

**DRAFT MINUTES
CITY OF CHARLOTTESVILLE
PLANNING COMMISSION
TUESDAY, OCTOBER 14, 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. Craig Barton, Vice Chair
Mr. Jon Fink
Ms. Karen Firehock
Ms. Cheri Lewis
Mr. Eldon Wood

Absent:

Ms. Kathy Johnson Harris

STAFF PRESENT:

Mr. Jim Tolbert, AICP, Director
Mr. Ron Higgins, AICP, Planning Manager
Ms. Lisa Kelley, Deputy City Attorney
Ms. Missy Creasy, AICP, Neighborhood Planner
Ms. Claudette Grant, Neighborhood Planner
Ms. Mary Joy Scala, AICP, Neighborhood Planner

Ex-Officio:

Ms. Mary Hughes, Uva. Office of the Architect

City Council Members Present:

Mr. Maurice Cox, Mayor
Mr. Blake Caravati
Mr. Kevin Lynch

I. REGULAR MEETING

Mr. O'Halloran called the meeting to order at 6:21 p.m.

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

Mr. O'Halloran called for matters not on the agenda. There were no matters from the public. Mr. Fink stated that if a good site plan was not submitted to staff, it should go no further than staff. He further stated the two hours spent on one plan in the last meeting was unproductive time for everyone involved. Mr. Tolbert stated that staff, with the new ordinance, has taken the line that they would not accept poor quality site plans anymore.

B. MINUTES

September 9, 2003

Mr. O'Halloran called for approval of the minutes. Mr. Barton stated he thought he had gone on the record to state that the All Things Pawsible site plan was insufficient and if any application came forward without sufficient information that he would recommend they not act on that. He

further clarified that if this or other projects came forward without sufficient documentation, he would immediately move that it be tabled until such a time as they have enough information that the Commission can make a reasonable determination. Ms. Lewis moved to approve the minutes with the revisions noted by Mr. Barton. Mr. Barton seconded the motion, which carried unanimously.

C. LIST OF SUBDIVISIONS AND SITE PLANS APPROVED ADMINISTRATIVELY

Ms. Lewis made a motion to approve the list of site plans approved administratively, September 1st through October 1st. Mr. Fink seconded the motion. The motion carried unanimously.

LIST OF SITE PLANS APPROVED ADMINISTRATIVELY

9/1/03 TO 10/1/03

1. File No. T-02-000039 Oak Grove Cottages 211 Fifth Street, SW

6 single-family units

D. COMMISSIONERS' REPORTS

Ms. Hughes expressed appreciation for the opportunity to participate in the City's Transit Forum.

Ms. Lewis echoed Ms. Hughes comments. She thanked staff for organizing the Summit. Ms. Lewis stated the Board of Architectural Review continued to be busy.

Mr. Fink concurred that the Transportation Summit had been a dynamic event. He also stated that on November 20th from 3:00 p.m. to 9:00 p.m. a public presentation of the UnJAM plan would be held at the Thomas Jefferson Planning District Offices.

Mr. Barton stated the Jefferson School Task Force had held a public meeting on October 4th in which three scenarios had been presented; a final recommendation should be made before the end of the calendar year.

Mr. Wood had attended the McIntire Park Advisory Committee. He agreed with the earlier comments regarding the informative Transportation Summit.

Ms. Firehock stated the CDBG committee had not met, but would be meeting October 15th. The City Streams Task Force had met and worked on its scope and guiding principles. The Parks Advisory Board would be having a retreat November 8th.

E. CHAIR'S REPORT

Mr. O'Halloran stated the Commissioners would need to reschedule their planned retreat. The Commissioners set November 9th at 3:00 p.m. as the new date and time. Mr. O'Halloran also stated a nominating committee was needed to suggest a new Chair and Vice Chair; Ms. Firehock, Mr. Fink and Mr. Wood would be the nominating committee.

F. DEPARTMENT/STAFF REPORT

Mr. Tolbert stated that a transcript of the Transit Summit and the PowerPoint presentation would be presented to City Council on November 3rd.

A committee had met and interviewed for the Design Guidelines; a draft Scope of Services and cost estimate were expected within a week's time.

