

**MINUTES
CITY OF CHARLOTTESVILLE
PLANNING COMMISSION REGULAR MEETING
TUESDAY, NOVEMBER 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 ABSENT:
Mr. Craig Barton Mr. Eldon Wood
Ms. Nancy Damon
Ms. Kathy Johnson Harris ALSO PRESENT:
Ms. Cheri Lewis Mr. Jim Tolbert, AICP, Director
Mr. Kevin O'Halloran, Mr. Pete Anderson, UVA Architect
Mr. Ron Higgins, Planning Manager
Mr. Lisa R. Kelley, Deputy City Attorney
City Council Members Present:
Mr. Blake Caravati
Mr. Maurice Cox
Mr. Kevin Lynch
Ms. Meredith Richards
Mr. Rob Schilling

Mr. Key called the meeting to order at 7:09 p.m.

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

Mr. Key called for matters not on the agenda. There being none, he closed that portion of the meeting.

II. MINUTES

Mr. Key called for approval of the minutes of the October 8, 2002 meeting.

Ms. Damon made a motion to approve the minutes as written. Mr. Barton seconded the motion, which carried unanimously.

III. REPORT OF NOMINATING COMMITTEE AND ELECTION OF OFFICERS

Ms. Damon stated the Nominating Committee for the Planning Commission wanted to nominate Kevin O'Halloran for Chair and Craig Barton for Vice Chair to serve for the coming year.

Ms. Lewis made a motion to close the nominations and approve the nominations presented. Ms. Johnson Harris seconded the motion. The motion carried with Mr. O'Halloran and Mr. Barton abstaining, at which time Mr. Key turned the meeting over to Mr. O'Halloran.

Ms. Lewis thanked Mr. Key for his service in the last year. The feeling was applauded by all. Mr. Barton added that Mr. Key had kept the issue of affordable housing at the surface of conversations.

IV. LIST OF SUBDIVISIONS AND SITE PLANS APPROVED ADMINISTRATIVELY

Mr. O'Halloran called for approval of subdivisions and site plans approved administratively. Mr. Key made a motion to approve the list of subdivisions and site plans. Ms. Lewis seconded the motion. The motion carried unanimously.

LIST OF SUBDIVISIONS APPROVED ADMINISTRATIVELY

10/1/02 to 11/1/02

1. Parcels C & D, B & E1 "Belmont Lots" Three new residential lots end of Douglas Avenue, Lyman & Spruce City of Charlottesville File No. 1295 Preliminary & Final

Final Signed: 10/30/02

LIST OF SITE PLANS APPROVED ADMINISTRATIVELY

10/1/02 to 11/1/02

1. File No. SARA Offices 1013 Little High Street

T-02-000038

2. File No. 1258 McIntire Apartments - McIntire Road

as built curbing & parking

IV. COMMISSIONERS' REPORTS

Ms. Damon attended the McIntire Planning meeting. There have been a series of programs, Sunday Afternoons in the Park.

Mr. Barton stated that the Jefferson School Task Force would be having another meeting. He reported that the members of the Task Force had been interviewed by the facilitation team of Mary Means & Associates. He also stated he was awaiting formal elevation to the Board of Zoning Appeals.

Mr. Key stated he had met with the mayor and Mr. Tolbert to discuss affordable housing. They hoped to have a more formal committee developed in the next few months.

Ms. Johnson Harris met with the Neighborhood Federation Committee. They spoke about the City budget and some of the possible future deficits. She also stated the CIP may meet in December.

Ms. Lewis had no report on the Board of Architectural Review. She did want to thank everyone who had participated in the work sessions. The last scheduled work session would be December 14th. Mr. O'Halloran clarified that the commission had been attending work sessions on Saturdays from 8:30 to 2:30 to talk about the zoning ordinance.

Mr. O'Halloran wanted to echo Ms. Lewis's comments and thank Mr. Key for his leadership in the last year. He expressed gratitude for Mr. Key and Ms. Damon staying on until the zoning ordinance could be finished.

VI. CHAIR'S REPORT

Mr. O'Halloran, on the Thomas Jefferson Planning District Commission, reported that the UNJAM workshops, round two, would be held 20 November. The United Jefferson Area Mobility Plan is a community workshop looking at transportation issues.

VII. DEPARTMENT/STAFF REPORT

There was no report.

Mr. O'Halloran stated there was no further business to discuss until the start of the Joint Public Hearing at 7:30 p.m. and there was no quorum of City Council members present at the time. With a few minutes to spare before the public hearings, Mr. O'Halloran asked the Commissioners if they would like to entertain some questions from the public with the understanding that the Public Hearings would begin promptly at 7:30.

