

**MINUTES
CITY OF CHARLOTTESVILLE
PLANNING COMMISSION REGULAR DOCKET
TUESDAY, MARCH 12, 2002 -- 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
Ms. Craig Barton
Ms. Kathy Johnson Harris
Ms. Cheri Lewis
Mr. Kevin O'Halloran
Mr. Eldon Wood

City Council Members Present

Mr. Blake Caravati
Mr. Maurice Cox
Mr. Kevin Lynch
Ms. Meredith Richards
Mr. David Toscano

Staff Present:

Mr. Jim Tolbert, AICP, Director
Mr. Ron Higgins, AICP, Planning Manager
Ms. Lisa Kelley, Deputy City Attorney
Ms. Jinni Benson, Neighborhood Planner
Ms. Missy Creasy, Neighborhood Planner
Ms. Claudette Grant, Neighborhood Planner
Mr. Key called the meeting to order at 7:30 p.m.

A. FINAL DRAFT PRESENTATION -- MDG, INC. --- Charlottesville Greenbelt, Bicycle and Pedestrian Master Plan

Mr. Key then called for a presentation by MDG, Inc. of Denver. Mr. Tolbert gave a brief background of the Greenbelt, Bicycle and Pedestrian Master Plan prior to recognizing Merle Grimes. Mr. Grimes gave a PowerPoint presentation regarding the development of the Master Plan. He stated the project goals: the connection of destinations, to reduce reliance on vehicles and parking lots. He explained the components of on-street biking facilities and commended Charlottesville for the existing bike lanes. He recommended solid stripe lanes for tight areas to ensure that cyclists and drivers know where the bike lane is. He then described off-street and multi-use facilities. He explained the need for water crossings, boardwalks, signage and lockers. Mr. Key asked if questions were to be held until a later time. Mr. Tolbert explained that this presentation was just to provide awareness of the plan. It will be brought back for public hearing at a later date.

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

There were no matters raised by the public.

C. MINUTES

Mr. Key then called for approval of the February minutes. Ms. Johnson Harris stated that her name should not be hyphenated. Ms. Damon moved to approve the minutes. Mr. Damon seconded the motion. The motion carried with Mr. Key abstaining due to his absence at that meeting.

D. JOINT PUBLIC HEARING

1. SP--02-01-02: An application for a special permit to use the property at 1013 Grove Street as a private educational noncommercial/recreation/group facility for the Growing Youth Ministries (GYM) organization. The general uses allowed in the R-1A zoning are single-family dwellings at a density range of 3 to 7 units per acre. This property is further identified as City Real Property Tax Map 23 as parcel 2, having 106.7 feet of frontage on Grove Street and containing approximately 24,524 square feet of land or .56 acres. The general uses called for in the Land Use Plan of the Comprehensive Plan are for single-family dwellings at a density range of 3 to 7 units per acre. This item was deferred from the February 12, 2002 hearing.

Ms. Grant gave a list of the concerns from the February meeting. Concerns included the Building Code which was met by having a building official tour the facility. He suggested approval with the conditions that a maximum occupancy load of 30, as an education use, only for a nonprofit organization such as the Growing Youth Ministry. Typical attendance ranges from 18 to 20 during the school year and 50 in the summer. Staff recommends four parking spaces and a pull-off area for student pick up. Ms. Lewis sought clarification on the location of the pull-off area. Ms. Grant stated it would be near the parking area. One of the concerns had been about signage. According to zoning officials, the sign can be 12 square feet. It is currently three feet by three feet. Public service staff inspected the site regarding the waiver request. They do not recommend waiving paving.

Mr. Key recognized the applicant. Alton Carver, of 218 Turkey Ridge Road, stated that he was the architect. He reiterated that concerns had been addressed and the information was in the packet. He stated that they will agree to the 30 maximum. The only exception to the staff report is in regards to the paving of the parking area. The expense of paving would be a tremendous burden on a ministry supported by donations. Ms. Damon inquired about use of neighboring parking facilities. None are available. Gravel wash-off is an issue on the street.