Interviewing had been done for the Historic Surveys.

Mr. O'Halloran called a brief recess to allow the nominating committee to meet.

(The meeting stood in recess, 6:46 p.m. - 6:55 p.m.)

Mr. O'Halloran called the meeting back to order, 6:55 p.m.

Mr. Barton recognized fellow Commissioner Mary Hughes had been nominated for and would be elevated to the College of Fellows of the American Society of Landscape Architects. He further stated this was a distinction that few people achieve in their careers. Ms. Hughes was one of two from Charlottesville who would be honored.

Mr. Wood stated that the nominating committee was nominating Craig Barton for Chair and Cheri Lewis for Vice Chair. Mr. Wood made a motion to accept the nominations as presented. Mr. Fink seconded the motion. The motion carried unanimously.

II. JOINT PUBLIC HEARINGS

G. JOINT PUBLIC HEARINGS

1. **ZT-03-08-08:** An ordinance to amend and reordain Section 34-272 of the Code of the City of Charlottesville 1990, as amended (Zoning Ordinance), relating to protected properties by creating an "overlay" zoning restriction without affecting the underlying zoning district designations. This ordinance would create a sixth major architectural design contract district, District F, known as the Corner Architectural Design Control District. The district would include all of the properties north of University Avenue from 14th Street, NW to the CSX tracks, Chancellor Street, Madison Lane and 170 and 180 Rugby Road, with certain of these designated as "contributing structures".

2. **ZM-03-08-09:** An ordinance to amend and reordain the Zoning District Map incorporated in Section 34-1 of the Zoning Ordinance of the Code of the City of Charlottesville, 1990, as amended, by adding a sixth major Architectural Design Control District and consisting of the following properties.

Parcel (all on Tax Map 9) Address/Property Name

75. 1403-15 University Ave (McKennie-Cook Building)

76. 1417-25 University Ave (Anderson Bros Building)

77. 1427-31 University Ave (Little Johns)

78. 1501-05 University Ave (Corner Outlet/O'Neil's)

78.1. 1509-11 University Ave (Unoccupied/College Inn)

80. 1515 University Ave (Student Bookstore)

81. 1517-19 University Ave ((Jabberwocky)
82. 1521-25 University Ave (Mincer's)
83. 3 Elliewood Ave (Eljo's)
85. 5-7 Elliewood Ave (Heartwood Books/Southern Teachers Agency)
86. 9 Elliewood Ave (Coupe's)
87. 11 Elliewood Ave (Martha's)
88. 12 Elliewood Ave (Flynn House)
89. 17 Elliewood Ave
90. 19 Elliewood Ave
95. 22 Elliewood Ave (Willie Hair Design)
96. 20 Elliewood Ave (Buddhist)
97. 16 Elliewood Ave (Biltmore)
99. 1607-16 University Ave /107-115 Elliewood Ave(Lucky
7/Bodos/TIA/O'Susannah)
100. 1601 University Ave (Starbucks)
102. 1619 University Ave (Bank of America)
103. St. Paul's Parking Lot
104. 120 Chancellor St. (Canterbury Episcopal House)
105. 128 Chancellor St. (Center for Christian Study)
106. 132 Chancellor St.
107. 136 Chancellor St. (Kappa Delta)
108. 144 Chancellor St. (Delta Zeta Annex)
109. 150 Chancellor St. (Delta Zeta)
126. 167 Chancellor St. (Phi Delta Theta)
127. 165 Chancellor St.
128. 163 Chancellor St. (Chancellor House Apartments)
129. 158 Madison Lane (Alpha Chi Omega)
130. 160 Madison Lane (Phi Kappa Sigma)

131. 133 Chancellor St. (St. Anthony's Hall)
132. 150 Madison Lane (Sigma Phi Epsilon)
133. SPE Parking Lot
134. 129 Chancellor St. (Delta Tau Delta)
135. 138 Madison Lane (Delta Gamma)
136. 127 Chancellor St (Kappa Alpha Theta)
137. 125 Chancellor St. (Alpha Tau Omega)
138. 130 Madison Lane (Elmo)
139. 128 Madison Lane (Phi Gamma Delta)
140. 123 Chancellor St. (Chi Omega)
141. 121 Chancellor St./1701 University Ave. (St. Pauls)
142. 136 Madison Lane (Zeta Tau Alpha)
143. 1709 University Ave (St. Paul's)
145. 159 Madison Lane (Phi Psi)
146. 165 Madison Lane
148. 135 Madison Lane
149. 167 Madison Lane (Phi Delta Theta)
150. 209 Chancellor St.
151. 211 Chancellor St.
152. 180 Rugby Road (DU)

