

**DRAFT MINUTES
CITY OF CHARLOTTESVILLE
PLANNING COMMISSION
TUESDAY, NOVEMBER 11, 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. Craig Barton, Chair
Mr. Eldon Wood
Ms. Karen Firehock
Mr. Jon Fink
Ms. Cheri Lewis, Vice Chair
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

Ex-Officio:

Ms. Mary Hughes, FASLA, UVa Office of the Architect

City Council Members Present:

Ms. Meredith Richards, Vice Mayor
Mr. Blake Caravati
Mr. Kevin Lynch
Mr. Rob Schilling

I. REGULAR MEETING

Mr. Barton called the meeting to order at 6:25 p.m. Mr. Barton asked that anyone wishing to speak to items on the agenda sign up on the sheets provided. He explained that the agenda identified a series of meeting rules and guidelines including the length of time allowed for individuals to speak. He asked that comments be limited to three minutes.

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

There were no matters from the public.

B. MINUTES

Mr. Barton called for approval of or revisions to the October 14, 2003 minutes. With no revisions voiced, Ms. Lewis moved to approve the minutes as submitted. Mr. Fink seconded the motion. The motion carried unanimously.

C. SITE PLANS AND SUBDIVISIONS APPROVED ADMINISTRATIVELY

Mr. Barton called for questions about the site plans and subdivisions approved from October 1st to November 1st. There were none. Mr. Fink made a motion to approve the site plans approved administratively. Mr. Wood seconded the motion. The motion carried unanimously.

**LIST OF SITE PLANS APPROVED ADMINISTRATIVELY
10/1/03 to 11/1/03**

1. File No. 1221 MSC Apartments 1021-1023 Wertland Street
Landscape/Steps Amendment

LIST OF SUBDIVISIONS APPROVED ADMINISTRATIVELY

10/1/03 to 11/1/03

1. Division of Tax Map 37, Parcel 83 2 new residential lots
Meadow Street & Madison Avenue David Lowery
File No. 1309 Preliminary & Final
Final Signed: 10/17/03

2. Redivision of TM 55A-88 and TM55A-88.10 No new lots
End of Riverside Avenue Riverview Cemetery
File No. 1308 Preliminary & Final
Final Signed: 10/23/03

3. Sanitary Sewer Easement for Parcels No new lots
162B – 162E of Tax Map 30
Pine Street at 7½ Street, SW Community Services Housing, Inc.
File No. 1310 Preliminary & Final
Final Signed: 10/23/03

4. Division of TM 55A-88, Lots C-F Four new s.f. lots
Chesapeake Street Riverview Cemetery
File No. 1311 Preliminary & Final
Final Signed: 10/23/03

D. SITE PLAN AND ENTRANCE CORRIDOR REVIEWS

820 East High Street

Ms. Creasy gave the staff report. The applicant was seeking site plan approval as well as a Certificate of Appropriateness. This is the first application coming before the Commission as the Entrance Corridor Review Board. The site plan is

requested for an existing building with a proposed addition of two upper floors designated for residential occupancy which would include 14 dwelling units in a mixture of studio, one- and two-bedroom apartments. A few issues remained

with the site plan including an engineering report which has been turned in to Engineering. Ms. Creasy continued with the concerns for the Certificate of Appropriateness Application. The bottom floor would remain brick; the upper floors would be faced with a painted, smooth-faced concrete panel with painted or stained wood balconies. Since there were no Design Guidelines for the Entrance Corridor Review Board, the guidelines used by the Board of Architectural Review would be applied.

Three different sets of Board of Architectural Review Guidelines would fit the situation: site elements, new construction in additions, and public improvements. At a preliminary site plan conference held October 15th, neighborhood representatives expressed concern about the parking situation for the site; however, they thought the building would be a positive addition to the neighborhood. Concerns expressed to staff earlier in the day included the location of the bus stop on the off street parking map as well as secondary access to the building.

Mr. Fink wanted to know by how many parking spaces was the site short. Ms. Creasy stated it was 12 spaces short. She also explained there was a four-space waiver allowed by the ordinance if the site was within 300 feet of a bus stop. Mr. Barton clarified that the site required 26 spaces; the proximity to the bus stop gave a four-space credit

reducing the need to 22. Of those 22 spaces, 10 were provided on-site and the other 12 would be provided within the 1400-foot radius. Ms. Creasy concurred.

Mr. Wood sought clarification regarding the determining factor within the Ordinance for on-site parking. Mr. Tolbert read from the Ordinance: When the owner demonstrates there are on street parking places that exist, it is equivalent to some or all the required number of off street spaces, the Director may waive some or all the required off street parking spaces for that structure. Mr. Tolbert also stated the caveat that 40 percent of the parking must be provided on-site. Mr. Tolbert also stated this section of the ordinance in the first update which is done.

