

**DRAFT MINUTES  
CITY OF CHARLOTTESVILLE  
PLANNING COMMISSION  
TUESDAY, DECEMBER 9, 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:

Ms. Cheri Lewis, Vice Chair  
Mr. Jon Fink  
Ms. Karen Firehock  
Ms. Kathy Johnson Harris  
Mr. Kevin O'Halloran  
Mr. Eldon Wood

*STAFF PRESENT:*

Mr. Jim Tolbert, AICP, Director  
Ms. Lisa Kelley, Deputy City Attorney  
Ms. Missy Creasy, AICP, Neighborhood Planner  
Ms. Mary Joy Scala, AICP, Neighborhood Planner  
Mr. Dan Clark, Assistant City Engineer

*Ex-Officio:*

Ms. Mary Hughes, UVA Office of the Architect

*City Council Members Present:*

Mr. Maurice Cox, Mayor  
Ms. Meredith Richards, Vice Mayor  
Mr. Blake Caravati  
Mr. Kevin Lynch

**I. REGULAR MEETING**

Ms. Lewis called the meeting to order at 6:23 p.m. She explained that Mr. Barton had a family commitment, which made it impossible for him to be present. She also stated that item G(2) on the agenda would be heard before the minutes. Mr. Tolbert stated that Dan Clark, a new staff member, the Assistant City Engineer, was present to observe the meeting. Mr. Clark had served as a Planning Commissioner for Botetourt County.

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

There were no matters from the public.

**B. PRESENTATION: 2025 UnJAM -- HARRISON RUE, DIRECTOR, TJPDC**

Ms. Lewis recognized Mr. Rue to give the UnJAM presentation.

Mr. Rue stated the information was also available on the website. UnJAM was uniting the urban and rural areas. The transportation document was based on each of the municipalities' priorities in their Comprehensive Plans. The new policy is that new roads that are built will have bike facilities and sidewalks. He stated that Level of Quality Guidelines had been developed in the MPO Walkability Workshops. The main thing in the project list is an \$800,000 technical study to follow up on the new Bus Rapid Transit study, as well as 5 million in the plan for roadway improvements to support transit.

Mr. Tolbert asked Mr. Rue to explain the timing of the process. Mr. Rue stated there would be one more meeting in January. Phase II of the Meadowcreek Parkway still needed to be discussed, which would require an MPO Policy

Board meeting. A final vote should be held at the first MPO meeting of February. Mr. Rue asked that comments and questions be sent to Mr. Tolbert who could forward them on to Mr. Rue.

## **G. DEPARTMENT/STAFF REPORT(S)**

### **2. Capital Improvement Plan (CIP) FY 2005-2009**

Ms. Leslie Beauregard, City Budget Manager, discussed some highlights of a memo she had sent the Commissioners. In the Expenditure Summary there were new items for 2005 -- Charlottesville High School improvements, 6.6 million; the central fire station roof and window replacement; the City's share of the Health Department roof and HVAC replacement; repairs to the Monticello Visitors Center; Downtown Mall renovations; and the West Main Street streetscape improvements. Ms. Beauregard would also be at the January City Planning Commission meeting. The CIP would be presented to City Council in February. Ms. Lewis reminded the Commissioners that review of the CIP budget was a state-law mandated responsibility; she asked that everyone look over the budget and send comments to Mr. Tolbert or Ms. Beauregard.

## **C. MINUTES**

### **November 11, 2003 -- Regular Meeting**

Ms. Lewis called for corrections to the minutes. She asked that Mr. Dreyfus name be corrected. Mr. Wood asked for clarification of a statement in the next to last paragraph of page 3, which mentioned an ordinance for "on-site parking." Mr. Fink concurred with Mr. Wood that they had been talking about off-site parking. With further review, Mr. Fink felt the "on-site" language was correct.

Mr. O'Halloran made a motion to approve the minutes as amended. Mr. Fink seconded the motion, which carried unanimously.

## **D. LIST OF SITE PLANS AND SUBDIVISIONS APPROVED ADMINISTRATIVELY**

Mr. Fink made a motion to approve the site plans approved administratively November 1 to December 1, 2003. Mr. Wood seconded the motion. The motion carried unanimously.

### **LIST OF SITE PLANS APPROVED ADMINISTRATIVELY**

11/1/03 to 12/1/03

**1. File No. T-03-000008 Norcross Commons** - Garrett Street and 300 4th  
34 Apartments Street, SE at CSX Tracks

## **E. COMMISSIONERS' REPORTS**

Ms. Firehock stated the Community Development Blocks Grant Committee was considering proposals. The Parks and Recreation Advisory Board had had a retreat. The City Streams Task Force met and had decided to take a critical areas approach rather than a one size fits all approach. The Preston Avenue Commons met and formed a new committee to develop a request for qualifications for developers.

