

**DRAFT MINUTES
CITY OF CHARLOTTESVILLE
PLANNING COMMISSION
TUESDAY, JULY 13, 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
Mr. Jon Fink
Ms. Karen Firehock
Ms. Kathy Johnson Harris
Ms. Cheri Lewis, Vice Chair
Mr. Kevin O'Halloran
Mr. Eldon Wood

Staff Present:

Ms. Junie Chang, NDS Intern/Formbook
Ms. Mary Joy Scala, AICP, Neighborhood Planner
Ms. Claudette Grant, Neighborhood Planner
Mr. Ron Higgins, AICP, Planning Manager
Ms. Lisa Kelley, Deputy City Attorney

Ex-Officio:

Mr. David Neuman, UVA Architect

City Council Members Present:

Dr. David Brown, Mayor
Mr. Kevin Lynch, Vice Mayor
Mr. Blake Caravati
Ms. Kendra Hamilton
Mr. Rob Schilling

I. REGULAR MEETING

Mr. Barton called the meeting to order at 6:31 P.M. He said that item H3 on the agenda would be heard at the August meeting.

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

Mr. Barton called for matters not on the agenda. There were none.

B. MINUTES

1. June 8, 2004 -- Regular Meeting

Ms. Lewis asked that "excused" be changed to "recused"; "contract" on page 4, paragraph 5 should be "concept"; page 8, paragraph 1, Ms. Lewis wanted it noted that a lot of positive comments from the neighborhood "on this application"; page 10, paragraph 8, that the last sentence read: "She found the application to meet the criteria in our ordinance for a special use permit"; page 12, paragraph 5, delete the second "be"; page 12, the last paragraph, that it be added that the applicant had done a title search; page 19, fourth paragraph, she asked that the term "Juliet" be placed within parentheses or made lowercase; also in that paragraph that "Main Street" be changed to Ninth Street"; also on page 19, the second to last line, "the Entrance Corridor Review Board has jurisdiction of the Entrance Corridor Design Review" be changed to "the Planning Commission, sitting as Entrance Corridor Review Board, has jurisdiction of the Entrance Corridor Design Review." Ms. Firehock asked that the third paragraph of page 20

read: "She noted for the record that it was not proven that the listing of the structure as historic was a mistake." Ms. Lewis stated that she had noted for the record that she agreed with Ms. Firehock on that and that, in fact, the BAR, in agreeing not to delist it, had specifically decided that they thought it was a historic property a year ago. Ms. Lewis asked that the statement, "Ms. Lewis concurred with Ms. Firehock that it wasn't a mistake and in fact the BAR had reconfirmed it as a historic property," be inserted. Ms. Lewis asked that the dimension of the retaining wall be changed to 12 feet. Mr. Barton asked that the fourth paragraph on page 21 read: "Mr. Barton suggested that the applicants not treat all sides of the site equally." Ms. Lewis then commended the minute's taker for having as much accuracy as he got out of a very long meeting. Ms. Firehock asked that the second sentence of page 14 read: "Ms. Firehock asked how access would be limited to pedestrian access." Ms. Firehock asked that the second sentence of the last page state: "and have screening vegetation planted along with several pedestrian staircases to allow access from the sidewalk." Mr. Wood asked that a comma offset Willard, Allen, and Moseley, and that "neighborhood association" be lowercase.

Mr. Barton stated he would entertain a motion to approve the minutes as amended. Ms. Lewis so moved. Mr. Wood seconded the motion. Mr. Barton called the question by acclamation. The motion carried unanimously.

C. LIST OF SITE PLANS AND SUBDIVISIONS APPROVED ADMINISTRATIVELY

Mr. O'Halloran sought additional information about the drainage issues of the Rugby/McIntire Park apartments parking lot expansion. Ms. Scala stated the roof drains were tied into the new storm pipe to drain toward Rugby Road; rear drainage had been left as is.

Mr. Fink wanted to know the status of the ACAC project. The site plan had not yet been approved.

With no further questions of staff, Mr. Barton stated he would entertain a motion to approve as stands. Mr. Fink so moved. Ms. Johnson Harris seconded the motion. Mr. Barton called the question by acclamation; the motion carried unanimously.