An unidentified member of the public wanted clarification of "enforcement" since enforcement costs a great deal of money. Infractions on her street could not be corrected. She wondered if the City had money to hire enforcers.

Another member of the public wanted to know if the Saturday meetings were strictly to talk about the ordinance. Mr. O'Halloran stated it had been. There had been many Saturday meetings as well as Wednesday night meetings on the zoning ordinance. The member of the public expressed appreciation for the amount of time the Commissioners had put into the ordinance. Mr. Barton stated that Mr. Schilling had also been participating in the conversations. Mr. O'Halloran stated that staff had also helped.

An unidentified member of the public asked if there were new commissioners. Mr. O'Halloran explained that Council had not seated new members yet.

Ms. Lewis asked if there could be an update of the Capitol Improvement projects from staff. Mr. Higgins stated he had some to hand out. He further stated that the Capitol Improvement

Program for the coming year would be on the December 10 agenda.

Mr. O'Halloran stated that the Planning Commission had decided to meet again on November 19th at 7:00 due to the number of Public Hearings, which needed to be heard. He also stated that the bylaws had been changed. Planning Commission meetings will begin at 7:00 p.m. with Public Hearings beginning at 7:30. There would be a zoning ordinance meeting at 6:00 p.m. December 10.

Ms. Lewis clarified that starting in January, 2003, the Planning Commission would meet at 6:30 p.m. and Public Hearings at 7:00 p.m.

VIII. JOINT PUBLIC HEARINGS

1. Closing of Alley between Monroe Lane and 15th Street SW: A petition to close the 15 foot alley running approximately 75 feet between Monroe Lane and 15th Street SW.

Mr. Higgins stated the City and the University were joint applicants for the closing. The University had built a sidewalk across the alley some years ago to connect Monroe and 15th. The area is currently a sidewalk that is a right-of-way which is going to get redeveloped. Staff has reviewed this in terms of a right-of-way closings. The University owns the property to the north; the City owns the property to the south. Staff has no objection to the closing.

Mr. Anderson further explained a map denoting proposed expansion for the south garage of the University. He also explained that closing the alley would clear the title to a piece of land necessary for the expansion.

Mr. O'Halloran called for questions from the public.

Ms. Elizabeth Kuchar, of 528 Valley Road, spoke as a representative of the Jefferson Park Neighborhood Association. She asked if houses would be torn down. Mr. Anderson concurred. She also asked how many houses would be torn down. William Bohn, of 508 Farmview Road, Stanardsville, and the real estate officer for the University, stated that three of the houses were owned by the University, one was with the Foundation and one was still under negotiation.

There being no further questions or comments from the public, Mr. O'Halloran closed that portion of the meeting. He then called for discussion from the Commissioners.

Ms. Damon asked when the project would start should it be approved. Mr. Anderson stated they would still need to get permission from the City to vacate that section of 15th Street before beginning design and construction.

Mr. Barton asked if there were any utilities or public right-of-ways which would be affected. Mr. Anderson stated there were plans to provide a public right-of-way to Monroe.

Mr. Cox asked if the garage were part of a master plan for the Hospital. Mr. Anderson stated it was the beginning of a master plan.

Mr. Lynch asked if there were a defined limit for the expansion in that quadrant to give some assurances to the neighborhood. Mr. Anderson stated there had been communications with the Jefferson Park Avenue Neighborhood Association.

Mr. Lynch asked when there could be a definitive boundary for the University. Mr. Cox stated there seemed to be a need for a master plan for the Health Sciences Center which could give a level of assurance to the neighborhood that there would be

boundaries or limits. Mr. Anderson stated those were fair questions that he would answer as honestly as he could as soon as he could. He did not have definitive answers at that time.

Ms. Lewis stated that there was some risk or liability attached to the City for property which the University had improved. She would be in favor of closing the alley since it seemed to have no future uses as a right of way. She then made a motion to approve the closing.

Ms. Johnson Harris asked if the University would be asked to purchase the right of way. Mr. Higgins clarified that it would be purchased along with additional land. She asked if they would be charged seven dollars per square foot.

Mr. O'Halloran asked if Ms. Johnson Harris were seconding the motion. Ms. Johnson Harris concurred.

Mr. Key asked if the Hospital or the University could figure out a master plan. Mr. Anderson stated that was a reasonable request and they would act on that to make their plans known.

Ms. Lewis stated the staff report gave an approximate fair market value of \$2.40 a square foot. She asked if they could ask for three dollars a square foot rather than the seven suggested by Ms. Johnson Harris. Ms. Johnson Harris agreed that three would be fine.

