

**DRAFT MINUTES  
CITY OF CHARLOTTESVILLE  
PLANNING COMMISSION  
TUESDAY, MARCH 9, 2004 -- 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  
Ms. Cheri Lewis, Vice Chair  
Ms. Kathy Johnson Harris  
Mr. Kevin O'Halloran  
Mr. Eldon Wood  
Mr. John Fink  
Ms. Karen Firehock

*Staff Present:*

Mr. Jim Tolbert, AICP, Director of NDS  
Mr. Ron Higgins, AICP, Planning Manager  
Ms. Lisa Kelley, Deputy City Attorney  
Ms. Claudette Grant, Neighborhood Planner  
Mr. David Beardsley, City Traffic Engineer  
Mr. Pat Plocek, Parks Division Manager  
Mr. Mike Svez, Director of Parks & Rec.

*City Council Members Present:*

Mr. Maurice Cox, Mayor  
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 6:30 p.m.

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

Mr. Barton called for matters from the public not on the formal agenda.

Ms. Betty Mooney, of 201 Sunset Avenue, wanted to know how planning done over the course of a year between the neighborhood and developer could go so wrong in execution at the Dymond property. She expressed concern about needing to fight the City for an environmentally sensitive design.

Mr. Joe Mooney, of 201 Sunset Avenue, also expressed concern over the development at the Dymond property. He read from a prepared statement. He asked that corrective and disciplinary action be taken.

Mr. John Santoski, of 2421 Sunset Road, stated the development looked like a logging camp. He felt the project was not being monitored and that the PUD was not being developed as it was supposed to be.

Mr. Barton asked Mr. Tolbert to address the expressed concerns.

Mr. Tolbert stated they had learned three weeks prior that development had begun; an immediate stop work order had been issued. He further stated that Mr. Hickman, the applicant, had been sent correspondence detailing what must be done before the stop work order would be released: he must convince NDS he did not clear more than the

limits of clearing -- trees which were to be untouched have been removed -- if the limit of clearing had been exceeded, a new landscape plan must be submitted telling how the action would be corrected; a professional engineering firm must come in to check the sewer line since almost all of the sewer line construction was done with no inspection -- staff had just received data stating the sewer line was built to specification and was probably okay. Mr. Tolbert stated an inspector was at the site twice a day to make sure no work was being done and who would monitor that work was being done properly when they were allowed to start back. Mr. Hickman had been told in late November/early December his plan had met the conditions and to bring in his bonds, at that time, the plans would be signed. The bonds were never submitted.

Mr. Barton reiterated that the first site plan which was submitted was inadequate in describing mature trees on the site; the applicant had been asked to come back with a detailed survey. A compromise was for the identification of specimen trees so that the trees to be saved would be identified. Mr. Barton felt there was not enough information to assess blame. He also apologized to the neighbors since this was a situation that none of them would want happening in their neighborhoods. He thanked the neighborhood for bringing this to the Commission's attention.

#### **B. MINUTES February 10, 2004 -- Regular Meeting**

Mr. Barton called for review of the February minutes. Ms. Johnson Harris asked that notation of absent members be listed. Mr. Barton stated that Ms. Johnson Harris had been working as an election official that evening. Ms. Lewis stated that PACC Tech had been misspelled as PAC Tech in the third paragraph of the Commissioners' Reports. Ms. Lewis also mentioned that in the third full paragraph from the top of page 6 the applicant had asked the Commission to grant a waiver of the 15 percent open space requirement and the Commission did not agree to that, but the minutes reflect that she made a motion to recommend approval of the application; Ms. Lewis sought to clarify the motion by adding an additional sentence stating that the motion expressly excluded the grant of a waiver of the 15 percent open space requirement. Mr. Wood noted a floating pronoun in a statement attributed to Mr. O'Halloran; "it" was referencing the Gordon Avenue application.

Ms. Lewis moved to approve the minutes as amended. Ms. Firehock seconded the motion. The motion carried with Ms. Johnson Harris abstaining.