Mr. Barton recognized the applicant's representative.

Mr. Jeff Dreyfuss, of Bushman Dreyfuss Architects, spoke on behalf of 820, LLC. The site is located within an overlap of the Mixed Use District and the Entrance Corridor. He demonstrated the location of the bus stop, 230 feet from the corner of the site. Mr. Dreyfuss apologized for not having a chance to provide the Commissioners with corrected plans showing the modifications suggested previously by the Commission. He stated the site plan had been modified to show street trees. Four tandem parking spaces are indicated on the site plan. He also explained that the proposed materials were similar to the S&L building. The windows would be an aluminum material. The balconies, while supported by a steel beam underneath, would be a stained wood.

Mr. Fink sought the dimensions of the panels. Mr. Dreyfuss explained the larger panels were 4X8.

Mr. Barton queried the percentage of wood for the balconies since the images showed metal railings. Mr. Dreyfuss stated the intention that both deck and railings were wood.

Mr. Wood asked if mechanical equipment would be roof-top. Mr. Dreyfuss stated all of it would be within the very center.

Mr. Barton called for comments from the public.

Ms. Jane Foster, of 6 Gildersleeve Wood, stated the flat institutional-looking building would look a lot prettier with a roof.

Mr. Barton asked Mr. Tolbert to clarify the nature of the Commission's review. Mr. Tolbert apologized that the Commission and Neighborhood Development were still learning the process. He stated that technically what was before the Charlottesville Planning Commission was the Entrance Corridor review, not a site plan review. The site plan has already gone through the site plan conference and was issued a letter of preliminary approval with conditions. Site issues that relate to the entrance corridor can be reviewed.

Ms. Firehock stated her belief that anything done to that current building would be an improvement. She commended the developers for meeting the spirit of the corridor and the zoning by increasing density. Ms. Firehock read from page 2, paragraph C, Neighborhood Transitional, of the Charlottesville Historic District Design Review Guidelines New Construction in Additions: "While these buildings may be larger in scale than residential structures, their materials, roof forms, massing and window patterns should relate to residential forms." She stated that the roof lines of neighboring buildings were not similar to what was being proposed. From the same Guidelines, page 6, paragraph C, Massing and Footprint, number 3: "Use of sympathetic materials -- Techniques could include stepping back levels, adding residential roof and porch forms and using sympathetic materials." Under that guideline, she felt they had tried to put in the decks and make it a friendly building that people live in. Referring to page 13 of the guidelines, Materials and textures, paragraph L, number 1, she read: "The selection of materials and textures for the new building should be compatible and complement neighboring buildings." She felt the building did not conform to the spirit of the guidelines.

Mr. Wood stated his agreement with Ms. Firehock in that the shape of the building is not in character with adjacent buildings. However, he felt that trying to get a visible roof on the building was an exercise in futility.

Ms. Johnson Harris expressed concern over the safety issue of how long the wood decks would last, as well as the appearance and coloring as it ages. She did feel the building was attractive but not in keeping with the character of the roof line of the Charlottesville tradition.

Ms. Hughes stated her belief that Ms. Firehock was correct in her application of the Guidelines, but the District is not uniformly residential. She stated the larger context of the corridor is more mixed in use than that and the future development is not likely to be purely residential. She also expressed concern about the longevity of the materials.

Mr. Fink liked the idea that the applicant had created density with a residential plan. He expressed concern about the parking situation even though it was not part of the review.

Mr. Barton shared the concerns of his colleagues about the detailing of the material. He expressed concern about the mass of the building being broken by a shadow line identifying the panels from one another. He stated his belief that the neighboring buildings were those that fell within the view shed which would include Martha Jefferson, S&L, and perhaps even the awning of the gas station. He felt that the mass and the proportion of the building as detailed by the applicant was quite attractive and would be an asset to the community.

Ms. Lewis expressed a desire to be supportive of what the applicant wanted to do with the building. She stated she had read through the guidelines and the building did not meet a lot of the guidelines. Ms. Lewis stated she had consulted the West Main Corridor Guidelines. The two big messages from the guidelines were Human Scale and Details that make it Welcoming as well as Compatibility with Surrounding Properties. She stated that the guidelines say the roof line should be similar to surrounding buildings; however, this building is a flat roof building and the applicant should not be made to render it into some fake roof line that doesn't exist. She felt the materials were not compatible with surrounding buildings. She cited the first sentence of the Entrance Corridor Overlay Districts: "The Entrance Corridor District is intended to implement the Comprehensive Plan goal of protecting the City's historic, architectural and cultural resources by ensuring a quality of development compatible with those resources through design control measures. Purposes of the article are to stabilize and improve property values, protect and enhance the City's attractiveness to tourists and other visitors, to sustain and enhance the economic benefits accruing to the City from tourism, to support and stimulate development complementary to the prominence afforded properties and districts having cultural, architectural, historic significance."