Mr. Higgins called the question which passed unanimously with Mr. Anderson not voting.

2. ZM--02-08-10: A petition to rezone from R-2 Residential to M-1 Industrial the property at 1417 Burgess Lane. The R-2 zoning allows single and two-family residential. The M-1 zoning allows all types of residential, commercial and light

industrial. This property is identified on City Real Property Tax Map number 56 as parcels 29 and 30, having collectively 90 feet of frontage on Burgess Lane and containing approximately 19,600 square feet of land, or .45 acres. The general uses called for in the Land Use Plan of the Comprehensive Plan are industrial uses.

Mr. Higgins gave the staff report. The application comes from Joe Kerley on behalf of his company which is interested in purchasing the property to construct a plumbing and heating business, a B-3 use. Rezoning cannot be conditioned upon a

development plan or particular use. Currently the site is a house and vacant lot at the end of the street. Surrounding properties include a single family residence and, on three sides, industrial or heavy commercial. The immediate reaction to the south

end of the street is that it might not be as suited as a single family residence as it could be given the surroundings. The site fronts on Burgess Lane, a narrow, dead end street. The application is consistent with the Comprehensive Plan. There has been a great deal of concern within the neighborhood regarding the long term future of the property. Neighborhood concern is also over access being solely on Burgess.

Mr. Joe Kerley, owner of JLK, Inc., a heating and plumbing business currently on Monticello Road, stated he had purchased the property with the understanding that the planning use was for a business. He hopes to build an establishment that

would look like a residential house to blend in with the neighborhood. He asked for their support.

Ms. Johnson Harris asked what the hours of operation were. Mr. Kerley stated they worked from 7 to 5, five days a week.

Mr. Barton asked if he were the owner of the property. Mr. Kerley stated he was not.

Ms. Damon asked if customers would come to the property. Mr. Kerley explained that his was a service company with the majority of customers calling and perhaps only one of two who would come to the business. He stated that probably 60 percent of the employees come to the shop at opening.

Mr. Barton wanted clarification of the shop functions. Mr. Kerley explained they may

fabricate a few parts of metal, ductwork. Mr. Barton asked if materials and equipment would be delivered to the shop. Mr. Kerley concurred. Mr. Barton asked if delivery trucks would be coming in on a daily basis. Mr. Kerley explained there were usually a couple deliveries a month. He further explained that the delivery trucks were small box trucks.

Mr. Key asked how many employees there were and how many of them were City residents. Mr. Kerley stated of his 14 employees, perhaps eight were City residents who lived in proximity of the proposed site.

Ms. Lewis asked if he had met with the neighbors. Mr. Kerley stated he had met with them in August.

Ms. Johnson Harris asked if the workers were pulled from the CATEC program. Mr. Kerley concurred that some were from CATEC while others were trained internally.

Ms. Damon asked if he had explored the possibility of access from adjoining properties rather than Burgess Lane. Mr. Kerley had not yet asked Mr. Wright or Mr. Coiner.

Mr. Higgins stated that, earlier in the day, a petition was provided to staff by property owners on Burgess asking that rezoning be denied.

Mr. O'Halloran called for questions or comments from the public.

Mr. Bill Emory, of 1604 East Market Street, spoke in opposition of the proposal. He stated the heart of the neighborhood was the residents. He circulated a second petition which was signed by 61 of the 65 people approached.

Ms. Michele Mattioli, of 1404 East Market Street, spoke in opposition of the proposal.

Ms. Darlene Burgess Williams, of 1405 Burgess Lane and the granddaughter of Minnie and John Burgess, the founders of Burgess Lane, spoke in opposition of the proposal. She wants the street to remain residential.

Mr. Bill Lankford, of 1404 East Market Street, spoke in opposition of the proposal. He asked that the rezoning be denied; if that was impossible, then he asked that the Commissioners please delay the issue.

Ms. Patty Shields, of 1804 Chesapeake Street, spoke in opposition of the proposal.

Mr. Lewis Schultz, of 1809 East Market Street, spoke in opposition of the proposal. As one of two people in a two-man shop, he stated delivery trucks came in on a fairly regular basis. He expressed concern that deliveries to a larger shop would be more often than once or twice a month. He stated his fear that this would be the first

step in a transition that would affect the rest of Burgess Lane.

Ms. Laura Covert, of 1809 East Market Street, spoke in opposition of the proposal. She stated her concern that rezoning would cause a domino effect. She asked that the Planning Commission deny the request.