Since Mr. Tolbert had stepped out of the meeting, Mr. Barton suggested they move on to the Commissioners' reports.

#### **D. COMMISSIONERS' REPORTS**

Mr. Wood stated his only committee which had met was the McIntire Park Committee. Design recommendations were on the city website. He suggested people view the design proposal on the web or on Channel 10. He stated Ms. Firehock had been present. She stated a videotape of the show was available for neighborhood groups.

Ms. Johnson Harris stated none of her committees had met. She was awaiting the affordable housing report which should be available April 6, 2004.

Ms. Firehock stated the City Streams Task Force had met with staff of the Chesapeake Bay Local Assistance Department who had a lot of experience in working in highly developed urban areas and looking at options for protecting streams. The Task Force was also working on a storm water management plan for the City.

Ms. Lewis stated the Board of Architectural Review continued to be busy. They had granted a Certificate of Appropriateness Application for the new downtown hotel on the Downtown Mall.

Mr. Fink had been away on business and missed the last MPO Tech committee meeting.

Mr. O'Halloran stated the CDBG had not met and he was still waiting to be sworn in to the Board of Zoning Appeals.

#### **E. CHAIR'S REPORT**

Mr. Barton noted that he and Ms. Lewis had invited the six identified candidates for City Council to meet with them at City Hall to discuss the role of the Planning Commission and for the candidates to question them about projects and the general philosophy of the CPC. Four of the candidates had been in attendance: Ms. Hamilton, Mr. Brown, Ms. Reineke, and Mr. Jackson; Mr. High was unable to attend due to a prior commitment.

A meeting had been held with a consultant, Frazier and Associates, who are constructing entrance corridor guidelines.

Mr. Barton had hoped to introduce the new University Architect, David Newman, who had left the staff of Stanford University to join the staff at the University of Virginia.

Mr. Barton had been unable to attend the last meeting of the Thomas Jefferson Planning District Committee since he had been out of town on business.

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

With Mr. Tolbert being present in the meeting, Mr. Barton asked that the Commission consider the one site plan which had been approved administratively, file number 390-A.

Mr. Fink wanted to know how many parking spaces would be in front of the restaurant. Mr. Tolbert thought there would be 20 spaces.

Ms. Lewis moved to approve the list of site plans approved administratively from February 1st, 2004 to March 1st, 2004. Mr. Fink seconded the motion. The motion carried unanimously.

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

2/1/04 to 3/1/04

1. File No. 390-A MAS Restaurant 501 Monticello Road  
New Parking Lot

Mr. Barton proposed recessing the meeting for five minutes; before he could recess the meeting, Mr. David Newman entered the meeting. Mr. Barton stated Mr. Newman had a long and distinguished career as a University Architect and Urban Designer. Mr. Barton looked forward to having him as a colleague on the Commission.

The Planning Commission stood in recess, 7:06 p.m.

Mr. Barton called the meeting back to order at 7:11 p.m.

### **II. JOINT PUBLIC HEARINGS**

Mr. Barton reminded the audience: that there was a three minute limit per speaker; that if they were in substantive agreement with comments made earlier in the discussion that they note they were in agreement without repeating the comments; comments would not be entertained after the public comment period was closed; spontaneous comments should not be offered while someone else was speaking.

### **F. JOINT PUBLIC HEARINGS**

**1. ZM-03-12-15A:** The petition to rezone from R-2 Residential to Planned Unit Development (PUD), with proffers, a portion of the vacant property of the Johnson Village subdivision at Cherry Avenue and Cleveland Avenue as referred back to the Planning Commission by City Council for reconsideration of access. The general uses allowed in the R-2 zoning are single and two-family dwellings at seven to 12 units per acre. The PUD designation would permit single-family detached, townhouses and condominiums up to 188 units at an average density of 12.6 units per acre. This property is further identified on City Real Property Tax Maps as a portion of 22A-3, having approximately 14.93 acres of land with 2,177 feet of frontage on Cleveland Avenue and 291 feet of frontage on

Cherry Avenue. The general uses called for in the Land Use Plan of the Comprehensive Plan are single and two-family residential ranging from 3-12 units per acre.