153. 170 Rugby Road (Madison House)

Mr. Higgins asked that both items be considered together since they were related. Since an informal hearing had been held on this in the September meeting, Ms. Scala would give an abbreviated staff report.

Ms. Scala stated the Commissioners had received the change in the Zoning text, which added the Corner District to the list of historic overlay districts. The Board of Architectural Review had reviewed the structures in the district and made recommendations as to contributing and noncontributing buildings. Noncontributing structures in the Corner District may be demolished without any review; contributing structures would have to go before the Board of Architectural Review for demolition. All structures in the district would be reviewed for new construction or alterations, additions and renovations. Two letters had been received since the September meeting protesting the designations of structures at 12 Elliewood and 17 Elliewood (both designated contributing) as well as 165 (contributing) and 165 1/2 (noncontributing) Madison Lane.

Ms. Lewis asked what happened when an owner objects to the designation. Ms. Scala explained that since it was a rezoning, the Charlottesville Planning Commission could recommend approval even though the individual property owner does not request it. Staff recommends including all properties in the district to avoid the Swiss cheese effect. Mr. Higgins explained that further recourse available to property owners was going to court and suing to have the property removed or accept the designation now and apply to have it removed later.

Mr. O'Halloran called for questions and comments from the public. There being none, he closed that public hearing. He then called for questions and comments from the Commission.

Ms. Hughes stated it would be a challenge for the University to deal with the Chancellor Street properties on the list -- the land is owned by the University; however, the houses are owned by the fraternities and sororities. Ms. Lewis sought staff clarification as to ownership since her understanding was that all surveyed properties were privately owned or owned by nonprofit corporations. Ms. Lewis asked that, as part of the motion for this matter, the survey book based on the ownership records be entered into the record as a record of all the properties that were considered and entered into the district for consideration. Ms. Firehock asked that all property owners in the district receive information as to what can and can't be done and who to contact. Mr. Barton recommended that a public session be held to begin the informational process.

Mr. Fink acknowledged Ms. Cooper for doing such a thorough job on the district. Ms. Lewis lauded Ms. Scala for her work as well. Ms. Cooper stated the president of the Inter Fraternity Council had met with staff and had questions about the process. Ms. Cooper suggested the City work with Inter Fraternity and Inter Sorority Councils as a method of informing the house residents.

Mr. Wood asked if any notice of the historic designation appeared on the deed for future owners. Mr. Tolbert stated the problem was outside their control.

Ms. Kelly suggested two separate motions be considered.

Mr. Fink made a motion to adopt ordinance ZT-03-08-08 for reasons of public necessity, convenience, general welfare and good zoning practices. Mr. Barton seconded the motion. The motion carried unanimously.

Mr. Fink made a motion to adopt ordinance ZM-03-08-09, an ordinance to amend and reordain the Zoning District Map incorporated in Section 34-1 of the Zoning Ordinance of the Code of the City of Charlottesville, 1990, as amended, by adding a sixth major Architectural Design Control District and consisting of the following properties; said properties are from number 75 to 153 for reasons of public necessity, convenience, general welfare and good zoning practices. Ms. Lewis seconded the motion. Ms. Lewis asked that the survey created by staff be entered into the record as part of the Zoning amendment and that all properties be listed as appearing in the agenda. Mr. Fink accepted the friendly amendment. The motion carried unanimously.

3. Closing Unbuilt Right-of-way off of Grove Street: A petition to close the unbuilt right-of-way, 30' x 87' running north off of Grove Street between 1113 Grove Street and 1201 Grove Street.

