

MINUTES
CITY OF CHARLOTTESVILLE
PLANNING COMMISSION REGULAR MEETING
TUESDAY, JUNE 11, 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:

Ms. Nancy Damon
Ms. Kathy Johnson-Harris
Mr. Herman Key, Chair
Ms. Cheri Lewis
Mr. Eldon Wood

ABSENT:

Mr. Craig Barton
Mr. Kevin O'Halloran

CITY COUNCIL MEMBERS

Mr. Blake Caravati
Mr. Maurice Cox
Mr. Kevin Lynch
Mr. David Toscano

ALSO PRESENT:

Mr. Jim Tolbert, AICP, Director
Ms. Lisa Kelley, Assistant City Attorney

Mr. Key called the meeting to order at 7:30 p.m. at which time he announced that the first item on the agenda would be presented after the public hearing portion of the meeting.

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

Mr. Key requested matters not on the agenda.

Ms. Allison Ewing, of 1900 Chesapeake Street, the new president for the neighborhood, stated that the neighborhood was concerned with the 2025 Comprehensive Plan that shows a rezoning of current R-1 and R-1A to Industrial Use.

Ms. Michelle Mattioli, of 1404 East Market Street, the Woolen Mills Neighborhood, wanted to echo the comments made by Ms. Ewing.

C. MINUTES

Mr. Key called for approval of the April 9, 2002, minutes. Ms. Damon made a motion to approve the minutes. Ms. Lewis seconded the motion which carried unanimously.

D. JOINT PUBLIC HEARINGS

1. LUP--02-04-05: A city initiated proposed change to the 2025 Land Use Plan designation for the properties at 1013, 1004, 1006, and 1010 Linden Avenue from "Two-Family Residential" to "Commercial" to correct an error in

the adopted 2025 Land Use Plan of June 18, 2001. This property is further identified on City Real Property Tax Map Number 61 as parcels 50, 51, 51.1 and 52 having collectively 419

feet of frontage on Linden Avenue and containing approximately 87,870 square feet of land, or 2.02 acres. The uses proposed in the "Two-Family Residential" are single and two-family dwellings at densities from three to 12 units per acre. The uses proposed in "Commercial" are general retail, wholesale and business uses, similar to those adjoining these sites. (Deferred from May 14, 2002.)

Mr. Tolbert gave the staff report. Due to an error in the Land Use Plan these properties were incorrectly labeled as residential. The surrounding property is zoned commercial. These properties had been designated commercial since 1979. Staff recommends approval.

Mr. Key called for public questions. There being none, he called for questions from the Commissioners.

Ms. Damon made a motion that the Planning Commission recommend to City Council the change in Land Use designation of these four properties. Ms. Lewis seconded the motion. The motion passed unanimously.

2. Closing of Alley off of Monticello Avenue: A petition to vacate the 15 foot alley running between 1202 and 1206 Monticello Avenue east a distance of 93 feet. (Deferred from May 14, 2002.)

Mr. Tolbert gave the staff report. After reviewing the issue with the City Engineer and other appropriate staff, there appeared to be no other public use of the right of way. The value assigned by the Assessment Office is \$4,185. The closing would not landlock any parcels. Staff would not recommend that it go forward due to the inability of the owners to agree.

Ms. Alease Collier, of 1208 Monticello Avenue, stated her family had lived there since 1929. They had always considered it as part of their land. She informed the Commission that a water line ran through the alley. She does not want the alley closed. She presented the Commission with a petition signed by those in opposition of closing the alley.

Mr. David Saul, 1202 Monticello Avenue, explained that there were a number of mature trees and the alleyway was so overgrown it was not likely anyone could get a vehicle down there. His concern was with who would be responsible for keeping the growth under control. He stated his plan had not been to cause trouble within the neighborhood.

Mr. Lynch asked Ms. Collier if the problem with closing the alley would affect her access or if her concern was maintenance of the alley. She stated she was the first house on the alley. She further stated that the alley was always kept clean by the residents.