LIST OF SITE PLANS APPROVED ADMINISTRATIVELY

6/1/04 TO 7/1/04

1. File No. Bailey Printing Addition 914 Harris Street
T-04-000004
2. File No. 40 Charlottesville High School 1400 Melbourne Road &
- Amendment to Court Yard Grove Road & Tennis Court
3. File No. Core Lab – Demolitions and 1018 West Main Street &
T-04-000010 Additions for UVA Facilities 11th Street SW
4. File No. 1282 Rugby-McIntire Apartments - 611 Rugby Road
Parking Lot Expansion

LIST OF SUBDIVISIONS APPROVED ADMINISTRATIVELY

6/1/04 TO 7/1/04

1. Redivision of Lots 27, 28, 29, 45 & 46 One new s.f. lot
Blk1, "Monte Vista"
217 Monte Vista Ave. & Old Lynchburg Rd. Ray F. Kauffman, III

File No. 1318 Preliminary & Final
Final Signed:6/8/04

2. Redivision of Lots 31 & 32 "Towles Addition" No new lots
2000 Thompson Road Elizabeth Meyer & William Bergen
File No. 1319 Preliminary & Final
Final Signed:6/18/04

3. Redivision of Tax Map 30, Parcel 73, No new lots
87, 88 & 89 at 9th St., SW
10th St., SW, Grove Street & King Street King & Grove St. LLC & CRHA
File No. 1320 Preliminary & Final
Final Signed:6/20/04

4. Redivision of Tax Map 30, Parcels 70 & 71 No new lots
903 & 905 Grove Street William B. & Frances Walton
File No. 1321 Preliminary & Final
Final Signed:6/21/04

D. COMMISSIONERS' REPORTS

Mr. Wood had attended the McIntire Park Advisory Committee. Although there had been a lot of discussion, no business was conducted due to the lack of a quorum.

Ms. Johnson Harris stated that the CIP Committee had not met. The Housing Committee had ceased for now. She had been asked to form a committee honoring Herman Key, former Commissioner and community activist. Other confirmed committee members were Linda Bowen, Nancy Damon and Ken Schwartz. She invited Mr. O'Halloran and Mr. Wood to participate and stated she had other people to ask but had not been able to reach them due to vacations.

Mr. Barton clarified that he asked Ms. Johnson Harris to convene a committee to find a way to honor their friend and colleague, Herman Key, who passed away earlier in July. The committee would honor his service, not only to the Planning Commission, but also his service to the community of Charlottesville.

Ms. Firehock stated the McIntire Park Advisory Committee would meet July 14th to work on the final recommendation to Council. The City Streams Task Force met July 8th to look at the language, which had been drafted for the City's new Water Protection Ordinance; she thanked Lisa Kelley for the hard work she put in. The ordinance would be put forward for a vote by the Planning Commission on August 10th. An open house would be held August 3rd in the Basement Conference Room from 6 to 8 P.M. She stated the Task Force would continue to work on a city-wide watershed strategy.

Ms. Lewis stated PACC Tech had not met. The Board of Architectural Review had its longest meeting she had seen in June; important matters had included approval of the Transit Center and Downtown Amphitheater. She stated Board of Architectural Review approval and other matters pale in comparison to the loss of Herman Key.

Mr. Fink stated the MPO Tech Committee had met. The Phase III study for the 29/250 intersection continues. The UnJAM 2025 Plan was adopted.

Mr. O'Halloran stated the Board of Zoning Appeals met and also had a workshop to go over the bylaws. A meeting would be held in the next week to interview potential members and alternate members.

Mr. Neuman stated that, with help from student interns from the School of Architecture and Planning as well as consultants and a grant from the J. Paul Getty Foundation, a historic preservation evaluation would be done of 150 non-Jeffersonian buildings on Grounds.

E. CHAIR'S REPORT

Mr. Barton echoed Ms. Lewis's comments about Herman Key. He stated the funeral had been moving in terms of the testimonies and eulogies provided by ex-Mayor Cox and other members of the community and the vast numbers of people who came to pay their last respects.

Mr. Barton suggested the Commissioners give some thought to the possibility of adding a second monthly meeting. Discussion would be held at the August meeting.