Mr. Tolbert gave the staff report. The proposal had been before the Commission in the prior month with three parcels. Two of the parcels, one of which fronted on Fifth and the one behind Rock Creek Road were voted on by City Council and now have PUD designation. City Council asked that the Cherry Avenue piece be severed and that it come back to the Planning Commission. Concerns of the neighborhood included: sidewalks be constructed on Cherry in front of the applicant property -- those will be required of the applicant; traffic calming and/or sidewalks on Highland and Robertson Avenues; Highland Avenue was not to be aligned with interior streets of the applicant property; the neighborhood desired improvements to the Cleveland-Willard-Cherry intersection -- the applicant has proffered \$60,000 towards assisting with correcting that intersection; the neighborhood sought a tie to Cleveland for safety reasons and to divert traffic -- the City recommended that the bike/ped connection proffered in the previous application have a removable bollard in it so that public safety vehicles could get through. Mr. Tolbert listed the proffers of the applicant: single family and townhouse units would be limited to no more than 120 -- the by-right density was 183; each residential unit has the right to construct an internal accessory apartment as defined in the City Zoning Ordinance -- no principle dwelling unit shall be occupied by more than three unrelated individuals; commercial uses located within the Fifth Street site shall be limited to consumer service businesses; a dedicated permanent easement for the pedestrian trail; picnic tables in the open space of the Cherry Avenue parcel; a bike/pedestrian connection at the Highland connection built to standard with removable, keyed bollards; a \$60,000 cash proffer for the construction of improvements to the intersection of Willard, Cleveland and Cherry; if additional residential units are sought in Block A, the development plans shall show a connection from Highland Avenue to Cleveland Avenue to be constructed at the developer's expense; the owner shall construct a hard surface walkway around the perimeter of the Johnson School playground connecting to the existing sidewalk in front of the school at the expense of the owner and shall be of design and material approved by the principal of Johnson School. No prior proffers were removed; they were either adapted or new ones added.

Mr. Barton recognized the applicant, Mr. Steve Runkle of 1819 Rugby Road. Mr. Runkle had nothing further to add but made himself available to answer questions.

Mr. Wood wanted to know when the decision would be made about the content of the center portion. Mr. Runkle stated it would be soon, preferably a matter of months rather than a longer period of time. Mr. Runkle further stated that, under the proffers, the block could consist of 70 townhouses, or 36 single family detached homes, or a mixture using half of each.

Mr. Barton opened the public hearing.

Mr. Michael Farruggio thanked the City for working with the neighbors. The neighborhood desired that the work on the sidewalks and traffic calming, as well as the Cleveland, Willard and Cherry intersection be completed before the build out of the project.

Mr. Charles King, of 2307 Highland Avenue, referenced a letter, dated March 9th, which had been sent to the Commission and signed by 50 residents of Highland Avenue and Robinson Avenue. The residents were concerned about the cut through behavior on Highland and Robinson Avenue. He also asked that consideration of preservation be given to the mature growth trees.

Ms. Andrea K. Weider, of 2331 Highland Avenue, expressed pleasure that the issue had been kicked back to the Charlottesville Planning Commission so that developers must answer to the neighborhoods.

Mr. Lawrence Weider, of 2331 Highland Avenue, asked that the Charlottesville Planning Commission consider elevations as well as plats when looking at projects. He expressed disappointment that his neighborhood existed only to conduit people into a development that does not exist yet.

Mr. David Lee, of 2343 Highland Avenue, wanted to see two accesses to the property.

Mr. Vance High agreed with the comments already given.

Mr. John Sleeman had nothing further to add.

Mr. Scott Burns, of 209 Montevista Avenue, expressed preference for two entrances and single family homes. He expressed concern that townhouses would end up as student housing or as Section 8 housing.

Ms. Christine French, of 2522 Willard Avenue, agreed with previous speakers and expressed concern about the increase of traffic on her street.

