

**MINUTES
CITY OF CHARLOTTESVILLE
PLANNING COMMISSION REGULAR MEETING
TUESDAY, SEPTEMBER 10, 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. Craig Barton
Ms. Nancy Damon
Mr. Herman Key, Chair
Ms. Kathy Johnson-Harris
Ms. Cheri Lewis
Mr. Kevin O'Halloran
Mr. Eldon Wood

City Council Members Present

Mr. Maurice Cox
Mr. Kevin Lynch
Mr. Rob Schilling

ALSO PRESENT:

Mr. Pete Anderson, Office of the Architect

STAFF PRESENT:

Mr. Jim Tolbert, AICP, Director
Mr. Ron Higgins, AICP, Planning Manager
Ms. Lisa Kelley, Assistant City Attorney

Mr. Key called the meeting to order at 7:29 p.m.

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

Mr. Key called for matters not on the agenda.

Ms. Alma Mills, 1020 Tufton Avenue, expressed concern about the Bicycle and Pedestrian Master Plan. She had written a letter, which had been given to the Commissioners.

B. MINUTES

Mr. Key called for approval of the minutes of the July 9, 2002 meeting.

Ms. Lewis requested an addition to the minutes of the comments Ms. Johnson Harris and she made applauding the applicants of the rezoning of the Burnet for their cooperation with and engagement of the neighborhood in the planning process.

Ms. Lewis made a motion to approve the minutes as amended. Ms. Johnson Harris seconded the motion. The motion carried unanimously.

C. JOINT PUBLIC HEARINGS

1. ZM--02-08-10: The applicant requested deferral to the October 8, 2002 meeting.

2. ZM--02-08-11: A petition to rezone from R-1A Residential to Planned Unit Development (PUD) the property at 910 Anderson Street. The R-1A zoning allows single-family detached residential. The PUD would allow a different size and configuration to the two new lots. The property is further identified on City Real Property Tax Map Number 31 as parcel 109, having approximately 232 feet of frontage on Anderson Street and approximately 16,450 square feet of land, or .38 acres. The general uses called for in the Land Use Plan of the Comprehensive Plan are for single-family detached residential at three to seven units per acre.

Mr. Key excused himself from the matter as a member of the Board of Directors at Piedmont Housing Alliance.

Mr. Higgins gave the staff report. This is the smallest PUD requested. A duplex sits on the property. The applicant is planning on two new units with parking in the rear. Staff felt the PUD was more beneficial than a conventional subdivision. There would be no difference in the traffic pattern. Staff feels it is a valid request for a PUD and that it addresses a number of the objectives of the Planned Unit Development Ordinance.

Ms. Damon called on the applicant.

Ms. Katie Swenson, 411 North First Street, and Mark Watson, Jefferson Drive, spoke on behalf of the Piedmont Housing Alliance. They explained that the design, especially that of the corner house, had been carefully planned. They presented a diagram of the proposed PUD.

Mr. Wood asked about the rectangles shown on the plan. Ms. Swenson explained they were sheds. Mr. Barton sought clarification on the size of the sheds. Ms. Swenson explained they had tried to put two under one roof so as not to have a dark alley.

Ms. Lewis asked if the properties could be sold individually if the PUD was approved. Mr. Higgins stated they could be. Ms. Swenson explained that Piedmont Housing Alliance was trying to do everything to make home ownership possible.

Mr. Wood asked what the issue was regarding the alley backing the property. Mr. Watson stated they still needed to do the final negotiation with the abutters to allow for closing the alley.

Mr. Lynch asked what would happen to the large elm trees in the back yard. Mr. Watson felt they could save most of the large trees.

Mr. Barton asked if the property boundaries would be marked with fence, hedgerow, or some other device.

Mr. Watson stated they had discussed that option and there was a strong feeling that they should do some physical separation of the lots. Mr. Barton followed up that question by asking how the alley would be demarked if it were acquired. Ms. Swenson explained there was an existing six foot chain link fence.

Mr. Watson explained that there was a third option which would require getting everyone to agree to vacate the alley and then the applicants would need to buy that portion of the alley.

Mr. Lynch asked about parking and drainage. Jennifer Cox, 101 Bollingwood Road, who had worked on the site plan, explained that she had talked with the engineer about using pebbles or a permeable pavement. She had been told it had to be permeable pavement or asphalt or concrete. Subsurface drainage has been built into the plan. It ties into a drop inlet rather than the storm sewer.

Mr. Barton sought clarification as to whether they could meet the open space requirements if the abutters did not vacate the alley. Mr. Higgins explained that they would have more than 5,000 square feet of open space.

Ms. Damon called for questions and comments from the public.

Ms. Rebecca Brown, 907 Anderson Street, spoke in opposition of the proposal. She was concerned about the proposed parking.