1. Appointment of Nominating Committee for Planning Commission Officers

Mr. Barton stated his term as Chair was about to end and it was his duty to convene a nominating committee. He asked Mr. Fink, Ms. Firehock and Mr. O'Halloran to serve as the nominating committee, with Mr. Fink serving as its Chair; the committee would meet in September when new Planning Commissioners will be in place.

Mr. Barton then welcomed the two new Councilors: Ms. Hamilton and Dr. Brown.

F. OTHER MAJOR ITEMS

1. Entrance Corridor Design Guidelines -- Update by Frazier Associates

Ms. Beth Scripp, of Frazier Associates, explained the items included in the Commissioners' packets, which included four maps for each of the three entrance corridors. Two maps showed existing conditions, one was an aerial view; an analysis map depicting sub areas; the final map for each corridor was development guidelines.

Mr. O'Halloran suggested the vehicular access depicted on page 4 of Corridor 1 along the green space around Arlington Boulevard be removed.

Ms. Scripp explained the packet had a very rough draft of an introduction to the guidelines. She and Mr. Frazier felt they needed to talk with the Commissioners before going any further with that. The rest of the packet was the guidelines workbook.

2. Charlottesville Form Book

Ms. Junie Chang presented the Charlottesville Formbook to the commissioners and explained that about eight months ago Neighborhood Development Services staff initiated an idea to produce a book of examples of residential buildings in Charlottesville to help homeowners and developers understand the unique character of Charlottesville. Rather than imposing historical types, they wanted to encourage a dynamic mix of modern and traditional buildings. She indicated the various sections of the book and how it is hoped to be used.

It was pointed out that this has also been given to the Board of Architectural Review members who will make their comments on it at their July 20th regular meeting. Planning Commissioners were asked to provide their comments to the staff by the August 4th work session so these can be incorporated into the final publication.

II. JOINT PUBLIC HEARINGS (Beginning at 7:00 P.M.)

G. JOINT PUBLIC HEARINGS

1. Closing of Old Fifth Street Southwest: A petition to close the Old Fifth Street Southwest a distance of approximately 480 feet between Harris Road and new Fifth Street Southwest.

Ms. Grant gave the staff report. A petition was filed by an adjoining property owner to allow the closure of this portion of the right-of-way. The applicant would like to incorporate this area as part of his Willoughby Townes Development. The street was created by subdivision plat in 1946. The applicant is in a contract purchase for a majority of the adjacent property, which would be affected by the street closing. A city sewer main is in the area proposed to be closed. Access will be needed from Fifth Street Extended down the slope to the sewer main. There are no other utility lines or storm drainage facilities located in the area of proposed vacation. Vacation will result in additional development rights for the adjacent landowner. Closure will allow for approximately six additional units to be built. If the application is approved, adjacent property lines will be adjusted to include the vacated 10,858 square feet. Staff recommends approval with the condition that the City have access to the sewer main.

Mr. Fink stated that the application listed the property as having 20,550 square feet. Ms. Grant affirmed that as the correct amount.

Mr. Caravati asked if a proposed value had been set for the closure. Ms. Grant affirmed that it had.

The applicant, Mr. Frank Baliff, of Southern Development, 170 South Pantops Drive, clarified that the Naylor property and the Davis property had been purchased; they had contracted to purchase the corner property from Dr. Hurt as well as the Jordan property. He explained that one neighbor, Ms. Gibson, had been concerned that she would not have future access, but there was a right-of-way that continues on Cleveland Avenue.

Mr. Barton called for questions of the applicant. There were none. Mr. Barton then opened the public hearing.

Ms. Antoinette Rhodes, of 406 Oak Street, had a problem with the square footage that was being estimated. She felt the amount of land that would pass to the developer was greater than that represented on paper. She was concerned about the issue of valuation. Her position was that they demand the maximum fair market value of every square foot that was really there. She asked that the square footage be looked at again to be sure it accurately represents what is there.

Mr. Ed Bain stated he had submitted a letter regarding the Gibson property and would answer any questions the Commissioners had about that.

Mr. Barton closed the public hearing and called for questions from the Commission.

Ms. Lewis read from the staff report that portion regarding valuation. According to the City Assessor, the average fair market value of adjoining land averages approximately \$1.80 per square foot. The subject property is 20,550 square feet; using these figures, the value is \$36,990.

Mr. Fink asked that the square footage be verified. He would support assessing fair market value.

