

MINUTES
CITY OF CHARLOTTESVILLE
PLANNING COMMISSION
TUESDAY, APRIL 8, 2003 -- 6:30 P.M.
CITY COUNCIL CHAMBERS

The Regular Meeting of the Planning Commission was held on this date with the following members present:

Mr. Kevin O'Halloran, Chair
Mr. Bruce Appleyard
Ms. Karen Firehock
Ms. Kathy Johnson Harris
Ms. Cheri Lewis
Mr. Eldon Wood
Mr. Pete Anderson, Ex-officio

ABSENT:
Mr. Craig Barton, Vice-chair

STAFF PRESENT:
Mr. Jim Tolbert, AICP, Director
Mr. Ron Higgins, AICP, Planning Manager

CITY COUNCIL MEMBERS PRESENT:

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

Mr. O'Halloran called the meeting to order at 6:29 p.m.

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

Mr. O'Halloran called for any matters not on the agenda. However, he asked that comments regarding the zoning ordinance be held until the May 15, 2003 Public Hearing.

Mr. Ray Smith, of 2401 Arlington Boulevard, expressed thanks for the e-mail responses he received regarding his request for information about the Adult Use section of the zoning ordinance. He also thanked Mr. Tolbert for his help. He presented packets to the Commissioners on behalf of local retailers who had issues with the Adult Use section.

B. MINUTES

Mr. O'Halloran called for approval of the minutes of the March 11, 2003 Public Hearing. Ms. Firehock made mention of a typographical error on the last line of page 5. Ms. Firehock also asked that the phrase "for CDBG funding" be added to the first sentence of the fifth paragraph on page 8. Ms. Lewis made a motion to approve the minutes with the suggested revisions. Ms. Johnson Harris seconded the motion. The motion carried unanimously.

C. LIST OF SUBDIVISIONS AND SITE PLANS APPROVED ADMINISTRATIVELY

Mr. O'Halloran called the three site plans approved administratively. Ms. Lewis made a motion to approve the site plans approved administratively March 1st through April 1st of 2003. Ms. Johnson Harris seconded the motion, which passed unanimously.

LIST OF SITE PLANS APPROVED ADMINISTRATIVELY
3/1/03 to 4/1/03

- | | | | |
|----|-------------------------|---|-------------------------|
| 1. | File No. 587 | J. C. Body Shop – Amendments | 1136 East Market Street |
| 2. | File No.
T-02-000034 | Office Conversion – T. E. Wood | 534 Meade Avenue |
| 3. | File No. 485 | Jimmy Dettor Automotive -
Building Replacement
(Formerly A-1 Wrecker) | 1025 Carlton Avenue |

D. COMMISSIONERS' REPORTS

Ms. Firehock had attended a meeting of the Parks Advisory Board. She stated no big decisions had been made, but preliminary opportunities for partnering with the parks had been discussed. Ms. Firehock further stated that the Board would be working on developing guidelines for how the parks should be managed. She also stated that the CDBG Task Force had not met. Ms. Firehock stated she had attended the McIntire Park meeting but would let Mr. Wood speak on that.

Ms. Johnson Harris stated the Neighborhood Federation had not met. She was also awaiting the start of the Affordable Housing Committee. She further stated the CIP committee had not met.

Mr. Wood attended the McIntire Park Advisory Committee meeting, but no action was taken on anything.

Mr. Appleyard attended the Bike Walk Conference. He further stated he had led a workshop on Transportation Enhancement grants, which was considering the new federal funding bill. Mr. Appleyard had also made a presentation at the American Planning Association. He had also participated in the Walking Wednesday at Greenbrier School.

Ms. Lewis thanked staff for getting the zoning report to the Commissioners. She stated the Board of Architectural Review continues to be busy with a potentially controversial demolition to be discussed at its next meeting.

E. CHAIR'S REPORT

Mr. O'Halloran stated the PDC was working on a housing conference; however, he had been unable to attend that conference.