Mr. Key called for public comment.

Carol Thomas, 1010 Grove Street, was concerned about staff parking in the yard and the amount of traffic.

There being no other members of the public wishing to speak, that portion of the meeting was closed.

Ms. Johnson Harris asked if parking on the yard was a code violation. Mr. Higgins informed her it was. He further stated that as a non-resident, the facility was not eligible for permit parking on the street. Mr. Barton asked if the regulations were for aesthetic or environmental reasons. Mr. Higgins stated it was for both.

Mr. Key asked for a break down of where the kids come from. The applicant, Mr. Bernard Haynes, of 120 Quince Lane, stated that youth from that community did come to the center. He further stated that they are now providing a drop off service for the children to alleviate the traffic problem.

Mr. Barton asked about the USDA lunch program offered by the facility. He sought clarification that they were not allowed to turn anyone away. Mr. Haynes confirmed that but further stated that the program only registers 30 children and asks that those children who come for the lunch program leave immediately after lunch.

Mr. Key asked about handicap access and restrooms. Mr. Barton stated that, as an educational facility, it should be held to the highest possible standards. The applicant stated that the problem had never arisen, but should it arise, they would quickly meet egress needs.

The applicant stated that if the summer lunch program was proving to be a sticking point, the facility would drop that program. Mr. Key stated that even though parking is a problem, the greater good provided by the USDA lunch program overrides parking.

Ms. Lewis asked if the applicant had looked into the cost and feasibility of paving. The applicant had and then explained the difference in upgrading a residential driveway that barely meets requirements to a commercial driveway with parking spaces. When the City Attorney stated that the Director of Public Works was allowed, on a case by case basis, to decide whether a particular proposed material would grant the protection that the ordinance is designed to provide, and that the Charlottesville Planning Commission, in considering the waiver request, also had the ability to say that normal requirements could be waived but this was what was required, Ms. Lewis asked if the Charlottesville Planning Commission could alter the standards required not only in the materials but also in the size of the parking area and number of spaces required. The City Attorney confirmed that.

Ms. Damon made a motion recommending approval of the Special Use Permit with the additions that the guidelines for home businesses be used for the signage. She also made a motion that the current parking standards be waived if they could request the applicant work with the Director of Neighborhood Development Services to do an experimental parking lot which would meet the neighborhood requirements. Mr. Key asked if she would accept a friendly amendment regarding handicapped access and exploration into equipping the bathroom for handicapped use. Mr. O'Halloran seconded the motion.

Ms. Damon stated that when she made her motion she meant to include a time limit. Mr. Barton asked if it needed to be considered a friendly amendment to include an enrolment of 30 with the inclusion of staff. Ms. Damon accepted his amendment. Mr. O'Halloran seconded the friendly amendment. Mr. Key called for further discussion. Mr. Barton asked if Ms. Damon's recommendation included specification for off-street parking to be held to four. Ms. Damon confirmed that. The City Attorney stated that the motion would need to say, "working with the Director of Neighborhood Development to establish an experimental parking lot with a surface that will protect the neighborhood as well as that will be consistent with the residential character of the neighborhood." Ms. Lewis and Mr. Barton both felt that the facility impacted the neighborhood in such a way that they could not vote in favor of a paving waiver.

Mr. Key asked for further discussion; there was none. He stated that the motion was to approve the Special Use Permit with myriad conditions. Mr. Higgins called the vote. Ms. Johnson Harris voted against, all others voted in favor.

2. ST--02-02-04: An ordinance to amend and reordain Section 29-81 of the City Code (Subdivision Ordinance) relating to material of storm water drainage systems, to allow for other than reinforced concrete pipe to be used if approved by the City Engineer.

Mr. Higgins gave the report. A high density plastic is available for private use. It is cheaper, easier to install, and in many cases more durable. The Subdivision Ordinance gives no option other than reinforced concrete. Certain applications would make the new product a better choice. This proposal makes the alternate possible subject to the City Engineer's approval.