Ms. Firehock sought clarification of how the square footage was determined. Ms. Grant stated the GIS system had been used to map the measurement of the center line of the road for the areas on the map; square footage had been figured based on that. She stated they had not done a survey.

Ms. Lewis stated the applicant had had the property surveyed by a surveying and engineering firm as shown in the members' packets. She sought clarification the square footage was not upon reliance of any data given by the applicant. Ms. Grant stated the applicant had used a different length for the site originally. Mr. Higgins stated staff had estimated more square footage based on their mapping.

Mr. Fink moved to certify that the proposed vacation of property located on Old Fifth Street between Tax Map 22B, Parcels 187, 188, 189 and Tax Map 21B, Parcels 16 through 19 consecutively, would be consistent with the Comprehensive Plan, and recommend to City Council that the street or alley be vacated by ordinance with the following conditions: one, the owners of the property would be assessed a dollar figure of \$36,990; and, two, that the City will have access to the sewer main located on this right-of-way. Ms. Lewis seconded the motion. Mr. Higgins called the question. The motion carried unanimously.

2. Closing a portion of Cleveland Avenue Right-of-way: A petition to close the 50 foot wide portion of the Cleveland Avenue right-of-way a distance of approximately 330 feet at the west end of Cleveland Avenue off of Fifth Street, Southwest.

Ms. Grant gave the staff report. The petition had been filed by an adjoining property owner to close the right-of-way to extend the property lines of all adjacent properties to the center of the closed right-of-way. The property was created by subdivision plat in 1955. An adjacent property owner is interested in purchasing the applicant's parcel, which is located at Tax Map 21A, Parcel 118. Vacation was requested so that right-of-way could not be opened in the future. If the applicant receives half of the vacated street, it is possible this would result in additional developmental rights. This is a paper street. There is an existing sewer main in the street right-of-way. The City uses the right-of-way and needs access to the mains. Staff recommends approval with the condition that the applicant provide access to the existing sewer main through an easement. Fair market value had been assessed at \$2.80 per square foot. Total square footage was 16,500 square feet. This would make fair market value \$46,200.

Mr. Fink asked if there were a site plan for the property. Ms. Grant stated there was not. Mr. Wood clarified that the applicant was the only one who could get additional development rights. Ms. Grant concurred.

Mr. Steve Melton, with the Virginia Land Company, 195 Riverbend Drive, spoke as a representative of Dr. Hurt. Mr. Melton explained that the topography of the land was a ravine-type situation. There was a contract purchaser for parcel 9.

Ms. Firehock sought additional detail in the reason for closing the property. Mr. Melton said they wanted to remove a cloud on the title.

Mr. Barton opened the public hearing.

Mr. James Peterson, of 716 Highland Avenue, spoke in favor of the proposal. He was the contract purchaser. The property could not be developed and was abandoned. He would like to make the property nicer. Nothing could be constructed on it. Closing the right-of-way all the way to the eastern boundary of the property would impinge on other land owners.

Ms. Lewis stated that 720 Highland Avenue was owned by Region 10 Community Services Board, Inc., by Mr. Peterson. She asked his affiliation with Region 10. Mr. Peterson stated he was Executive Director. Mr. Peterson stated he and his wife had no purpose for the whole piece which would be acquired from Virginia Land and the adjoining property owners could get the land behind their property for a prorated basis; Region 10 could have the piece behind it.

Mr. Barton closed the public hearing and called for questions from the Commissioners and Councilors.

Mr. Fink stated he had walked the property and it did not seem developable. He felt there should be no assessment.

Ms. Firehock suggested that only the petitioner be assessed fair market value on his portion of the vacation.

Ms. Lewis concurred with Ms. Firehock.

Mr. Barton concurred as well. However, his inclination was that the matter be deferred until such a time as the entire right-of-way can be closed to avoid future development.

Mr. O'Halloran concurred with Mr. Barton, Ms. Lewis and Ms. Firehock. Upon clarification that Mr. Peterson planned to buy lot 118, Mr. O'Halloran stated he could not support any assessment on the property.

Mr. Melton suggested the Commission add a deed restriction to the vacation so that no development could be done to the property.