Mr. Barton stated that the Commission seemed to be of many minds on the issue. However, there seemed to be some agreement about concerns about the material. He felt the concerns might be assuaged by a representation of that material with paint and more information about its detail and application. Ms. Lewis concurred and suggested that a sample of the window and window framing would be helpful.

Ms. Lewis made a motion to defer the application to next month's meeting to give the applicant an opportunity to come back with regard to their material inquiries and maybe address some of the other comments of Commissioners. Mr. Fink seconded the motion. Mr. Barton asked if they would like to clarify the specific issues. Mr. Fink stated he would like to see a small corner detail as well as coping details and get some resolution on how the panels would meet.

Mr. Wood stated that he would like to see a color sample. Mr. Barton felt it would be helpful to see the color palette rather than an individual sample of one panel. Ms. Lewis asked that the sample be larger than a four inch square. Mr. Fink asked if a friendly amendment was required; Ms. Lewis stated that the conditions were part of the record. Mr. Dreyfuss asked if deferral meant everything stops until the next meeting or if there was something that would allow the project to move forward contingent upon an exterior surface material and color choices. Mr. Tolbert stated that short of approval, they could do site work, but there was not much that could be done in the way of building. The motion carried 5-1 with Ms. Johnson Harris voting against.

Mr. Barton suggested that the Commissioners' Reports, Chair's Report, and Department/Staff Report be given later so that they could move on to the Joint Public Hearing to take advantage of the quorum of Councilors who were present.

II. JOINT PUBLIC HEARING

SP-03-10-10. An application for Special Use permit for the property at 134 Leake Lane to be used as a single family residence. The new M-1 Zoning permits commercial and industrial uses while requiring a special permit for residential uses. This property is further identified on City Real Property Tax Map 56 as a portion of Parcel 42 having approximately 255 feet of frontage on Burgess Lane, 26 feet of frontage on Leake Lane and containing approximately 51,000 square feet of land on 1.7 acres. The general uses called for in the Land Use Plan of the Comprehensive Plan are industrial establishments.

Ms. Grant gave the staff report. The Special Use Permit request was for a portion of property containing a farmhouse located at 134 Leake Lane. The property is currently zoned M-1, industrial. There are two buildings on the lot. One is a 3200 square foot office building; the other is a two-story farmhouse that has been used as an office space since 1991. The applicant is aware that the neighborhood has concerns regarding a desire for additional housing units in the neighborhood. The applicant wishes to maintain a portion of the property for industrial use and only requests that the farmhouse be used as residential. The applicant asked for a waiver of the site plan because it is a single family detached residence. There will be no additional parking, ingress or egress. A preliminary public application review meeting held 29 October. All comments received by staff by neighbors were in support of the applicant. Staff recommends approval of the Special Use Permit request for a portion of the property as described. The proposed use will not negatively impact the surrounding area. The proposal allows for some affordable housing in the area.

Ms. Lewis sought clarification that it was currently being used as residential. Ms. Grant concurred. Ms. Lewis asked how long the use, which was in violation of zoning, had been happening. Ms. Grant stated her belief that it had been a few months. Mr. Tolbert stated it was a non-conforming use, not an illegal use. Ms. Grant stated the applicant had understood the new zoning would allow residential use in the area. Mr. Tolbert reminded the Commission that the draft of the ordinance had residential as a permitted use in M-1; City Council changed it to requiring a Special Use Permit.

Ms. Lewis asked if it was unusual to have two different uses in the same tax map parcel and if it existed elsewhere in the city. Mr. Fink stated that, in an industrial space, you could have a night watchman's apartment that can take up no more than ten percent of the space. Mr. Tolbert stated there was zoning that splits parcels in other places. Mr. Tolbert stated there was no requirement to subdivide the property to do this.

Mr. Fink asked what the perimeters of the residential area would be since there was no site plan. Ms. Grant explained that dimensions had been given and that it was noted on the map.

Mr. Barton recognized the applicant.

Mr. Preston Coiner, of 411 Second Street, Northeast, stated he had no problem with the use being considered illegal because it was illegal. He stated he had entered into this thinking the new M-1 zone would allow residential by-right. He stated he had not been cited; he had come forward voluntarily. The eastern side is defined by the property line, the northern boundary is also the property line. The west, which is the rear yard, would have a fence or shrubs. The southern boundary is an existing fence.

Mr. Barton called for public comments.