Ms. Lewis asked if staff had spoken with Ms. Collier regarding how she would be affected by closing the alley. Mr. Tolbert did not know, as he was standing in for Mr. Higgins for the evening. Ms. Lewis asked Ms. Collier why she did not want the alley closed. She stated that her son lived there and they had a big dog.

Mr. O'Halloran sought clarification that Ms. Collier was currently using 15 feet and if the alley were closed, she acquire get seven and-a-half feet. Mr. Tolbert affirmed that that was the typical procedure.

Ms. Lewis asked if it were an undedicated alley. Mr. Tolbert explained that the City had the right to go in and open the alley.

Mr. Key closed the public hearing portion.

Mr. O'Halloran stated he was persuaded by the petition which had been presented. Ms. Lewis stated she was also persuaded by the lack of access at the other end of the alley.

Ms. Lewis made a motion to deny the application to close the alley. Mr. O'Halloran seconded the motion. Ms. Lewis further clarified her motion to be the 15 foot alley right-of-way off Monticello Avenue between Montrose and Blenheim. Ms. Johnson Harris seconded the clarified motion. Mr. Tolbert called the question. The motion was passed unanimously.

3. ZM--02-05-06: A petition to rezone from M-2 Industrial to M-1 Restricted Industrial all of the Kuttner property between Carlton Road and Tenth Street, SE. The general uses allowed in the M-2 zoning are industrial uses that have no more than a moderate impact and residential is not permitted. The M-1 zoning permits light industrial, commercial and residential uses. These properties are further identified on Tax Map Number 57 as parcels 157, 157.1, lots A-3.2 and 2-4.2, having frontage on Carlton Road and the CSX tracks and containing approximately 479,000 square feet of land, or 11 acres. The general uses called for in the Land Use Plan of the Comprehensive Plan are light industrial.

Mr. Tolbert presented the staff report. M-2 is the heaviest manufacturing zone. The applicants have requested an M-1 zoning classification because this is part of a piece of property which was restricted to M-1 use when it was sold, but the M-2 classification does not allow residential use. The goal of the City was that it would be developed in a mixed use-type of development. The M-2 zoning does not allow the mixed use development. There are no current development plans. Staff believes rezoning is consistent with the Plan. Staff recommends approval of the down zoning of the property. He further stated that per the Standard of Review, the Commission is called on to make a recommendation to City Council and advise City Council based on whether the existing zoning of the property is reasonable and whether the proposed zoning classification is reasonable.

Mr. Key called for the applicant to address the Commission.

Mr. Oliver Kuttner, of 108 Second Street SW, stated that the eventual development use would include some 24 hour use which would mean some residential. M-2 does not allow residential. He stated that it made no sense to have heavy industry there. The property is so close to downtown, it's use should be a growth of downtown. He also explained that the property in question was a collection of many parcels he had acquired to make one large property.

Mr. Key called for comments from the public.

Mr. Kent Schwager, of 100 Carlton Road, felt that the City had not followed through on commitments it had made over the last two years involving the development of the street and the property directly across the street from him owned by Mr. Gropen. He spoke in opposition of the proposal to make a public statement for the public record. He felt that Mr. Gropen has gotten concessions from the City and no longer has to follow zoning rules regarding parking, driving in the right direction down a specific alley or road, and erosion. He listed meetings he had had with City officials. He felt that there was no enforcement going on between the City and Mr. Gropen. He stated that he would oppose any development, any change in zoning, any increase in traffic until the existing zoning laws are enforced. He presented the Commission with three documents.

Mr. John Thomason, of 1200 East Market Street and 102 Carlton Road, spoke in opposition of the proposal. He felt that Carlton Road is totally inadequate for this type of development. He felt the problem with the street size needed to be addressed. He presented the Commission with eight letters from the neighborhood.

Mr. Robin Tomlin, of 134 Carlton Road, read a letter written by his wife in opposition of the proposal with which he concurred.