Mr. Fink asked Ms. Kelley if they could add that condition. Ms. Kelley suggested they look to the street closing guidelines, specifically whether there was a continued public need for the property interest held by the City. If that was decided in the negative, their task was to decide whether the City should receive compensation for the entire amount that's being proposed to be vacated. Ms. Kelley did not recommend requiring deed restrictions be imposed; their focus should be on whether the City needs the interest it already has. If they believe the City should hold onto that interest, then they should recommend the petition be denied. She further stated that typically the full fee is assessed on the applicant.

Ms. Firehock cited Alley Closing Guideline 7: "Consideration shall be given to the public benefit that results from the closing. The mere fact that the property will become taxable does not alone constitute a public benefit." Ms. Firehock had not heard a compelling reason to close the right-of-way.

Ms. Lewis found it compelling that the applicant has said the property is not physically developable. She felt comfortable that there was no plan of development on the horizon; however, it was still legally developable. She was not convinced there were no development rights. To have quiet enjoyment provided value to the property. Ms. Lewis felt they should assess some fair market value but the amount in the staff report would be excessive.

Mr. Barton believed there were some development rights that still existed. He wanted to see a valuation placed on the property. He agreed that the amount was a little bit excessive.

Mr. Wood felt that the way the property was being purchased was really resulting in any development rights.

Mr. Wood moved to certify that the proposed vacation of property located on Cleveland Avenue between Tax Map 22B, Parcels 31, 32, and 33 and Tax Map 21A, Parcel 118 would be consistent with the Comprehensive Plan and recommend to City Council that this street be vacated by ordinance except that provision will be made for a sewer main access which exists in the right-of-way. Ms. Johnson Harris seconded the motion. Mr. Fink asked if they would be taking up the issue of assessment. Mr. Wood stated he had intentionally left that out. Mr. Fink stated for the record that, given the current owner of this property, he had significant doubts that this is developable land; given that, he could support Mr. Wood's motion. Mr. Higgins called the question. The motion passed, 5-2, with Ms. Lewis and Mr. Barton voting against.

3. ZT--04-05-13: An ordinance to amend and reordain the following section of the City Code, Chapter 34 (Zoning Ordinance), as amended: Section 34-558(a) Street Wall Regulations. This is to allow for graduated step backs in the Downtown Corridor District after four stories, ranging from 10 feet at the fifth and sixth floors to 15 feet at the seventh and eighth floors to 20 feet at the ninth floor, instead of 15 feet for all floors above the fourth floor.

Mr. Higgins gave the staff report. Member's packets had a memo from Mr. Tolbert. At the June meeting an architect had asked for the change to reduce the 70 percent to 35 percent and to reduce the step back to ten feet. Staff had concerns about what that could result in a taller building; this was a solution, which met the spirit and letter of what was intended when the original Downtown B4 District height and bulk regulations were developed. Photographs were provided of downtown buildings with a certain amount of step back. A draft ordinance had been provided to the Commissioners.

Ms. Lewis sought clarification of the difference between Section A and Section B1. Mr. Higgins stated that Section A only involves the step back above four stories; Section B1 involves a four-story building and how much of it needs to be on the build to line.

Mr. O'Halloran liked the ordinance. He thought it was exactly what they were after.

Mr. Barton opened the public hearing. With no one present to speak to the matter, he then closed the public hearing. Mr. Barton then called for questions and comments from the Commissioners and Councilors.

Mr. Fink moved that the Commission adopt the proposed zoning text amendment 34-558 Street Wall Regulations as written with some language stricken and additional language underlined. Mr. O'Halloran seconded the motion. Mr. Higgins called the question. The motion carried unanimously.

That concluded the Joint Public Hearing.

Mr. Barton called for a brief adjournment whereupon the meeting stood in recess, 8:36 P.M. - 8:39 P.M.

III. REGULAR MEETING ITEMS (Continued)

H. SITE PLANS

1. Oak Lawn Cottages (PUD) -- 206 Fifth Street, Southwest -- 6 single-family units

Ms. Grant gave the staff report. The site is zoned PUD. The parcel contains 15,492 square feet. The applicant proposes to build 6 detached residences. The site was rezoned from R-1S to PUD in March. The Planning Commission requested review of the site plan during the public hearing for the PUD rezoning of the site. Members had been concerned about the open space requirement being met. The applicant is showing approximately 24 percent of the site as open space, which exceeds the required 15 percent. The landscaped areas in the drawing depict landscaped terraces and open areas that are available and owned by the residents for their benefit and enjoyment. Although small in size, these areas might be used for recreational purposes or gathering places. Staff has reviewed the final site plan and has determined that all applicable requirements of zoning and site plan ordinance have been met with the exception of the engineering and the soil and erosion plan comments. Staff recommends approval of the site plan conditioned upon addressing all the engineering and ENS plan comments.