Mr. Ed Burkehead, owner of 1401 Burgess Lane, spoke in opposition of the proposal. His major concern was the industrialization of the area and the narrowness of the street.

Ms. Kendra Hamilton, of the Rose Hill Neighborhood Association, spoke in opposition of the proposal. As a former resident of the Woolen Mills neighborhood, she testified to the character and flavor of the neighborhood. She stated it felt like the country in the city.

Mr. Carey Goodman, of 1401 A Burgess Lane, spoke in opposition of the proposal. He presented the Commission with pictures of his two children who play in the street, riding their bikes and roller skating. They were his primary reason discourage the rezoning.

Mr. O'Halloran closed the public portion of the hearing and called for questions and comments from the Commissioners and Councilors.

Ms. Lewis sought clarification if Mr. Kerley were an owner of the property or a contract purchaser.

Mr. Higgins explained that a corporation, of which Mr. Kerley was a part, purchased the property. Ms. Lewis asked if the property needed an M-1 designation for Mr. Kerley's purposes. Mr. Higgins stated it did not.

Ms. Damon asked if Ms. Kelly could discuss the options available to the CPC. Ms. Kelly stated the Comprehensive Plan was an advisory designation that was not binding on the CPC. Ms. Kelly further stated the focus of their discussion needed to be which zoning categories are most appropriate for this property at this time.

Mr. O'Halloran sought clarification as to which properties were designated industrial under the Land Use Plan. Mr. Higgins explained that the six R-2 properties had not changed from R-2 mainly because they have been designated industrial. Mr. Higgins stated that staff recommended that zoning be considered on its own merit. Ms. Kelly agreed with Mr. Higgins.

Mr. Barton asked about the hours of operation of Waste Management, a neighboring property, which seemed to have access from Burgess Lane. Mr. Higgins did not know. However, he stated that it was offices and storage for vehicles. Mr. Preston Coiner stated that Waste Management, which is on call 24 hours a day, did not use Burgess Lane at the insistence of the neighbors. Mr. Coiner further stated that Waste Management was a tenant of Burgess Lane Properties, Incorporated, and would be vacating the property at the end of the year.

Mr. Cox asked if there were other trends in the neighborhood that were increasing the residential or the industrial use. He specifically asked in regards to the property behind the JABA Senior Center. Mr. Higgins stated his belief that there were mostly residential uses planned. Mr. Coiner stated that the majority of that property is zoned

R-1A and that a conceptual plan had been discussed with Mr. Higgins.

Ms. Damon stated that this was a very unusual piece of property; it really does have a very strange feel because it is right next to a very large industrial site and it does, as many of the speakers have said, seem to be very rural and very attractive. She further stated they were called upon to decide whether the existing zoning was appropriate and reasonable for the property. She contended that the existing R-2 zoning is

reasonable. She made a motion to deny the proposal to change the zoning to another zoning classification. Ms. Johnson Harris seconded the motion. Mr. O'Halloran called for discussion. He stated that he was persuaded along the same lines as Ms. Damon in that this seemed to be a critical property along the business/industrial versus

neighborhood line. Mr. Key concurred, stating this represented an opportunity to maintain affordable housing. Mr. Barton stated his issue was access to the site. Ms. Lewis stated the existing zoning was reasonable. She further stated that she was persuaded by the arguments of the neighborhood. She further stated Woolen Mills

was a special neighborhood because of its history. Mr. Higgins called the question which passed unanimously.

3. ZM--02-09-12: A petition to rezone from R-1A Residential and R-2 Residential to R-2 Planned Unit Development (PUD), the land off of Stribling Avenue, Sunset Road and Sunset Avenue known as the "Dymond Property" and "Huntley Hall" (214 Stribling Avenue). The R-1A zoning allows single-family detached dwellings at three to seven units per acre. The R-2 zoning allows

single-family and two-family dwellings at seven to 12 units per acre. The PUD designation would allow the subdivision of the properties to include 110 single-family detached dwellings in Phases 1 and 2 and restoration/renovation of Huntley Hall with residential and office uses around it in Phase 3. These properties are further identified on City Real Property Tax Map number 18A as

parcels 38-46 and 33, having 262 feet of frontage on Stribling Avenue, 480 feet of frontage on Dymond Road, 150 feet of frontage on Sunset Road, 1000 feet of frontage on Sunset Avenue and containing, collectively, approximately 22.8 acres of land. 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 for most of Phases 1 and 2, and two-family residential at seven to 12 units per acre for Phase 3.