Ms. Catherine Loss, of 411 Moseley Drive, reiterated previous comments concerning additional traffic.

Ms. Terri DiSentio, of 2307 Highland Avenue, reiterated the concerns of others regarding traffic.

Ms. Ann Getty, of 2202 Hill Street, reinforced the concerns of the neighborhood. She also asked that lower density be considered.

Mr. Jay Levine, of 696 Highland Avenue, thought that it would add to the development if as much of the trees as possible could be retained in the common areas.

Mr. Steven Andrews, of 2311 Highland Avenue, preferred a lower density.

With no one else wishing to speak, Mr. Barton closed the public hearing.

Mr. Barton called for questions from the Commissioners.

Ms. Firehock clarified for the audience that proffers could not be sought, they must be offered freely by the developers. Mr. Barton also clarified that proffers could not be modified by the Commission; they could only accept or reject them.

Ms. Lewis asked for clarification from Ms. Kelley regarding the binding nature of proffers. Ms. Kelley stated that an approved proffer became a zoning regulation applicable to the property and was enforceable as such.

Mr. Wood asked if a traffic study had been completed. Mr. Tolbert stated one had and the City Traffic Engineer, Mr. Dave Beardsley, was present. Mr. Beardsley stated he had reviewed the study which had been submitted the previous week; it showed a projected increase of 40-50 cars per day, which would mean 80 cars per peak hour.

Mayor Cox arrived at 8:22 p.m.

Mr. Schilling asked that density be addressed. Mr. Tolbert explained that by-right the density could be 183; Mr. Runkle has proffered 120.

Mr. Barton called for comments from the Commissioners.

Mr. O'Halloran was in favor of going along with the staff recommendation.

Mr. Fink stated current access was adequate. Mr. Fink told the applicant that it was important to have affordable homes for Charlottesville's working population and asked that 15 to 20 percent of the homes be affordable. He also asked that the applicant's submitted site plans include stream mitigation plans, the identification of specimen trees to allow for their preservation, that Willard be revisited for a study to see if traffic calming would be necessary.

Ms. Firehock concurred with her colleagues.

Ms. Johnson Harris concurred with her colleagues. She also appreciated the applicant having worked with the neighborhood and that proffers are being offered.

Mr. Wood concurred with the need for affordable housing expressed by Mr. Fink.

Ms. Lewis concurred with the comments of the Commission. She agreed that improvements to Highland, Cleveland and Cherry should be done now rather than at the end of the project.

Mr. Barton also concurred with his colleagues. However he felt it was a slightly tricky business since they needed a sense of the density and what is contained in the concept to be able to assess their impacts on the neighborhood.

Ms. Lewis moved to recommend approval of the application to rezone the property in application ZM-03-12-15-A on the basis that the proposal would serve the interest of the general public welfare and good zoning practice and good dental hygiene. Ms. Johnson Harris seconded the motion. With no discussion, Mr. Higgins called the question. The motion carried unanimously.

Mr. Barton recessed the meeting at 8:45 p.m. on the request of his colleagues.

Mr. Barton reconvened the meeting at 8:47 p.m. He asked that all electronic devices be turned off.

**2. ZM-04-1-2:** A petition to rezone from R-2 Residential to Planned Unit Development (PUD), with proffers, the property at the end of Riverside Avenue on the north end of the Riverview Cemetery. This property is further identified on City Real Property Tax Map Number 55 as parcel 88.10, having 60 feet of frontage on Riverside Avenue and containing approximately 19.5 acres of land. The current R-2 zoning allows single and two-family dwellings at a density of seven to 12 units per acre. The PUD designation would permit development of 22 clustered single-family detached units, with some having internal or external accessory units, at an overall density of up to 2.25 units per acre. The general uses called for in the Land Use Plan of the Comprehensive Plan are single and two-family dwellings at 7 to 12 units per acre. DEFERRED FROM 2/10/04 MEETING.

Mr. Caravati left the meeting, 8:48 p.m.