Mr. Barton clarified that the concern at the last meeting was how the open space was being calculated. The Commission had been unable to ascertain how the applicant had calculated open space; it was somewhat clearer in the new submission.

Mr. Wood asked if the crosshatched areas, which seemed to represent porches or decks, were part of the open space. Mr. Wood wondered what difference would be made in the percentage if the crosshatched areas were not included in the calculation.

Mr. Fink felt this site was the perfect site for revisiting the 15 percent requirement on tiny plots of land. He felt this was the third time they had seen this project and was enough. He felt this was the best faith effort by the applicant to accurately depict what was available.

Mr. Barton was concerned about the precedent set by including decks when it may not be necessary.

Ms. Firehock wondered if the crosshatched area could be considered a landscaped terrace. Mr. Barton was wary of setting a precedent.

Mr. Daniel Walter, of 5238 Rose Valley Farm, Crozet, apologized for the confusion of the open space calculation. He stated they did not want to include any decks in there. The crosshatched areas were stained concrete terraces at ground level.

Ms. Lewis felt that the more plantings and little fences looked less like a common area.

Ms. Firehock asked if there were any way to approve this while stating for the record that they were not including the hatched terraces as part of the open space in their consideration that the open space requirement has been met; therefore, they would not be setting any kind of precedent. Mr. Barton said they could approve conditionally, asking the applicant to resubmit the drawing removing the hatched area and recalculate the area.

Mr. Fink moved that they approve the site plan for the Oak Lawn Cottages PUD based on the following conditions: the applicant remove cross hatching from four decks and recalculate the open space and resubmit this site plan to staff. Ms. Lewis asked if he would accept a friendly amendment to change "decks" to "landscape terraces." Mr. Fink concurred. Ms. Firehock seconded the motion. Mr. Higgins called the question. The motion carried unanimously.

2. Willoughby Townes -- Fifth Street Southwest at Harris Road -- 40 new Townhouses

Ms. Grant gave the staff report. The site is zoned McIntire/Fifth Residential. The parcel contains 162,671 square feet, or 3.73 acres. The proposed development is by-right and could have approximately 78 units instead of the proposed 40. A preliminary site plan conference was held May 5th; at that meeting it was indicated the site plan would be called before the Planning Commission. The proposal is located in an Entrance Corridor and depended on the approval of the street closure of Old Fifth Street. Mr. Tolbert asked that the item be placed on the agenda to allow review of the site plan. Concerns were expressed by an adjoining property owner. The purpose of the McIntire/Fifth Street Residential Corridor is to encourage redevelopment in the form of medium density, multi-family residential uses in a manner, which will complement nearby commercial uses. This development contains less than the density allowed by-right. The developer will be asked to adhere to all applicable laws with the development. Staff recommends approval with the conditions: a note should be added to the plan that explains that Old Fifth Street is to be closed; all engineering comments relating to site plan from the site plan conference on 5 May should be reviewed and approved; building comments from the site plan conference also need to be adhered to.

Mr. Barton stated he had not been able to find the building comments in his packet. Ms. Grant apologized; the comments had come from the building official at the site plan conference and related to environmental concerns.

Ms. Firehock asked if there were contaminants as a potential issue or if it was just the instability of loose fill. Ms. Grant was not sure; there was a letter in the Entrance Corridor package addressing concerns about the site being unstable.

Mr. Barton asked if, as part of the ENS plan, if soil is to be removed, is there a requirement the applicant put forward a soil removal plan. Ms. Grant was not sure.

Ms. Firehock was concerned about the history of the site as an illegal dumping site. Ms. Grant stated that was a concern of staff as well and could be better answered by the applicant.