Mr. Leo Arrico, of 222 Douglas Avenue, and owner of 134 Carlton Road, which is the start of the M-2 zoning, sought clarification that the proposal only sought to rezone the specific parcel and not his property as well. Upon receiving an affirmative, he stated that his concern was about what would happen to the other property owners. He was told that the property would stay as is.

Mr. Thomason followed up that there was a concern, due to the problems with the street, that the City was going to cut a strip off the lots to widen the street.

Mr. Kuttner stated that the main issue seemed to be Neal Gropen. He further stated that that was not his fault. His intent is to subdivide the property and have it be mixed use so it would blend in with the neighborhood. He stated the property would go to some use that would be consistent with either M-2 or M-1 zoning.

Ms. Lewis asked about the status of the required 50 foot public right-of-way easement. Mr. Tolbert stated that Mr. Kuttner had an approved site plan that anticipated public access.

Mr. Cox sought clarification that the rezoning was a separate issue from any proposed development. Mr. Tolbert confirmed that the rezoning was independent of development plans.

Ms. Damon asked if the owners of the other M-2 properties could also ask for down zoning. Mr. Tolbert stated they could.

Ms. Lewis stated they should look at the existing use and character of the property and adjoining properties in the neighborhood, as well as trends of growth and change in that part of downtown. She further stated that she would be in favor of approving the rezoning.

Ms. Lewis then made a motion that the Commission advise City Council to approve this rezoning on the basis of public necessity, convenience, general welfare, and good zoning practice. Mr. O'Halloran seconded the motion. The motion passed unanimously.

Ms. Damon then made a motion that Mr. Kuttner, as development goes forward and site plans are presented, would try to work with the neighborhood due to the important issues that need to be resolved. Mr. O'Halloran seconded the motion which carried unanimously.

Ms. Johnson Harris asked if the Code enforcers could check into the complaints brought forth by the public.

Ms. Lewis stated that the Commission would like the City Code enforcers to inspect Mr. Gropen's property and talk with the neighbors about the problem. All of the Commissioners concurred with the recommendation.

4. M--02-05-07: A petition to rezone from R-2 Residential District to R-3 Multiple Residential Dwelling District the property at 1501 and 1503 Gordon Avenue. The R-3 zoning permits development of multiple residential dwelling units. These properties are further identified on the City's Real Property Tax Map Number 5 as parcels 77 and 78, each containing approximately 6,500 square feet of land. The general uses called for in the Land Use Plan of the Comprehensive Plan are multi-family residential.

The staff report brought out that the Comprehensive Plan identified this property as a non-conformance when the original land use analysis was done. The surrounding property is zoned R-3. The rezoning is in compliance with the long range Comprehensive Plan and with the long range discussions regarding the University District. Staff recommends approval of the application based on conformity to the Comprehensive Plan.

Mr. John A. Dezio, Esquire, of 415 Fourth Street NE, spoke on behalf of the applicants, Mr. and Mrs. Gunter. He asked that the Commission recommend to City Council that the rezoning request be approved.

Ms. Damon sought clarification regarding the applicants' reasons for their request. Mr. Dezio explained that the neighborhood had gone to the higher density around them and they have realized that their property must follow suit.

Mr. Michael Osteen, of 9 Gildersleeve Wood and owner of the property at 508 Sixteenth Street, spoke in opposition of the proposal. He expressed concern about the over development of the area.

Mr. Key closed the public hearing and asked for discussion among the Commissioners and Councilors.

Mr. O'Halloran stated that the Gunters had started the Venable Neighborhood Association. He expressed sadness that they felt the need to rezone after all their years of fighting to maintain the street as a single-family, owner-occupied street. He stated he would be in favor of approving their request.

Mr. Wood agreed that rezoning would be in line with the proposals of the University District.

Mr. Key felt that the current R-2 zoning is appropriate for that particular parcel.

Ms. Lewis was persuaded by the fact that the 2001 Comprehensive Plan designates the properties as ones to rezone from R-2 to R-3. She also felt it would be unfair to deny the applicants when their neighbors get the benefit of a higher density.