Ms. Grant gave the staff report. Access to the new development would be by a one-way loop road off Riverside Avenue. The open space requirement is exceeded. The development proposes a lower density than allowed by-right. The developer has proffered: within 12 months of PUD approval, the owner shall execute a deed in favor of the City conveying a permanent easement and right of way for public use of and passage through an area of approximately 6.5 acres at the northern and eastern periphery of the parcel; the owner shall plan, design, and construct the pedestrian access trail connecting Riverside Drive with the existing Rivanna greenbelt trail; the owner shall contribute \$10,000 to the City to be used to assist in the construction of a sidewalk on the north side of Chesapeake Street between Riverside Drive and Fairway avenue; a \$500 tax contribution shall be made by the owner within 30 days of closing on the initial sale of the first 20 building lots to be sold within the PUD. The developer has requested: each lot will have the right to construct an internal or external accessory apartment; there shall be no required front yards however building facades shall be set back from the front line a minimum of ten feet; the required corner side yards will be a ten feet minimum, rear yards will be a 20 feet minimum. No more than 22 single family detached dwelling units will be constructed on the site. The project plans to preserve a maximum of mature trees and minimize grading. Staff recommends approval since the application encourages development of equal or higher quality than required. The representative of the applicant, Richard Price, was present to answer questions.

Mr. Caravati reentered the meeting, 8:56 p.m.

Mr. Barton called for questions from the Commissioners.

Ms. Firehock sought clarification of the developer's response to neighborhood concerns. Ms. Grant stated the first concern was that he meet with the residents; he did so. Ms. Grant stated that the developer had answered the concerns as best he could for those in attendance.

Mr. Schilling sought clarification that the proffer of \$500 was on each of the first 20 building lots. Mr. Tolbert stated that staff had identified to the City Attorney and Mr. Price that that was a typographic error and needed to read as Mr. Schilling suggested.

Mr. Barton opened the public portion of the hearing.

Mr. Bill Emory, of 1604 East Market Street, read from a prepared statement expressing concern about soil erosion.

Ms. Kay Slaughter, of 1501 Short 18th Street, expressed concern over the impact of storm water and traffic.

Mr. Nicholas Smith, of 1503 Short 18th Street, expressed concern about development in the Woolen Mills neighborhood due to the amount of traffic.

Ms. Richards left the meeting, 9:08 p.m.

Mr. Rob Hull, of 305-B Riverside Avenue, expressed concern about removing trees as well as concerns about the traffic in the neighborhood.

Ms. Richards reentered the meeting, 9:12 p.m.

Mr. Scott Jones, of 1510 Short 18th Street, felt this was an intelligent, well thought out development.

Ms. Lynda Mosen, of 101 Chisholm Place, addressed the traffic issue.

Mr. Paul Malburger, of 414 Fairway Avenue, thought the City may have goofed in not downzoning this property as well as the property in ZM-04-1-3.

With no one else from the public wishing to speak, Mr. Barton closed the public hearing. He called for questions from the Commissioners.

Mr. Richard Price, of 321 Parkway, is the architect and the developer of the project. He stated the development plan was for a conservation community. He had supplied the Commission with a drawing of what the by-right development could look like.

Mr. Fink queried Mr. Price as to mitigating erosion and silt control. Mr. Price stated he could not speak to the engineering methods.

Ms. Firehock asked if a tree preservation plan would be submitted. Mr. Price stated they were planning to do so. Mr. Barton clarified that at the point of reviewing the site, tree preservation was a topic that the Commission would be very interested in reviewing. Mr. Price explained they would be working with Bio-Habitat to restore the hydrological system.

Mayor Cox sought clarification as to the types of houses to be built and their affordability. Mr. Price explained that there would be carriage units starting at \$150,000; houses would start at \$300,000.

Mr. Barton asked how the critical habitats would be maintained. Mr. Price explained there would be a homeowners association; fees from that would be used.

Mr. Barton apologized to the public for not recognizing Mr. Price earlier in the hearing.