There was no public comment so that portion of the hearing was closed. Mr. Key then asked for questions and comments from the Commissioners and Councilors. Mr. Wood asked about standards for use. Mr. Higgins told him that was what the City Engineer would determine. Mr. Barton sought clarification that approval would allow the City Engineer to ascertain on a case by case basis if the high density plastic were the better material for the job. Mr. Higgins responded in the affirmative.

Ms. Lewis made the motion that Section 29.81 of the City Code be amended to permit in some circumstances the use of HDPE pipe may be substituted subject to the approval of the City Engineer. Mr. O'Halloran seconded the motion. There was no further discussion. Mr. Higgins called the vote. The motion carried unanimously.

3. Closing of Carrollton Terrace Right-of-way: A petition to vacate the eastern most portion of the Carrollton Terrace right-of-way off of Jefferson Park Avenue. This right-of-way section is approximately 125 feet long and 20 feet wide.

Mr. Higgins made the staff presentation. Carrollton Terrace, off of Jefferson Park Avenue, reaches the Carrollton Manor which is not an historic building. Carrollton Terrace splits at that site. The piece which is being requested to

be closed has a vacant, rental concrete block unit at the top of the hill. The right-of-way has no potential as an access road. The unit and manor properties are zoned R-3 and the owner wishes to combine them and develop it as multi-family housing.

Mr. Wood wanted to know the plans for the mansion. Mr. Higgins did not know.

Margie Burruss, 1580 London Road, was there to represent the land owner. The owner would like to sell and many developers have looked at the property. The building was built in 1921. The current owner bought it 27 years ago. Street conditions have not changed during that time. The right-of-way has never been used.

With no public discussion and no further questions or comments from the Commissioners or Councilors, Mr. Wood made a motion to approve the application to vacate and that a favorable recommendation to City Council that the value of the property be made a part of the issue for their approval. Ms. Damon seconded the motion. Mr. Key called for further discussion. Ms. Lewis asked that City Council consider a payment of at least \$15,000 since vacating will allow development and the applicant would be gaining value from the vacating. Mr. Key clarified that Ms. Lewis was making that a friendly amendment to the motion. Ms. Johnson Harris seconded the amended motion. The amended motion passed unanimously.

4. Community Development Block Grant and HOME Funding: Approval of One-Year Action Plan for the end of the 2000-2003 Consolidated Plan. The Planning Commission and City Council are considering the third year Action Plan of the multi-year Consolidated Plan which set forth projects to be undertaken utilizing CDBG and HOME funds for the City of Charlottesville. In fiscal year '02-'03 it is expected that the City of Charlottesville will receive approximately \$696,000 for housing and Community Development needs and \$104,000 in HOME funds for affordable housing. CDBG funds will be used in the City to conduct housing rehabilitation, assist low and moderate income homebuyers, construct drainage improvements, and economic development, as well as to fund programs that benefit low and moderate income citizens and the homeless population. HOME funds will be used to assist first time homebuyers and rehabilitate housing.

The staff report said that the CDBG total of \$716,000 would have 516,000 allocated to city-wide projects and 200,000 allocated to the Rosehill neighborhood. Rosehill recommends substantial rehabilitation for the neighborhood as well as a drainage project. There are two new infrastructure projects from the Housing Authority for improvements at Westhaven, Madison Avenue and South First Street public housing sites. Recommendations also include literacy programs for adults and the Under Five Study Center.

Mr. Key recognized anyone who wished to speak from the public.

Judy Bauerle, of 2680 Milton Hills Drive, a health educator with the Under Five Study Center, and the Read To Me program, thanked the Citizens Task Force and the Department of Neighborhood Development Services for their help in the grant application process.

The public portion of the hearing was closed.

Mr. Wood made a motion to recommend approval of the recommendations from the CDBG Task Force. Ms. Johnson Harris seconded the motion. The motion carried unanimously.