Mr. O'Halloran made a motion that the Commission approve the petition to rezone from R-2 Residential to R-3 Multiple Residential the properties at 1501 and 1503 Gordon Avenue. Ms. Lewis seconded the motion which passed with a four to two vote with Ms.

Damon and Mr. Key voting against.

5. Charlottesville Pedestrian and Bikeways Master Plan (Deferred from May 14, 2002.)

Mr. Merle Grimes, of MDG, Inc., of Denver, Colorado gave a PowerPoint presentation of the Pedestrian and Bikeways Master Plan.

Mr. Francis Fife, of 501C Ninth Street, SW, thanked Merle and Sarah Grimes, Jim Tolbert and others for their hard work in producing a plan. He further stated that he had misunderstood this to be a Greenway plan. The City had had an opportunity to create a true greenway.

Ms. Alexandria Serles, of 1316 Chesapeake Street, spoke in behalf of the RTF trail system. She asked that the character of the trails be respected. She also expressed unhappiness that "green" does not appear in the current plan. She felt that reflected a shift from preserving a natural area.

Ms. Tobin Cipione, spoke on the behalf of the Alliance for Community Choice and Transportation, 108 Second Street, SW. The Alliance supports the Charlottesville Bicycle and Pedestrian Plan.

Mr. Steven Buck, of 1208 Meriwether Street, hoped that the Commission would give a favorable recommendation to City Council.

Ms. Diana Foster, of 400 Valbion Drive, Earlysville, the new president of Rivanna Trails Foundation, wanted to address the off-street trail aspects of MDG's plan. Her recommendation was that the City accept MDG's plan as a starting plan, not as a finished master plan. She gave the Commission a copy of her prepared statement.

Mr. Jim Herndon, of 4616 Presidents Road, Scottsville, thanked the members of RTF. He was concerned that the City remember that "everyone enjoying the trail" means everyone, including people with disabilities.

Mr. Charles Weber, of 601 Locust Avenue, commented on the statement on page V-18 of the report that two-way bike lanes could be put on Locust Avenue. He felt this would be inconsistent with traffic calming for Locust Avenue.

Mr. Chris Gensic, of Elliewood Avenue, spoke on behalf of the Thomas Jefferson Planning District. He had been charged with putting together a regional bicycle plan. The County is moving on approving that portion of the plan.

Ms. Alexandria Serles stated that her understanding was that paving was not required to make a trail handicapped accessible.

Mr. Key closed the public comment portion of the hearing.

Mr. Tolbert followed up on concerns which had been brought forth. He clarified the name issue. In the course of the steering committee meetings, the committee asked that the name be changed. He further stated that staff is working on sidewalk connectivity. Zoning committees are working on park zoning including designation of flood plains and floodway.

Mr. Lynch stated he did not completely agree with the philosophy that one block of Grade "A" trail is better than one mile of average trail. He also expressed concern over the width of the bike lanes in relationship to the width of the road.

Mr. Grimes stated that they did not get into traffic engineering within the master plan. Transportation engineering studies would need to be done for the roadways.

A. PRESENTATION

1. Presentation on James River Tributary Strategy -- AMEC Earth and Environmental, Inc.

Mr. Doug Moseley, of AMEC Earth and Environmental of Northern Virginia, made a presentation on the development and implementation process of the James River Tributary Strategy.

E. SITE PLANS

1. Fifeville Apartments/commercial -- 225 units, 5000 square feet commercial East End of Estes Street to Seventh Street SW

File Number T-02-000029 (Deferred from May 14, 2002)

Mr. Tolbert gave the staff report. This is a by-right development in the transition zone. All transition zone properties require that the developer meet with the neighborhood and site plan review by the Planning Commission. The legal standard of review states that approval of the site plan is an administrative function. When a site plan has been submitted that complies with the City's ordinance, then approval must be granted. Denial must be made based on specific City Code sections and requirements. The developer was asked to go through the standards and ordinances and address each one individually and tell how those were met. Attached to the staff report was a letter from the architect addressing, item by item, each of the specific standards. Staff reviewed those and each was met. The traffic arm that had been in the previous plan was removed. Staff believes the plan meets the standards of the zoning ordinance and recommends approval.