Ms. Johnson Harris stated the School Board CIP Committee had not met nor had the Federation of Neighborhoods. The Housing Policy Task Force met for its final meeting.

Mr. Wood stated the McIntire Park Committee had not met nor had the Urban Design Committee.

Mr. Fink had attended the City Streams Task Force meeting; they were being asked to look at the storm water ordinance. He stated the UnJAM Open House had been very well attended.

Mr. O'Halloran stated the Planning District Commission Board had not met.

Ms. Hughes invited the Charlottesville Planning Commission members to attend a walking tour given by the Lewis Mountain Neighborhood Association on 18 December at 12:30. UVa had received a grant from the Getty Foundation to do a preservation master plan for all of the buildings and landscapes that are 40 years old or older.

Ms. Lewis stated the Board of Architectural Review continued to be busy. Two matters had been appealed to City Council; one was overturned, the other was yet to be heard. PACC Tech did not meet.

## **F. CHAIR'S REPORT**

The Chair of the Commission was not present to make a report.

## **G. DEPARTMENT/STAFF REPORT(S)**

Mr. Tolbert gave the Commissioners a copy of a letter sent by the Zoning Administrator regarding a group home. The letter was for information purposes only.

Mr. Tolbert stated that a City Architect was under contract; he would be meeting with Mr. Pete Anderson on December 12th to plan his work including working on the Entrance Corridor Guidelines.

Mr. Tolbert stated that the Park Street Bridge would reopen December 10th at 2:30 p.m.

Ms. Lewis recognized that a quorum of City Council was present and asked that Committee Selection be deferred until after the joint public hearings.

## **II. JOINT PUBLIC HEARINGS**

### **H. JOINT PUBLIC HEARINGS**

**1. ZM-03-11-11:** A petition to rezone from R-2 Residential to R-2 Planned Unit Development (PUD) the property on the north side of Madison Avenue at Meadow Street as a five unit addition to the 16-unit Madison Place PUD. The general uses allowed in the R-2 zoning are medium density single and two-family dwellings on moderate sized lots at a density of seven to 12 units per acre. The property is further identified on City Real Property Tax Map number 37 as a portion of parcel 83 having approximately 80 feet of frontage on Madison Avenue, 225 feet of frontage on Meadow Street and containing approximately .42 acres of land. The general uses called for in the Land Use Plan of the Comprehensive Plan are single and two-family dwellings in a range of seven to 12 units per acre.

Ms. Creasy gave the staff report. This is Phase II of the Madison Place PUD. Four lots would face on Meadow Street, one on Madison. If approved, the dwellings would have the same characteristics and conditions as Madison Place Phase I. All of Phase II would contain private lots with no additional common space; common space overall would be reduced from 24 percent to 22 percent. PUDs are allowed a minimum of 15 percent. Units would be at least 1500 square feet. Proposed lot widths would be from 44 feet with differing setbacks. A preliminary agenda meeting had been held with a number of concerns presented by a Phase I resident. A bond is on hold; drainage concerns must be taken care of before the bond will be released. Staff recommends approval of Phase II for a number of reasons outlined in the Zoning Ordinance. If approved, a preliminary and final subdivision, as well as a site plan, will be required.

Ms. Lewis asked the applicant if he wished to speak. He did not.

Ms. Lewis opened the public hearing.

Mr. Fink stated for the record that he had spoken with Mr. Hickman about an unrelated project and, feeling it was important to make a full disclosure, stated that he had no pecuniary interest in this project.

Mr. Richard Holway, of 106 Kelsey Court in the Madison Place PUD, spoke in opposition of the proposal. He read a statement from the homeowners of Madison Place. The homeowners could only offer conditional support due to a

lack of essential information about the details of the proposal. They asked that the Commission keep the public hearing open or reschedule another hearing when plans are more definite.

Ms. Lewis called for additional public comment. There being none, she closed the public hearing.

Mr. Fink sought clarification as to what information was missing to the satisfaction of the adjacent property owners. Mr. Hickman stated that what was built was what was engineered and approved. However, he stated it was not working. He stated that houses were still being built which made it difficult to watch the drainage.

Ms. Firehock asked if the proposed houses would drain into the existing drainage structure. Mr. Hickman stated they would not.

Mr. Caravati expressed concern that the City would be culpable.