F. DEPARTMENT/STAFF REPORT

Mr. Tolbert clarified that the \$70,000 for the Rose Hill neighborhood for water improvements, which had been of concern at the March Planning Commission meeting, had been funded by money from the General Fund, CIP. Mr. Tolbert stated the Housing Task Force would be meeting in May. Mr. Tolbert had provided the Commissioners with the April 7, 2003 draft of the zoning ordinance. He then explained the set up of those zoning notebooks.

Ms. Lewis asked if changes which had been suggested at work sessions had made it into this draft since they had not been present in the December draft. Mr. Tolbert stated that all of them may not have but that they had tried to get as many as they could. Ms. Firehock sought clarification as to what results were expected by the conclusion of the next scheduled work session. Mr. Tolbert expressed his intention that the Charlottesville Planning Commission get through the draft so that the draft could go to the City Attorney's office to be finished. After that, the May 15, 2003 Public Hearing would be advertised. He further stated that the goal for the work session is to resolve any issues the Planning Commission still had.

Mr. O'Halloran felt that Mr. Tolbert and his staff and Ms. Kelly and her staff deserved an enormous amount of credit for all of the work, which had been done.

G. PUBLIC HEARINGS

1. Closing of a portion of the 15th Street, Southwest, right of way.

Mr. Higgins gave the staff report. He summarized the points made in the report included in the packets. He explained that the fair market value of the adjoining residential land, according to city assessor records, is \$7.30 to \$7.50 a square foot, which would make the land within the right-of-way worth about \$41,000. After reviewing the plan, staff would recommend approval. The City would benefit since the owner, the University, would be responsible for maintenance and liability. There are some utilities in the right of way; the City and University is trying to work out the relocation and disposition of those utilities. Staff recommends, as a condition for closing, the relocation of the utilities as well as having some kind of public access retained for the connection between 15th & Monroe. Staff recommends closing this piece of street subject to public access permission being retained and a connection being made between 15th and Monroe north of the site in question.

Mr. O'Halloran called for questions for Mr. Higgins.

Mr. Wood sought information on the arrangement of the new addition as far as access in and out of the garage. Mr. Higgins asked that Mr. Anderson explain. Mr. Anderson demonstrated the access on a map for the Commissioners. Mr. Wood also asked what would happen to the final piece of 15th Street and if it would be renamed.

Mr. Higgins stated that renaming was a possibility if someone were to petition City Council to rename it. Staff had made no recommendation to that effect.

Ms. Lewis wanted to know how many of the adjacent properties were not currently owned by the University of Virginia. Mr. Higgins stated his belief that there was one property that was being closed on; the block does contain other private property owners not immediately adjacent to the 15th Street section being closed. He further stated all property owners had been notified.

Mr. Lynch wondered if 15th Street weren't more of a natural way to connect any proposed extension of Crispell Drive to JPA. Mr. Anderson stated there was a sketch of an idea to extend Crispell, but there had been no engineering study done of that yet. Mr. Lynch also wondered if the University was planning to straighten the southern end of 15th Street where it connects to Monroe.

Mr. O'Halloran called for questions for the applicant. Mr. William Bohn stated that the extension had been looked at to insure fire trucks could make the turn.

Ms. Lewis sought clarification regarding the ownership of a small parcel fronting on 15th Street southwest of the parking garage. Mr. Higgins stated that was a landscaped plateau leading to the retention pond. Ms. Lewis asked if the properties on Brandon used this parcel for access. Mr. Higgins stated his belief that they did not.

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

Mr. Jim Stultz, owner of 416, 416 1/2, 420, 422, 428 Monroe Lane comprising over 100 tenants, spoke in opposition to the proposal. He stated the University did not notify them. He did feel that the University's plan to add more parking was a positive. However, closing the access from Monroe Lane to 15th Street could be a major problem. He asked if there were a way to extend Crispell Lane at the same time the parking garage is built so that access doesn't have to wait for the end of the building process.

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

Ms. Firehock wondered if it were feasible to require that UVa make the access as suggested by Mr. Stultz. Ms. Lewis asked that the applicant be allowed to come forward to respond to Ms. Firehock's question. Mr. Bohn stated he could not speak for the University but he did say he could present that idea and see what could be done.