Mr. O'Halloran stated this had been deferred from the October meeting. Mr. Higgins gave the staff report updating those things which had been asked about. He had new to-scale drawings for the commissioners. Mr. Higgins also provided the commissioners with photographs of the trees on site. The property is heavily wooded. Mr. Higgins also presented an updated drawing to show access to trails and the Green Belt. He also stated that Mr. Hickman had been looking at options for affordable housing.

Mr. O'Halloran called for questions and comments from the public.

Mr. Roger Friend, of 19 Elliewood Avenue, stated he wanted to continue to live in the City. He felt that the proposed development would give him the kind of home he would like to live in the City.

Ms. Ruth Stornetta, of 19 Elliewood Avenue, spoke in favor of the proposal. She stated the City needed more housing and the real estate taxes which would be generated.

Mr. Joe Mooney, of 201 Sunset Avenue and a board member of the Fry Springs Neighborhood Association, stated they had followed the project. Their initial reaction had been skepticism. Access to the site was through the Fry Springs neighborhood. They have been impressed with Mr. Hickman's openness. They feel that he is doing

the best that can be done with that piece of property. The one concern of the neighborhood was what would happen to the traffic exiting the property.

There being no further questions or comments from the public, Mr. O'Halloran closed that portion of the hearing. He then called for questions and comments from the Commissioners and Councilors.

Mr. Barton wanted to know why a path was marked with a clarifier of "potential." Mr. Hickman stated he thought it was semantics regarding the word potential. He further stated that it was still in discussion since someone at the October meeting wanted to make sure that the paths were donated to the City.

Mr. Barton sought clarification as to which drawing governed the proposal. Mr. Hickman stated that none of the drawings were locked in place.

Mr. Key sought Mr. Hickman's insights in terms of affordability. Mr. Hickman stated he had had several conversations with Commissioners. He further stated that he and Mr. Beyer had talked about taking five lots and split them to build two units on each which would be \$160,000 a side. He also stated they were still trying to work on

that. Mr. Key commended Mr. Hickman for his effort.

Ms. Lewis commended the applicant for his voluntary interest in including affordable housing in the plan.

Ms. Johnson Harris made a motion to recommend approval of the application to rezone from R-1A and R-2 Residential to R-2 Planned Unit Development (PUD), on the basis that the proposal will serve the interests of the general public welfare and good zoning practice for the following reasons: One, it is in harmony with the Land Use Plan of the Comprehensive Plan. And it allows the various objectives of the PUD ordinance to be met.

Mr. Key seconded the motion. Ms. Lewis asked if it needed to include the conditions. Mr. O'Halloran concurred and stated that staff had recommended a number of conditions. Mr. Higgins stated the recommendations were as a result of walking the site. Ms. Johnson Harris amended her motion to include the conditions as outlined in

the staff report. Mr. Barton asked how the setbacks would be quantified. Mr. Higgins stated that in previous ones, the plan dictated the setbacks. Mr. Higgins called the question. The motion carried unanimously.

Mr. Cox thanked the CPC for taking this issue and accelerating the City's interest in getting a handle on "affordability."

4. Closing of Alley off of Spottswood Road: A petition to close the 15 foot alley running southwest approximately 307 feet from Spottswood Road to Johnny Cake Lane.

Mr. Higgins gave the staff report. The applicant found out that her driveway was on a r right of way. The subdivision was done prior to 1950. The main roads were supplemented by a little network Of streets which were 15 feet wide and connected

by a network of 15 foot wide alleys. The alley does not have any utilities.

Mr. O'Halloran sought clarification that seven and-a-half feet would go to each neighbor. Mr. Higgins concurred.

Ms. Michelle Fise stated that a survey had been done which indicated the alley was only ten feet wide.

Ms. Lewis wanted to note for the record that she had ownership and interest in a company that is handling a real estate-related matter for the applicant. Neither she nor her company stand to gain any interest or benefit from either the closing or remaining open of the alley. She did not think it was necessary to abstain, but would if anyone else felt so, she would do so.

Mr. O'Halloran called for discussion among the commissioners.

Ms. Damon made a motion to recommend approval of the closing of the alley no matter whether it was ten feet or 15 feet because it doesn't serve the public interest to keep it in the City's purpose. Mr. Key seconded the motion. The motion carried unanimously.

Mr. Barton made a motion to adjourn and schedule the next meeting of the City Planning Commission on the 19th of November beginning at 7:30 p.m. Mr. Key seconded the motion. The motion carried unanimously whereupon the meeting stood adjourned at 9:39 p.m.

Respectfully submitted,

James E. Tolbert, Secretary

APPROVED:

Herman Key, Chair