Ms. Allison Ewing, of 1900 Chesapeake Street and president of the Woolen Mills Neighborhood, spoke on behalf of the Neighborhood. She thanked the Commission for initiating a study of the Industrial Zone. She stated the applicable words were "house" and "lane" since this was a farmhouse on a lane. She hoped the Commissioners would support the application.

With no further comments from the public, Mr. Barton closed the public hearing. He called for questions from the Commission and Council.

Mr. Lynch asked if there had been any consideration by the applicant to change the zoning of the parcel from M-1 to R-1. Mr. Coiner stated he had not considered that.

Ms. Lewis stated she would support the application since the neighbors were in favor of it.

Mr. Fink thought it would be a good thing for the Woolen Mills neighborhood.

Ms. Johnson Harris stated her support for the application.

Mr. Barton also expressed support for the application and the candor of the applicant. He did express a reservation about how they might better identify the area that is being designated by the Special Use Permit. He felt the description was too general. Mr. Barton felt a site plan would be useful. He suggested that there be a modified condition that a site plan be constructed with review by staff. Ms. Lewis suggested that the survey from 1990 be recertified.

Ms. Lewis recommended approval of the application for a Special Use Permit for 134 Leake Lane on the basis that the proposal serves the general public welfare and benefits zoning laws. Mr. Fink suggested a friendly amendment that they approve with the condition of the submittal of a basic site plan. Ms. Lewis accepted the amendment. Ms. Johnson Harris seconded the amended motion. Ms. Kelly suggested they refer to it as a survey plat delineating the area rather than a basic site plan. Ms. Lewis concurred. Mr. Higgins called the question. The motion carried unanimously.

E. COMMISSIONERS' REPORTS

Mr. Fink stated the Thomas Jefferson Planning District Commission would be having an open house on November 20th from 3 p.m. to 9 p.m. The UnJAM plan would be revealed at that time.

Ms. Lewis had attended the PACC Tech meeting with Ms. Hughes and Mr. Tolbert. They finalized the revised three party agreement. She stated that the Board of Architectural Review continued to be very busy. Ms. Lewis also thanked Mr. Higgins, Mr. Tolbert and Mr. Barton for putting together the retreat the previous weekend.

Mr. Wood had attended the McIntire Park Advisory Committee Meeting on October 22nd at which they had received an update on the study for the usage access programs as planned for McIntire Park. A report would be going to City Council on December 1st. He had also attended the dedication of the historical marker at the Jefferson School.

Ms. Johnson Harris stated the Housing Policy Task Force would be meeting November 20th; the Commission was invited to attend at the Monticello Convention Center. She stated they would meet again on December 2nd to listen to what the different committees had pulled together. She served on the committee, which dealt with maintaining existing housing in the area. Ms. Johnson Harris had attended the Neighborhood Federation Meeting. She had also attended the ribbon cutting at Jefferson School.

Ms. Firehock stated that the Community Development Block Grants Task Force had met and formed subcommittees. The Parks Advisory Board retreat was postponed until November 19-20. She stated the City Streams Task Force met October 30th and reviewed some guiding principles and reviewed the first ever map of city streams.

Ms. Hughes had attended the Southern Area B Study/first public workshop.

F. CHAIR'S REPORT

Mr. Barton had attended the Jefferson School Task Force meeting on October 28th . It is in the process of drafting its final report. He asked that they commemorate the passing of Priscilla Whiting, one of Charlottesville's true stars. He stated the Commission had a lot of work to do in addition to the monthly meetings; they would need to work over the course of the next year to establish guidelines that would allow them and applicants to move through the Entrance Corridor process more smoothly. Mr. Barton asked that the Planning Commission committee assignments be added to the agenda for the December 9th meeting. Mr. Barton stated that the University had named a successor to Mr. Pete Anderson; David J. Newman, who had been University Architect at Stanford University, has joined the staff of the University.

G. DEPARTMENT/STAFF REPORT

Mr. Tolbert stated that negotiations should be finalized with the consultant regarding design guideline criteria. Price proposals had been received on the historic property surveys. He gave a brief update on All Things Pawsible; there had been no site plan presented which staff felt comfortable bringing before the Commission.

Ms. Lewis moved to request that for six months, or until the Ordinance is clarified and the Commission felt comfortable with the guidelines, that all site plans for applications in the Entrance Corridor new zoning district be called up for review by the Planning Commission. Ms. Firehock seconded the motion. The motion carried unanimously.

Mr. Fink made a motion to adjourn until the December 9th meeting. Ms. Lewis seconded the motion. The motion carried unanimously whereupon the meeting stood adjourned at 8:24 p.m.

Respectfully submitted,

James E. Tolbert, AICP

Secretary

APPROVED:

Craig Barton, Chair