Ms. Jan Metzger, of 200 George Rogers Road, spoke on behalf of the developers. Mr. Tolbert stated all that she wished to bring up. She did have additional drawings.

Ms. Damon stated the letter from the architect had helped a lot. She further stated her frustration at the previous meeting had involved the amount of parking. She wondered if some of the paving could be reduced. Ms. Metzger stated they were doing less parking than was required in the transition zone. Mr. Tolbert stated they were providing 100 spaces less than they would provide in any other zoning district.

Ms. Lewis asked if the site plan had been changed to include the Aqua Air building. The applicant stated it did not.

Ms. Johnson Harris commended the applicant for including a bicycle lane.

Ms. Lewis expressed appreciation for the architect's letter.

Ms. Damon made a motion to approve the site plan as presented. Ms. Lewis seconded the motion which passed unanimously.

F. LIST OF SUBDIVISIONS AND SITE PLANS APPROVED ADMINISTRATIVELY

Ms. Lewis made a motion to approve the site plans and subdivisions approved administratively from May 1st to June 1st, 2002. Mr. O'Halloran seconded the motion. The motion carried unanimously.

LIST OF SUBDIVISIONS APPROVED ADMINISTRATIVELY

5/1/02 TO 6/1/02

1. Re-Division of TM 51 – 180 & 181

No new lots
Poplar Street & Orange Street
James & Catherine Crosby
File No. 1276
Preliminary & Final
Final Signed: 5/14/02

2. Boundary Adjustment, Lots 26 & 2,

No new lots
Section 7 "Meadowbrook Hills"
Weather Hill Homes, Ltd. &
1535 Dairy Road & Lot 26 on Keith
Christopher E. Paine & K. E.
Valley Road
MacGraw
File No. 1279
Preliminary & Final
Final Signed: 5/14/02

3. New drainage easement TM 40B-66

No new lots
"The Meadows"
1602 Ricky Road
Vincent P. & Sue-Ann Yustas
File No. 1284
Preliminary & Final
Final Signed: 5/28/02

LIST OF SITE PLANS APPROVED ADMINISTRATIVELY

5/1/02 TO 6/1/02

1. File No. 1014
St. Anne's Belfield-Annex Drainage

G. COMMISSIONERS' REPORTS

Due to the lateness of the hour, the Commissioners chose to forego the reports.

H. CHAIR'S REPORT

Due to the lateness of the hour, the Chair's report was deferred.

I. DEPARTMENT/STAFF REPORT

The CIP update was deferred until the next meeting.

Albemarle County drafted a Land Use Plan amendment regarding the Albemarle Place project. The Charlottesville Planning Commission was invited to attend a meeting scheduled for June 18th.

Mr. Tolbert gave the Commissioners a written report on the Zoning Ordinance update.

He then distributed some research dealing with University development. North Carolina has passed some enabling legislation to give local governments the authority to deal with development of state institutions. He asked that it be put on the July agenda.

He stated that the Zoning Committee would be working with how to deal with affordable housing. Staff is researching the issue. He gave the Commissioners a report showing median income, median housing prices in the city by neighborhood, and salaries. Mr. Key stated he had had concerns about the concept of a mixed income development. Mr. Key suggested the Charlottesville Planning Commission have a work session regarding affordable housing.

Mr. Tolbert stated that Craig Barton, having been appointed to serve on the Jefferson School Task Force, asked to be removed from the Board of Architectural Review because of time commitments. Mr. O'Halloran nominated Ms. Lewis, pending her acceptance, for the position to the Board of Architectural Review. She accepted his nomination.

Ms. Damon made a motion to adjourn until Tuesday, July the 9th, 2002. Ms. Lewis seconded the motion which carried unanimously. Whereupon the meeting was adjourned at 11:09 p.m.

Respectfully submitted,

James E. Tolbert, Secretary

APPROVED

Herman Key, Chairman