Mr. Frank Baliff, of 170 South Pantops Drive, spoke on behalf of the applicant. They had been concerned about the fill and questioned the City about the site. One source had stated the City of Charlottesville had dumped there for years. The majority of the fill is concrete, asphalt, brick. Shingles were found in one of the test pits that had been dug. The fill must be certified by a licensed engineer. The site plan does not show them putting any structures over any fill. It does show some parking areas over the fill.

Mr. Barton asked if a map had been drawn of the areas of potentially contaminated fill or unstable fill. Mr. Baliff concurred; however, it had not been part of the packet. Mr. Baliff said he would provide a copy to staff.

Mr. Fink asked if biofilters would be used. Mr. Baliff was not sure.

Ms. Firehock stated that, in general, when there was a creek on the property they liked to know a little more detail about the storm water management plan. Ms. Firehock also asked that a tree protection plan be provided.

Due to the concerns of staff and Commissioners about ENS, storm water, and tree preservation, Mr. Barton's inclination was towards deferral until that material was available for review.

Ms. Lewis sought clarification of the engineering comments from the site plan conference on May 5th that were not found in the June 22nd site plan submission. Ms. Grant listed: the need for an ENS plan; utility services; storm water; handling streets and sidewalks; an adequate legend.

Mr. Fink asked if staff could assemble a list of required submissions that are absent from the application.

Mr. Barton was concerned about the unstable fill and was reluctant to move forward.

Ms. Firehock concurred with Mr. Barton's comments.

Ms. Johnson Harris moved to defer the Willoughby Townes site at the northwest corner of Fifth Street Extended until the August 10th meeting. Mr. Fink seconded the motion. Ms. Firehock offered a friendly amendment that they

ensure that the next iteration of the site plan as it comes forward include: a tree preservation plan including the location of all the trees as per the current zoning ordinance which specifies how that should be noted, how they are going to be protected during construction; storm water management plan and any other environmental amenities that the developer should choose to include; a drawing showing where the fill is currently located on the site. Ms. Johnson Harris and Mr. Fink accepted the friendly amendment. Ms. Lewis stated she would vote against the motion because she was torn -- she wanted the site plan to be done correctly, and there were things missing that they would like to see, but she had a sense that the applicant had not been well shepherded by the City in this application to the extent that there has been some prejudice to the applicant. Ms. Lewis further stated she thought they had approved site plans with a lot less detail filled out in the past. Mr. Higgins called the question. The motion passed, 6-1, with Ms. Lewis voting against.

I. ECH DISTRICT -- DESIGN REVIEWS

1. Willoughby Townes -- Townhouses -- Fifth Street and Harris Road (Northwest corner).

Ms. Grant gave the staff report. The applicant, Southern Development, requests a Certificate of Appropriateness for a proposed building at the northwest corner of Fifth Street Extended. The building would consist of 40 two- and three-story townhouses designed for residential occupancy. The exterior will be fiber cement lap siding, wood grained and painted white. The brick will be Old English Tudor brick by General Shale, engineer sized with grey mortar. Windows will be white vinyl, double hung per elevations with mullions on the top sash only. The roof material consists of dimension shingles, 30-year, GAF charcoal-grey. Staff has reviewed the materials filed by the applicant and certifies that all the plans, elevations, application fees, lighting, et cetera, per the zoning ordinance have been received and determined to be sufficient to allow review by the ERB. The development as presented addresses the criteria outlined in the Entrance Corridor Regulations in the Fifth Street/McIntire Residential Corridor. This is a by-right development. The applicants are developing the site with a much lower density than allowed. Twenty-one dwelling units per acre are allowed in this district. The site is 3.73 acres; therefore, approximately a little over 63 units could have been developed on the site. The design is contingent on approval of a street closure at Old Fifth Street. Staff recommends the Planning Commission consider the Entrance Corridor Application with the following conditions: consider requesting improvements to the design standards or elements of the project specifically breaking up the facade, adding front porches, provide sidewalk connection to Fifth Street from each building and to the new buildings, and to consider requesting inclusion of some affordable units.

Mr. Frank Baliff, of Southern Development, explained the street lights were the same as at Burnett Commons.

Mr. Fink asked what the properties would sell for. Mr. Baliff stated between 200 and 230,000. Mr. Fink asked for Mr. Baliff's definition of affordable housing. Mr. Baliff stated the intelligent way to calculate it would be tied to the Virginia Department of Housing. Mr. Fink asked if he would consider taking five percent of the houses and selling them at his interpretation of affordable housing. Mr. Baliff stated he would consider that but he would need to know what his final design and final plan include.