Ms. Firehock asked if a condition of a motion for approval could read: "The construction to City standards and dedication of the Crispell Drive connection between 15th Street Southwest and Monroe Lane prior to the closing of 15th Street."

Mr. Lynch asked if it would be possible to bring 15th Street right to the garage and take the entrance off of 15th Street. He realized that some parking spaces might be lost with that proposal. Mr. Anderson stated that had been considered; he felt that bringing 15th Street down to T into Crispell and taking that across to Monroe is a better traffic pattern.

Mr. Tolbert stated that the City Attorney had some issues with the phrase "the construction to City standards and dedication of the Crispell Drive connection." There were issues with what

the University would need to go through to dedicate the property. Other issues included whether the physical construction could meet City standards. The City Attorney had suggested the phrase, "to City standards and dedicated or a private drive with public access easements dedicated to the City."

Ms. Firehock recommended adopting the motions suggested by staff with condition number three reading, "The construction to City standards and dedication of a private drive with public easements of the Crispell Drive connection between 15th Street Southwest and Monroe Lane prior to the closing of 15th Street."

Mr. O'Halloran sought clarification that it should read "construction to City standards and dedicated or a private drive." Mr. O'Halloran also sought clarification that the motion included the other conditions as outlined by staff. Ms. Firehock concurred. Mr. Appleyard seconded the motion. Ms. Firehock stated the conditions of the motion: The approval is conditioned upon the following. Number one, the existing City water, sanitary, sewer and natural gas lines running in this portion of 15th Street Southwest will need to be relocated out of the vacated right of way; maintaining utility services to all neighboring structures. Number two, coordination between UVa Facilities Management and utility staff and the City of Charlottesville utility staff on relocation needs, service, maintenance, ownership and the impact of storm water lines and systems on the extension projects. Four, coordination with the City on any traffic modifications to existing and future public streets associated with this project. There being no further discussion, Mr. O'Halloran called the question. The motion passed unanimously.

Mr. O'Halloran stated there were many items not on the agenda that Commissioners wanted to discuss. He recognized Mr. Appleyard.

Mr. Appleyard wanted to see the site plan for Best Buy which had come to staff. He stated that Craig Barton had also expressed interest in seeing it. Mr. Tolbert explained the site plan had come in for preliminary approval and a site plan conference had been held. Suggestions were given to the engineers for Best Buy who resubmitted the site plan for final approval. Mr. Tolbert stated he had given verbal approval earlier in the day with conditions, which included getting bonds for erosion and sediment control and the site plan bond as well as conditions regarding traffic. Mr. Tolbert further stated his belief that the site plan was well done. This site plan complies with or exceeds the City Code.

Mr. Appleyard asked if Best Buy would be responsible for paying for any new roads which would need to be put in to allow for traffic. Mr. Tolbert stated that an off site improvement could not be required of Best Buy. Mr. Appleyard asked why this site plan would not come before the Commission. Mr. Tolbert explained that the Commission could call up a site plan within seven days after his approval, denial, or approval with conditions. However, there is nothing to preclude the applicant from getting building permits while the CPC has called up the site plan. Mr. Tolbert further stated that the Commissioners could not make the applicant do anything that is not a Code requirement. In order to deny or change a site plan, specific Code sections must be cited as well as telling the applicant how to address the Code sections.

Mr. Appleyard reiterated his belief that the plan should automatically come before the Charlottesville Planning Commission. Mr. Tolbert stated that by-right developments did not come before the Charlottesville Planning Commission. Ms. Lewis sought clarification as to which site plans were required to come before the Charlottesville Planning Commission as opposed to those that were by-right and did not need to come before the Commissioners. Mr. Tolbert stated there were special uses and by-right uses. By-right use plans go to staff for review. Citing the current matter, Mr. Tolbert explained that with the B-3 Zoning the infrastructure was in place, including the transportation infrastructure, to facilitate the development. Staff checks to make sure by-right site plans meet all Code requirements. City Code allows that the applicant, any two Commissioners, the Chair of the Planning Commission, or an affected property owner can call the matter to the Planning Commission any time during the review process or within seven days of final approval.

