Mr. Tolbert replied that the Commissioners would get 18 in one volume. But there are also individual plans for each neighborhood.

Mr. Wood moved that the meeting be adjourned and that the Planning Commission have a Joint Public Hearing with City Council on Tuesday, December 11, 2001.

Mr. Barton seconded the motion that the next public hearing be held December 11th. The motion passed unanimously.

Whereupon, the meeting was adjourned at 10:20 p.m.

Respectfully submitted,

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James E. Tolbert, AICP, Secretary

APPROVED:

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Herman Key, Chair