Mr. Barton called for comments from the Commissioners.

Mr. Fink thought it was a good project and was willing to take Mr. Price at his word.

Ms. Lewis thought the application was good and was generally supportive of the rezoning application.

Mr. Barton appreciated the comments of his colleagues and the public. He recommended that the developer, staff, and the neighborhood develop traffic calming strategies; one to be in place during construction, and one to be a post-development traffic calming strategy.

Mr. Fink moved to recommend approval of the application ZM-04-1-2 to rezone property from R-2 to PUD on the basis the proposal would serve the interest of the general public welfare and good zoning practice. Mr. Wood seconded the motion. Mr. Barton clarified that comments had been heard that Riverside and Chesapeake would be impacted by traffic; the breadth of traffic calming needs to be expanded dealing not only with the surface of the road but vision corridors, all the things that would make a safer pedestrian environment. Mr. Higgins called the question. The motion carried unanimously.

**3. ZM-04-1-3:** A petition to rezone from R-2 Residential to Planned Unit Development (PUD), with proffers, the property at the northeast corner of Riverside Avenue and Chesapeake Street. This property is further identified as City Real Property Tax Map Number 55A as a portion of parcel 88.8, having 315 feet of frontage on Riverside Avenue, 146 feet of frontage on Chesapeake Street and containing approximately 42,850 square feet of land or .98 acres. The general uses allowed in the current R-2 zoning are single and two-family dwellings at a density of seven to 12 units per acre. The PUD designation would permit the development of five single-family detached dwellings with possible accessory units for an overall density of six to ten units per acre. The general uses called for in the Land Use Plan of the Comprehensive Plan are single and two-family dwellings at seven to 12 units per acre. DEFERRED FROM 2/10/04 MEETING.

Ms. Grant gave the staff report. The open space requirement is exceeded with approximately one-quarter of the site being left as open space. The development is a lower density than allowed by-right. The developer proffered: within three years of final PUD approval, the owner shall plan, design, and construct improvements to the existing storm water channel which currently serves as the natural drainage area for most of the storm water passing over the site; upon approval by City Council, the owner will execute a deed conveying a permanent drainage easement for the benefit of the City; the owner shall contribute \$5,000 to the City to be used to assist in the construction of a sidewalk on the north side of Chesapeake between Riverside Drive and Fairway Avenue; a \$1,000 cash contribution shall be made by the owner within 30 days of closing on the initial sale of each of the five building lots to be sold. The developer requests the following conditions: each residential lot will have the right to construct an internal or external accessory apartment; required front yards will be 15 feet minimum, required corner side yards will be 15 feet minimum, required rear yards will be 5 feet minimum. A communal pool house and an outdoor pool shall be on the property. More than half the site is located in the flood plain.

Mr. Schilling left the meeting at 9:51 p.m. Mr. Caravati left the meeting at 9:51 p.m. Ms. Richards left the meeting at 9:51 p.m. Mayor Cox left the meeting at 9:52 p.m. Mayor Cox reentered the meeting at 9:53 p.m.

Mr. Barton recognized the lack of a quorum of City Councilors.

Ms. Grant continued the staff report. The development would improve storm water drainage. Staff recommends approval of the application with the conditions regarding Scheme A for parking. The representative, Chris Hayes, was present to answer questions.

Mayor Cox left the meeting at 9:55 p.m.

Mr. Barton called for questions.

Mr. Wood sought clarification of the drainage issues. Ms. Grant stated the road had been built incorrectly.

Mayor Cox reentered the meeting at 9:59 p.m. and stated that Mr. Caravati was returning.

Ms. Firehock asked if a PUD of this size would be required to develop a storm water development plan. Ms. Grant had asked the City Engineer who would need information from the site plan to be able to respond.

Mr. Caravati reentered the meeting at 10:03 p.m. at which time City Council reconvened a quorum.

Mr. Chris Hayes, of 1900 Chesapeake Street, stated a desire to develop what had become a dumping ground in the neighborhood. Mr. Hayes and his partners would be donating a percentage from the sale of the first three homes to Habitat for Humanity.