E. SITE PLANS

1. Growing Youth Ministries (GYM) Center
1013 Grove Street
(Considered with SP--02-01-02)

F. OTHER MAJOR PLANNING ITEMS

1. Comprehensive Plans - Neighborhood Plans – Status Reports

Mr. Tolbert gave his staff report, stating that on March 27th there would be a dinner meeting at 5:30 for the Charlottesville Planning Commission, Urban Design, and the Board of Architectural Review for the presentation on the Urban Design Master Plan. On March 21st at noon at the library, the Neighborhood Development Services Office is co-sponsoring a Festival of the Book presentation.

Mr. Tolbert then gave a Capital Improvements PowerPoint presentation.

G. LIST OF SUBDIVISIONS AND SITE PLANS APPROVED ADMINISTRATIVELY

Ms. Lewis made a motion to accept the subdivisions and site plans approved administratively from February 1st to March 1st. Mr. O'Halloran seconded the motion. It carried unanimously.

LIST OF SUBDIVISIONS APPROVED ADMINISTRATIVELY

2/1/02 TO 3/1/02

1. Parcel "Y" – Redivision of TM 57, Parcel 157

No new lots

East Market Street at Carlton Road

Oliver Kuttner

SIRIS Land Trust

File No. 1264

Preliminary & Final

Final Signed: 2/25/02

2. Division of Lots 15 & 16, Block IX, "Rugby"

No new lots

1878 Westview Road

Warren Thomas & Chloe Lang Leback

File No. 1271

Preliminary & Final

Final Signed: 2/25/02

3. Parcel "X" Redivision of A1 & A2, Block XIII,

No new lots

"Rugby"

Anne Kane McGuire &

Rosser Lane & Westview Road

Nora M. Brookfield

File No. 1272

Preliminary & Final

Final Signed: 2/25/02

LIST OF SITE PLANS APPROVED ADMINISTRATIVELY

2/1/02 TO 3/1/02

1. File No. 1208

Sarah's Child Care Villa -

718 West Street

Addition

2. File No. 214

BB&T Bank – Addition

Ivy & Copeley Roads

of ATM Lane

3. File No. T-01-
Hunt Country Constr. Office
1204 East Market Street
000023
- Change of Use

4. File No. 529
Express Car Wash – Parking
Route 29N at Zan Road
Lot Connection

H. COMMISSIONERS' REPORTS

Ms. Lewis stated that she had her first Board of Zoning Appeals meeting. On a side note, she asked that the Charlottesville Planning Commission have a work session next year for the Capital Improvement Projects. Mr. Tolbert explained that there being no new additions to the CIP, there had been no need for a work session. Ms. Damon stated that this was the first year without a work session.

Ms. Johnson Harris had a Task Force meeting and a CIP meeting. She was unable to attend the City Manager's meeting.

Mr. O'Halloran had a University Precinct meeting bus trip.

Ms. Damon was unable to attend her adult entertainment meeting. The Planning District Commission is planning a retreat for this summer. Ms. Damon suggested that as she leaves this committee in August, her replacement be chosen in time to attend the retreat.

Mr. Barton's Corridors Commission is moving ahead. The Board of Architectural Review does a lot of looking at paint, but a significant issue is on the agenda regarding First Baptist Church.

Mr. Wood was unable to attend the University Precinct bus tour. The Urban Design Committee finally met but did not pass anything.

I. CHAIR'S REPORT

Mr. Key had no report. On a personal note he wanted to thank the Charlottesville Planning Commission for their expressions of sympathy.

Mr. Barton made a motion that the meeting be adjourned until April 9, 2002 at 7:30 p.m. for a Joint Public Hearing with City Council as needed. Ms. Damon seconded the motion. There being no discussion, the motion carried and Mr. Key adjourned the meeting at 10:28 p.m.

Respectfully Submitted,

James E. Tolbert, AICP, Secretary

APPROVED:

Herman Key, Chair