With no other questions or comments, Ms. Damon closed that portion of the hearing. She then called for further discussion from the Commissioners and Councilors.

Mr. Cox asked if the PUD could protect adjacent neighbors from the impact of the parking. Mr. Barton stated it might be a condition to recommend.

Ms. Damon asked if the units would be ADA visitable. The applicant stated they were trying to move towards making all of their houses visitable.

Mr. Tolbert explained that visitable meant ramp or on-grade access, first floor hallways wide enough for wheelchair access and a first floor bathroom which would allow wheelchair access. The applicant stated they could do that.

Ms. Lewis applauded the applicant for the creative use of clustering. She stated her belief that it was a great neighborhood to be helping out. Her only concern was with approving the site plan while the alley was still at issue. She suggested deferring approval of the site plan until the alley issue was resolved.

Mr. Higgins explained that approval at this stage was strictly for the PUD; site plan approval was to be a separate stage.

Mr. Tolbert stated that deferring the site plan would not delay the applicants.

Ms. Lewis made a motion to recommend approval of the application to rezone 910 Anderson Street from R-1A Residential to R-1A Planned Unit Development on the basis that the proposal would serve the interests of the general public welfare practice and good zoning practice for the following reasons: it is in harmony with the Comprehensive Plan and it allows the various objectives of the PUD ordinance to be met. Mr. O'Halloran seconded the motion. Mr. Barton also applauded the applicants for the creative solution to an ongoing problem in the city of providing affordable units. Ms. Lewis and Mr. O'Halloran also thanked the applicants for providing the opportunity of home ownership in the city. The motion passed unanimously.

Mr. Key was called back to his position as Chair.

3. Cedar Lane Closing: A petition to close the 18 foot right-of-way known as Cedar Lane, running north approximately 241 feet off of West Main Street at 835 West Main Street.

Mr. Higgins gave the staff report. In the early 60s the City Housing Authority, to develop the Westhaven Apartments, vacated all the streets. It was believed they had vacated all of Cedar Lane; however, they had vacated all but the southern end. Cedar Lane has not been displayed on Tax Maps since 1963. There may be a water line on part of the property. Staff does not think the water line is active. Staff recommends closing Cedar Lane.

James Cox, of Michie, Hamlett, Lowry, Rasmussen & Tweel of 500 Court Square, appeared on behalf of the owner of the property. The one proviso he had was concerning the easement. A water line easement is along the north side of the property.

Ms. Lewis sought clarification that the application would meet criterion 7, "Consideration shall be given to the public benefit that results from the closing... The mere fact that the property will become taxable does not, alone, constitute a public benefit." Mr. Cox stated that the public currently has no use of that property. Cedar Lane leads nowhere, it only serves as an artificial barrier. The public would be no worse off than they were during the past 39 years. He also stated his client had been paying taxes on the Cedar Lane square footage.

Ms. Damon asked if the City could retain a floating easement on the property. Mr. Tolbert stated they could retain an easement that they could later vacate to obtain a different easement.

Mr. J. Cox stated that the railroad already had an easement on the eastern edge of the property. Mr. O'Halloran expressed concern for the property owners who had been paying taxes on something in which the City had a vested interest.

Mr. Scott Payton, representing the owners of 835 West Main Street, addressed the issue of the water easement. There had been a structure on the property which was demolished as part of the new West Main Street construction project. When the building was demolished, electrical and water service were curtailed at the street. There is no public water easement or public water service that runs along Cedar Lane.

Mr. O'Halloran made a motion to close the right-of-way with the suggestion to Council that connectivity with surrounding neighborhoods should be a priority in the future development of this site. Mr. Wood seconded the motion. Ms. Johnson

Harris stated that previous owners had blocked access so there would be no change for the public and since the owners had been paying taxes it was fair to give them the right-of-way. Ms. Lewis stated her support for the motion, but wished there was a way to condition connectedness. The motion carried unanimously.

Mr. Key closed the public portion of the hearing.

E. OTHER MAJOR PLANNING ITEMS

1. Charlottesville Bicycle and Pedestrian Master Plan

Mr. Tolbert gave a history of the Plan, which had been before the Charlottesville Planning Commission in May and June. The firm MDG had been engaged to put together a master plan. The plan does not contain 100% of what everyone wanted. However, the plan gets as close a consensus as possible. He recommends sending the plan to City Counsel for adoption and appendix to the Comprehensive Plan.

Ms. Damon made a motion to recommend approval of the Bicycle and Pedestrian Master Plan. Mr. Barton seconded the motion, which passed unanimously.

Ms. Damon thanked Ms. Mills for coming and making the Charlottesville Planning Commission clarify some issues. Ms. Mills stated her concerns about the planning process.