Ms. Firehock asked what type of buffer would there be between the development and the flood plain and what type of vegetation would be used. Mr. Hayes stated the narrowest point was 15 feet. He also stated they would be maintaining as many trees as possible and would plant water tolerant trees. Ms. Firehock reiterated that detailed information would be required regarding storm water and vegetation.

Mr. Barton opened the public hearing, noting that due to the late hour many people who had signed up to speak had left.

Mr. Overton McGhee, of 287 Main Street, Palmyra, and representative of Habitat for Humanity, spoke in favor of the proposal. The developers had pledged one percent of the sales price of the first three homes to Habitat. The money would stay in the Charlottesville area.

Ms. Ann Stafford, of 1812 Chesapeake, spoke in favor of the proposal thinking it would be good for Woolen Mills.

Mr. Ivan Heivao, of 307-A Riverside Avenue, wanted to know why there had been no traffic study for these projects as there had been for Johnson Village.

With no other members of the public wishing to speak, Mr. Barton closed the public hearing.

Mr. Barton called for comments from the Commissioners.

Mr. Fink thought it was admirable that money would be donated to charity from the sales of three of the houses. He felt he could support the project.

Mayor Cox hoped that the visual impact from and to the park would be addressed at the site plan level.

Ms. Lewis stated she could support the application and thanked Mr. Hayes and his colleagues for donating proceeds from the project to charity.

Mr. Wood stated concern over the slope and the proposed location of the pool.

Ms. Johnson Harris thought the developer had taken a lot of care in what he had decided to build.

Mr. Barton urged Mr. Hayes to work with the neighbors regarding traffic calming.

Ms. Johnson Harris moved to recommend the approval of the application to rezone property from R-2 on the basis that the proposal would serve in the interest of the general public and welfare and good zoning practice. Ms. Lewis seconded the motion. Mr. Barton stated the application had been deferred due to the Commission trying to figure out the proffer process; he expressed appreciation for the applicants' patience. Mr. Higgins called the question. The motion carried 6-1 with Ms. Firehock voting against.

Mr. Tolbert introduced Mike Svetz, the new director of Parks and Recreation.

Mr. Caravati left the meeting at 10:48 p.m. Mayor Cox recognized the lack of a quorum at which time Mayor Cox and Mr. Lynch left the meeting at 10:49 p.m.

**4. Closing a portion of Knoll Street Right-of-way:** A petition to close the eastern 100 feet of the 30 foot wide Knoll Street right-of-way adjacent to 1806 Eastview Street and 1028 Linden Avenue.

Ms. Grant gave the staff report. The applicants are John and Marilyn Pace and Richard and Linda Oliver. The alley was created in May, 1947. The closure is to extend the property lines of all adjacent properties to the center of the closed right-of-way. The City has never maintained the area nor exercised dominion and control over the area. There are no utility easements. Vacation of the alley could allow additional development rights for the landowners. Staff recommends approval with the condition that a maintenance easement be acquired for the storm drainpipe and inlet as it is consistent with City Council's policy on street closing and with the City's Comprehensive Plan.

Mr. Barton called for questions.

Mr. Fink asked if there were any plans for development. Ms. Grant stated there were not.

Mr. John Pace, of 1806 Eastview Street, was available for questions.

Mr. Fink asked if Mr. Pace was seeking off street parking. Mr. Pace stated he was not.

Ms. Lewis moved to certify the proposed vacation of property located on Knoll Street between Tax Map Parcel 61-47 and Tax Map Parcel 61-104 would be consistent with the Comprehensive Plan and that they recommend to City Council that this alley be vacated by ordinance. Mr. O'Halloran seconded the motion. Mr. Fink offered a friendly amendment that the City would have an easement for the storm drainpipe and inlet recommended by staff. Ms. Lewis accepted the friendly amendment as did Mr. O'Halloran. Ms. Firehock asked if the applicants would be charged for the vacation. Ms. Lewis felt that commercial development would be charged if there was a benefit, but that residential was usually not charged. Ms. Kelley recommended the Commission set a dollar amount to be charged. Ms. Lewis amended her motion to suggest that they recommend to City Council that the applicants be charged two dollars per square foot, half of the value indicated in the report. Mr. O'Halloran chose not to second the motion as amended; therefore, Ms. Lewis withdrew her motion.