Ms. Grant gave the staff report. The petition had been filed by the adjoining property owner. The only connection for the street is the Southern Railway. There are problems with pedestrians cutting through and crossing the tracks. The subdivision of lots on the street occurred in October 1913; a public dedication was intended. There is no indication that the City has maintained the area, nor exercised dominion or control over the area. There are no existing utility lines or storm drainage facilities in the area. Staff recommends approval.

Ms. Firehock asked if the other property owner supported the closing. Ms. Grant stated her belief that he did.

Mr. O'Halloran opened the public hearing.

Mr. Winston, the adjoining property owner, stated that he did not understand the reason for closing the right-of-way. Mr. O'Halloran stated that the land is divided among the property owners.

Mayor Cox asked if the applicant could provide a reason for requesting the closing.

Mr. Glen Branham, of 3206 Scarlet Oak Lane and owner of 1113 Grove Street, stated that the street does not go anywhere and he has maintained it for several years. He was concerned about pedestrian traffic crossing the tracks.

Mr. O'Halloran closed the public hearing and called for comments from the Commission.

Mr. Fink had visited the site and saw no compelling reason not to accept the application.

Mr. Barton stated he would be in favor of closing the right-of-way.

Ms. Lewis made a motion to certify the proposed vacation of the property located on Grove Street between 1113 Grove and 1201 Grove; it would be consistent with the Comprehensive Plan and consistent with this City Council's policy on street closings; she further moved that they recommend to City Council that the alley be vacated by ordinance. Mr. Barton seconded the motion. Mr. Higgins called the vote. The motion carried unanimously.

H. OTHER PLANNING ITEMS -- PRELIMINARY DISCUSSION

1. 820 East High Street -- Addition of two residential stories to an office building.

Ms. Creasy gave the staff report. This is one of the first applications that will come before the CPC requiring a Certificate of Appropriateness based on the entrance corridor overlay.

Mr. Jeff Dreyfuss, of Bushman Dreyfuss Architects, 214-A East Main Street, spoke on behalf of the owners of 820 East High Street. The owners propose a two-story addition to the existing building. The building is part of the mixed-use corridor. The existing one-story building will be gutted for commercial space with two floors of residential above. Mr. Dreyfuss stated the new ordinance required they follow the design guidelines of the Board of Architectural Review for entrance corridor districts; he had been unable to find any entrance corridor guidelines. The plans did meet corridor design guidelines regarding setbacks and maximum size. The applicant was seeking to understand the concerns and thoughts of the Charlottesville Planning Commission.

Ms. Firehock sought clarification if the residences would be apartments or condominiums. Mr. Dreyfuss stated they would be apartments.

Mayor Cox sought explanation for the choice of concrete panels. Mr. Dreyfuss explained that it was a nice scale between brick and a smoothed over stucco wall. Mr. Fink asked if there were other buildings of similar size using the concrete panels. Mr. Dreyfuss stated that the sign for Blue Light Restaurant was made of the same material.

Mr. Barton stated he would like to see more detail on the windows at a subsequent meeting. He also expressed concern that the floor to ceiling height caused the building to seem too big compared to its neighbors.

Mr. Wood stated the building seemed more industrial than residential.

Ms. Lewis stated her support for the proposal but did have concerns about massing.

Mr. O'Halloran thanked the applicant for coming before the Commission.

Mr. O'Halloran asked if there were any other matters from the Commissioners before adjournment.

Mr. Higgins stated he had received some nice comments from the Commissioners and the City Attorney's Office about improving the agenda. Ms. Lewis asked if the guidelines could be posted on the City's website.

Mr. Tolbert was glad that so many of the Commissioners took part in the Transit Forum. Mr. Tolbert wanted to publicly recognize and thank Ron Higgins for the work he did for the Transit Forum.

Mr. Fink made a motion to adjourn. Mr. Barton asked that, before adjourning, they recognize Mr. O'Halloran's tenure as Chair of the Planning Commission. Ms. Lewis made a friendly amendment to Mr. Fink's motion that it states adjournment until the November 11th meeting at 6:30 p.m. Mr. Fink accepted the friendly amendment. Mr. Barton seconded the motion. The motion carried unanimously whereupon the meeting stood adjourned at 8:19 p.m.

Respectfully submitted,

James E. Tolbert, AICP

Secretary

APPROVED:

Kevin O'Halloran, Chair