2. Starting times for Regular Planning Commission Meetings

Mr. Tolbert stated that he had been asked by several commissioners if the meetings could start earlier since they sometimes go very long and late. He further stated that Ms. Kelly had told him the by-laws would need to be amended and she could draft the amendment.

Ms. Damon expressed concern that an earlier time would make the meetings less accessible to the public.

Ms. Johnson Harris stated they were a public service and the scheduled time should not be adjusted for the Commissioners' convenience.

Ms. Lewis stated that the County Planning Commission meetings were at 6:00 p.m. and were attended by the public.

Mr. Barton concurred with Ms. Johnson Harris. He asked if a change could be adopted for a trial basis.

Ms. Johnson Harris asked if later events on the agenda could be shortened.

Ms. Kelly suggested they could start earlier and rearrange the agenda.

Mr. Barton suggested they amend the bylaws to start at 7:00 p.m. and change the order of the agenda.

E. LIST OF SUBDIVISIONS AND SITE PLANS APPROVED ADMINISTRATIVELY

Mr. O'Halloran made a motion to approve the list of subdivisions and site plans approved administratively. Ms. Johnson Harris seconded the motion. The motion passed unanimously.

LIST OF SUBDIVISIONS APPROVED ADMINISTRATIVELY

8/1/02 TO 9/1/02

1. Redivision of Lots 3 & 18, Block F

No new lots

“Albemarle Golf Club”

1405 Chesapeake Street & Short 18th St.

Drew L. & Pita T. Adler

File No. 1284

Preliminary & Final

Final Signed: 8/12/02

2. Combining Lots 4 & 5, Block VI, ”Rugby”

No new lots

Fendall Terrace

Rinehart Construction, Ltd.

File No. 1288

Preliminary & Final

Final Signed: 8/12/02

3. Division of TM 42-82, Lot B, Block G

One new s. f. lot

Section 2, “Rugby Hills”

1307 Oxford Place

Max D. Evans

File No. 1289

Preliminary & Final

Final Signed: 8/12/02

LIST OF SITE PLANS APPROVED ADMINISTRATIVELY

8/1/02 TO 9/1/02

1. File No. 1016

“Arden Close” (Chisholm Place)

Chisholm Place off of

PUD – Landscape Amendment

Chesapeake Street

2. File No. T-02-000032

St. Thomas Aquinas Parish

Alderman Road

Center

3. File No. 1242

Belmont Park – Lighting

Druid Avenue

4. File No. 517

Wendy’s Lighting & Trash

Preston & 4th Street

Enclosure

5. File No. 1269
1815 Jefferson Park Avenue
1815 Jefferson Park Ave.
Apartments – Parking Lot Changes

6. File No. 1269
1815 Jefferson Park Avenue
1815 Jefferson Park Ave.
Landscape Additions

7. File No. T-01-000021
Manning Apartments – as built
1407 Grady Avenue
Changes to Site

8. File No. T-01-000011
Belmont Loft Co. – Planned
End of Douglas Avenue
Unit Development

F. COMMISSIONERS' REPORTS

Mr. Wood had an Urban Design Committee meeting.

Mr. Barton stated the Jefferson School Task Force was waiting to sign a contract with a facilitator.

Ms. Damon would be attending a meeting of the McIntire Park Advisory Board. She wondered if someone should be appointed to take over the position when she left.

Mr. O'Halloran had a meeting with the Planning District Commission. The Eastern Planning Initiative came up with a final report but the Commission sent it back because they didn't like it. There were design issues. The Planning District Commission will be looking into a study of the Hydraulic/29 interchange.

Ms. Johnson Harris would be attending a CIP meeting at the City Yard on September 12th. The Neighborhood Federation was discussing the transportation project on the Mall. Separately from the Commission, she had been selected to become a Board member on the Thomas Jefferson Criminal Justice Board.

Ms. Lewis graduated from the Planning Commission course. She had attended two Board of Architectural Review meetings, which had turned down an application for demolition of a structure, which included a log cabin.

G. CHAIR'S REPORT

Mr. Key stated that Community Development Block Grant applications had been sent out.

H. DEPARTMENT/STAFF REPORT

Mr. Tolbert stated the Transfer Center was in final negotiations. City Council would be considering a resolution to proceed with the 29 corridor. He also stated that new staff report formats were being used and sought feedback on those.

Ms. Lewis asked that the applicant's name be included on the front page of street closing requests. She appreciated the new format. Mr. O'Halloran concurred with that statement. Mr. Barton thought it would be useful to cite relevant sections of code used by staff in reaching their recommendations.

Mr. Barton made a motion to adjourn until the next joint public hearing on October 8th. Ms. Johnson Harris seconded the motion. The motion passed unanimously whereupon the meeting stood adjourned at 9:59 p.m.

Respectfully submitted,

James E. Tolbert, Secretary

APPROVED

Herman Key, Chair