Mr. Fink moved to certify that the proposed vacation of the property located on Knoll Street between Tax Map 61, Parcel 47 and Tax Map 61, Parcel 104, would be consistent with the Comprehensive Plan, and recommend to City Council that the street or alley be vacated by ordinance with the recommendation of the following condition: that a maintenance easement be acquired for the storm drainpipe and inlet. Mr. O'Halloran seconded the motion. Mr. Higgins called the question. The motion carried unanimously.

**5. Community Development Block Grant (CDBG) and HOME Funding:** Approval of One Year Action Plan for the second year (2004-2005) of the 2003-2008 Consolidated Plan.

Ms. Lewis asked if the staff report could be suspended. Mr. Tolbert concurred.

Ms. Lewis wanted to know what was included in the \$109,215 for administration. Ms. Grant explained that was basically staff costs.

Mr. Barton wanted to know by what means the rejection of an application was communicated so that deserving institutions were put on track to get funding. Ms. Grant stated that letters were sent telling the applicants whether they had been approved or not; those letters tell the applicants what needs to happen for them to fix whatever issues the task force may have seen in terms of why funding was denied.

Mr. Barton opened the public hearing. With no one wanting to speak to the issue, Mr. Barton closed the public hearing.

Ms. Lewis moved that they recommend to City Council approval of the CDBG and HOME budget allocations including areas to be reprogrammed and also to increase the maximum grant allowable for the handicapped access program from 2500 to 3200. Ms. Firehock seconded the motion. Mr. Higgins called the question. The motion carried unanimously.

### **III. REGULAR MEETING ITEMS (CONTINUED)**

#### **G. PRESENTATION OF DEVELOPMENT CONCEPTS**

##### **1. 1010-1014 DRUID AVENUE PLANNED UNIT DEVELOPMENT -- 12 UNITS**

Mr. Tolbert explained that this was part of a new process whereby PUDs would come before the Commission for discussion of issues before they were advertised for public hearing.

Ms. Grant gave the staff report. Druid, LLC was seeking to rezone from R-1S, residential, to PUD. The proposal suggests development of one single-family detached dwelling, ten attached dwellings, and one existing single-family detached dwelling for a total of 12 residential units on just over one acre. The proposed open space is approximately 7,000 square feet, a little over the required 15 percent. The by-right use would allow six to seven single-family detached units; however, street access would be difficult to achieve for the properties at the southern portion of the site. The development is meant to be a transition between the single-family dwellings on Druid Avenue and the adjacent three-story apartment complex located to the east of the proposed site.

Mr. Barton recognized the applicant, Mr. Andy Thomas of 1015 Druid Avenue who was available to answer questions.

Ms. Firehock suggested the formal presentation include screening, vegetation, storm water management.

Ms. Lewis suggested the applicant put decks on the back of the two detached dwellings.

Mr. Barton stated they would like to look carefully at the site plan for reasonable strategies to reduce the pervious surface.

Ms. Lewis felt it was a nice plan that bridges the single-family neighborhood with the apartments.

#### **H. DEPARTMENT/STAFF REPORTS**

Mr. Tolbert reminded the Commission of the public hearing to be held 16 March at Charlottesville High School from 5 p.m. to 7 p.m. regarding the Meadowcreek Parkway.

Ms. Lewis moved to adjourn until April 13th at 6:30 p.m. Ms. Firehock seconded the motion. The motion carried unanimously whereupon the meeting stood adjourned at 11:24 p.m.

Respectfully submitted:

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James E. Tolbert, AICP

Secretary

Approved:

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Craig Barton, Chair