Mayor Cox felt the packet was woefully inadequate to determine storm drainage and topography. He was surprised that there was not an engineered site plan. Mr. Tolbert stated that was one of the primary changes in the zoning ordinance. Developers would not need to go through all the engineering on PUDs until zoning approval was granted. Mr. Cox felt they were approving a concept and did not understand how the City Planning Commission could approve a concept. Mr. Tolbert explained that, under the new ordinance is that rezoning is approved first and then a detailed engineering site plan would be submitted for approval, either administratively or before the City Planning Commission.

Mayor Cox sought clarification about what was happening with making usable open space. Ms. Creasy explained that the requirement for common space was reduced in the Zoning Ordinance. The proposed properties would reduce the common space from 24 to 22 percent; this was still above the 15 percent minimum standard.

Mayor Cox asked if the open space was a buffer from neighboring houses or if it was recreational space. Mr. Hickman explained they were working on that with the neighbors. Mayor Cox asked that the Commissioners articulate that as a criteria for approval.

Mr. O'Halloran made a motion to approve the proposed rezoning of ZM-03-11-11 because, based on the information before the City Planning Commission, the proposed rezoning and addition to an existing PUD was required by the public necessity, convenience and general welfare or good zoning practice. Ms. Firehock seconded the motion. Mr. Fink asked if there should be specific language talking about a better use of common space/common area. Ms. Kelley read from the ordinance that open space must be usable for recreational purposes or provide visual aesthetic or environmental amenities. Mr. Fink felt that it could be done more effectively at site plan review. Mayor Cox reiterated that he had asked the Commission to put some language in the motion addressing open space due to the rather intense discussion that had not been resolved. Ms. Lewis noted for the record that the plan would be called up. Mr. Tolbert reminded City Council that they could add anything to the rezoning when it comes before them. He also suggested that he and the City Attorney have a discussion about the open space issue.

The question was called. The motion carried unanimously.

**2. ZM-03-11-12:** An ordinance to amend and reordain Section 34-541, defining the primary and linking streets in the Downtown Corridor District and Section 34-558 (Street wall regulations) of the City Code, Zoning Ordinance in order to clarify step back requirements for linking side streets to be different than those for primary frontage streets.

Mr. Tolbert gave the staff report. This is the first amendment of the new Zoning Ordinance. He stated that they would only be looking at Section 34-558, Street wall regulations. Historically, a step back was required above four stories on Main Street. The intent of the new ordinance was for step back on Main and possibly Water and Market Streets. The ordinance said the step back had to be on all streets. This would make it difficult to have buildings taller than four stories on the side streets.

Ms. Lewis called for public comments and questions. There being none, she closed the public hearing. She then called for comments from the Commissioners.

Mr. O'Halloran stated that it was an oversight. He supported the amendment as outlined by Mr. Tolbert.

Mr. Fink made a motion that Section 34-558 (Street wall regulations), subsection a, be amended to add the following: This regulation shall not apply to any street wall fronting upon a numbered street within this corridor between Ridge Street and Tenth Street East because this was required by public necessity, convenience, general welfare or good zoning practice. Ms. Johnson Harris seconded the motion. The motion carried unanimously.

### **III. SITE PLANS AND ENTRANCE CORRIDOR REVIEWS**

#### **I. SITE PLANS**

##### **1. Madison Place PUD addition (5 units)**

Madison Avenue at Meadow Street  
(considered with ZM-03-11-11, above)  
The site plan had been deferred.

#### **J. ENTRANCE CORRIDOR REVIEW**

##### **1. Office with 2 Floor Residential Addition (15 units)**

820 East High Street  
File Number T-03-000018 (Entrance Corridor Design Review)

Ms. Creasy gave the staff report. The application for the property had been worked through in the November City Planning Commission meeting. The applicant took the comments made at that meeting and modified the design. The main modifications were a street level entrance door added to provide access from the sidewalk on the High Street side, four additional balconies on the High Street side were placed with inset windows, and metal wire mesh balcony guard rails were placed rather than wood railings. Staff recommends approval.

Mr. Jeff Dreyfus thanked the Commission for its input and patience.

Ms. Lewis called for questions and comments from the Commission and City Council.

Mayor Cox found the presentation to be very comprehensive; it had answered a lot of the questions from the previous meeting. He further stated this served as a model for other buildings in the commercial district.