Mr. Appleyard expressed his feeling that this should come before the Planning Commission. He further stated it was important for the Commission to be involved the development of this site.

Mr. Wood stated that he did not recall mention of this project at the joint meeting with Albemarle County. Ms. Lewis stated her belief that it had not been mentioned. Mr. Higgins and Mr. Tolbert stated it had been mentioned. Ms. Lewis stated that the Commission had been told by the City Attorney that they had a very limited review on site plans. She expressed her confidence in what staff has found about this site plan in their review. Ms. Lewis further stated that the Planning Commission is charged with planning the future of the City. She also stated that this site plan was the largest commercial development that she had heard of in the City in many years; it is also at the intersection of the two most major roads in the area. She expressed her belief that the City and Planning Commission should address the issue of how to deal with a 45,000 square foot building at a major intersection. She further stated that as a by-right site plan then the review would be limited.

Mr. Tolbert stated that with a new Zoning Ordinance the Commission would have been reviewing the project because it is in an entrance corridor. Mr. Appleyard expressed his desire that the plan come before the Charlottesville Planning Commission for review in the public forum. Mr. Wood seconded Mr. Appleyard's statement. Mr. O'Halloran sought clarification for the forum to discuss the matter with the applicant. Mr. Higgins explained that when plans are called before the Commission, reminder letters are sent to the people who were notified of the site plan conference.

Mr. Anderson sought clarification of the purpose behind calling this site plan which would be extremely embarrassing to the City and to the owners of the property. Mr. Appleyard stated there were several reasons: this is a major development, it is next to City neighborhoods, it is next to one of the busiest intersections in the region. He further stated his belief that it was important that they review it and sign off on it as a Commission. Mr. Appleyard also stated the applicant had done a great job on preparing the site plan. Mr. Anderson stated that the applicant could be told of concerns, but the process did not need to be slowed.

Ms. Johnson Harris stated they had the opportunity to be at the site plan conference. She further stated they should support the staff who said it was one of the best site plans they had

seen. Ms. Firehock concurred with Ms. Johnson Harris. Ms. Firehock also stated she would like to have another meeting with the TJPDC about that intersection but she would not support calling up the site plan.

Mr. O'Halloran stated he could not support calling up the plan. Mr. Anderson suggested having a meeting with the developers that was not a formal calling up to discuss concerns. Ms. Lewis stated she was in favor with the motion but agreed with the compromise that had come about in discussion. Mr. Appleyard withdrew his motion. Mr. Appleyard asked that they have a work session to discuss with the applicant, staff and TJPDC the development with some background information on all the work that has been done on the plan and the Hydraulic/250 corridor study.

Mr. Tolbert asked if the County Planning Commission could also be invited to attend as well as some of the other property owners. Ms. Firehock sought clarification that the primary purpose of the meeting would be to look at the transportation plans for that intersection. Mr. Appleyard explained it would be the transportation issues and how the site fits into those. Ms. Lewis reminded the Commissioners that Mr. Appleyard had a motion and that with the addition that had been made to it about defining the purpose and the addition of Commissioners from Albemarle County, she would second the motion.

Mr. O'Halloran clarified that the motion was to have a work session with the TJPDC, the developer, and invited members of the Albemarle County Planning Commission and the adjacent property owners to discuss the transportation plan for Hydraulic and 29 and the Best Buy project and how that fits into the transportation plan. He then called the question which carried.

Mr. Anderson informed the Charlottesville Planning Commission that his official retirement party was set for May 1, 2003 from 4:30 to 6:30 at the Colonnades and extended to them an invitation to attend.

Mr. O'Halloran expressed his thanks and appreciation for Mr. Anderson's many years as a member of the Planning Commission representing the University.

Ms. Lewis made a motion to adjourn until May 13, 2003 at 6:30 p.m. Mr. Wood seconded the motion. The motion carried unanimously whereupon the meeting stood adjourned at 8:22 p.m.

Respectfully submitted,

James E. Tolbert, AICP, Secretary

APPROVED:

Kevin O'Halloran, Chair