Mr. Fink supported the project. He felt it was forward looking and that it conformed to the new zoning vision of mixed use and greater density and economic viability. The applicant has shown that adequate parking exists within a defined radius. The use of materials and colors were visually exciting. He thought it would add flair to what was a very boring building. He added that as Planning Commissioners, they had an opportunity to craft and redefine the view shed of the Entrance Corridors. While he supported the project, he thought, going forward, they had to tread carefully and view each project on its own merits until there is a firmer Entrance Corridor Design Guideline defining the appearance and mass of buildings especially in the cases of redevelopment. Excellent references were made to the Board of Architectural Review and West Main Corridor Guidelines. The current guidelines do not go far enough in addressing more specific issues. If the application is approved, the City Planning Commission should make it clear that no precedent is being established in so doing.

Ms. Johnson Harris made a motion to approve the proposal. Mr. O'Halloran seconded the motion. The motion carried unanimously.

Ms. Lewis stated that the Commission was asked to provide Mr. Tolbert with comments on the Sunset Bridge issue.

Mr. Tolbert stated that a project in the County, Eagles Landing, was developed and wanted vehicular access to the bridge. The City had closed the bridge for good cause and would not reopen it. The County developed a plan for improvements and beautifications to the bridge. The plan was submitted to the City. Mr. Tolbert distributed copies of a letter from Steve Blaine, Esquire, attorney for Eagles Landing, which states that the improvements are meant to

improve pedestrian access and the appearance of the bridge. Mr. Tolbert stated the bridge must remain ADA accessible. The neighborhood was concerned that scooters and bicycles could get through.

Ms. Lewis opened the public hearing.

Mr. Joe Mooney, of Sunset Avenue, expressed appreciation for the Commission considering the issue. His concern was that the County was building like crazy but taking no responsibility for providing access to Fontaine Avenue. He stated the Neighborhood Association had not had time to discuss and consider the issue.

Ms. Betty Mooney, of 201 Sunset Avenue, referred to two recommendations in the 1988 Jefferson Park Avenue/Fontaine Avenue study. Closing had been recommended at that time. She presented the Commission with a petition from the neighbors who could not be present.

Ms. Ellen Gwynn, of 2503 Brunswick Road, spoke in opposition of the proposal. She expressed concern over the noise of the motorcycles.

Mr. Jack Gwynn, of 2503 Brunswick Road, spoke in opposition of the proposal. He was in favor of closing the bottom of the bridge. He did not want anything that would allow motor vehicle access.

With no further comments from the public, Ms. Lewis closed the public hearing and called for comments from Commissioners and Councilors.

Mayor Cox expressed his sorrow that the single family, detached, quiet, stable neighborhoods of the City had to look out onto a contrasting development pattern.

Mr. O'Halloran thought that the neighborhood, Mr. Tolbert, and Ms. Kelley should talk some more and come up with a design solution or legal enforcement solution that would help address these problems.

Mr. Fink concurred with Mr. O'Halloran. He thought they should see if there was any language that would change the use from a road to a trail. He also felt that a barrier needed to be erected to prohibit motorized vehicles.

Mr. Wood suggested bulldozing the City side of the bridge.

Ms. Johnson Harris concurred with Mr. Wood's feelings. She felt something needed to be done because moped traffic was becoming a large problem for the whole City of Charlottesville.

Ms. Firehock felt a simple design was feasible to take advantage of the developer's offer.

Ms. Lewis also sided with Mr. Wood as to why this connection needed to be made.

(The Commission stood in recess, 9:25 p.m. to 9:29 p.m.)

#### **G. DEPARTMENT/STAFF REPORT(S)**

Mr. Tolbert handed out Entrance Corridor Design Guidelines and asked the Commissioners to review them, as it would be on the January agenda to be adopted as an interim guideline.

Mr. Tolbert distributed copies of the County's calendar through March 23, 2004. Mr. Fink sought clarification that there would be a Planning Commissioner at each County meeting. Mr. Tolbert concurred.

Mr. Tolbert also distributed the neighborhood meeting plan, which had been suggested by Mr. Barton in an E-mail.

Ms. Hughes left the meeting at 9:38 p.m.

Ms. Lewis suggested they E-mail Mr. Barton with their preferences and defer selection until the January meeting.

**1. COMMITTEE SELECTION -- PLANNING COMMISSION REPRESENTATIVES**

Ms. Johnson Harris suggested that, due to the late hour, they table this until the January meeting. Mr. O'Halloran concurred.

Mr. Fink made a motion that the City Planning Commission adjourn until January 13th for a public hearing. Mr. Wood seconded the motion. The motion carried unanimously whereupon the meeting stood adjourned at 9:48 p.m.

Respectively submitted,

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James E. Tolbert, AICP, Secretary

APPROVED:

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Cheri Lewis, Vice Chairman