Mr. Baliff then introduced Mr. Allen Scouten to talk about the design.

Mr. Scouten stated the topography had been difficult to work with. The plan was to develop a sense that these were a series of detached houses.

Ms. Firehock asked if the houses had porches or stoops. Mr. Scouten stated there was an overhang and sometimes the porch went in front of the overhang, sometimes behind it. Mr. Fink sought further clarification whether the houses had porches or stoops which had a much narrower opening. Mr. Scouten stated it was a real porch.

Mr. Barton asked that the limits of units seven through 12 be demonstrated. Mr. Scouten complied, explaining that the line between units was deliberately blurred.

Ms. Firehock sought clarification as to the size of the units. Mr. Scouten explained all units were 20 feet wide. Ms. Firehock liked the variation but did question why all units were the same size. Mr. Scouten stated that the program was for three-bedroom units.

Mr. Barton called for comments from the Commissioners.

Ms. Lewis thanked the applicant for the presentation. However, she had hoped for a realistic view of what the project would look like from Fifth Street. Ms. Lewis asked if there were sidewalks that came out to Fifth Street. Mr. Scouten stated there was just one because the idea was to get people to go into the parklands. Ms. Lewis thought that Staff's analysis was on target for the factors they needed to look at: architectural design, exterior details, design and arrangement of buildings, spacing between buildings, massing, and complexity of form. She thought the project achieved that. She hoped they would consider putting some affordable units in the development. She would like to see more sidewalk connections to Fifth Street. She thought the plan was very satisfactory and met the requirements.

Mr. O'Halloran agreed with Ms. Lewis.

Mr. Wood was bothered by the overall elevation of the project. He did not care for the style of the building.

Mr. Fink said it would be great to see something exciting on the site. He wished he could see more from the project. Mr. Fink liked the idea of not knowing where ownership begins and ends and the juxtaposition of roof lines. The materials were a step above modest. Mr. Scouten stated he made a good point and that the landscaping would be what set the project apart.

Mr. Barton generally agreed with his colleagues that it was a project he thought he could support. He was concerned about the way the massing was broken up by jumping the ridge line. He thought there was a compromise between the efficiency that has been laid out with respect to the footprint and the exuberance with which the massing has been thought of. He was curious how the vents were going to pop up on the roofscape which would be relatively visible.

Ms. Firehock encouraged the applicants to do what they could to provide screening and noise abatement with vegetation while providing some openings so people can get a sense that there is a neighborhood back there.

Ms. Johnson Harris agreed with Ms. Firehock. Ms. Johnson Harris also felt that they needed to look at connecting another connection to Fifth Street from the property. She stated it was an entrance corridor. She also felt they could be more creative with the front porches.

Mr. Fink acknowledged the applicants for the top-flight work on the packet.

Mr. Fink moved that they defer their vote on the Certificate of Appropriateness until the August 10th meeting at which time they would consider it along with the site plan review. Mr. O'Halloran seconded the motion. Ms. Firehock sought explanation from Mr. Fink on why he wanted to defer it; she felt comfortable supporting the certificate at this time. Mr. Fink thought the plan views and elevations did not match up and he thought there were more details that could be fleshed out. Mr. Fink thought they needed to see as close to an as built as they could because this site deserved their very best efforts. Mr. Barton felt they should be specific in what they were asking regarding substantive things like massing. Mr. Barton asked Mr. Fink to be more specific about what he would like to see changed, revised or reworked for the August 10th meeting. Mr. O'Halloran stated that the conversation had seemed that they wanted to see more information: turning the one unit on the corner; what would it look like when traveling in a car. Mr. O'Halloran stated these things made a difference when granting a Certificate of Appropriateness. Mr. Fink stated it would be important for the Commission to develop, on behalf of the developing public, models they could look at; because the regulations were relatively new it was important they have examples to offer up to give the public a road map on the kinds of things they were looking for. Ms. Lewis felt the application was as complete as possible. Ms. Lewis felt they met the Entrance Corridor Guidelines and that the development was very pleasing. She felt it was characteristic of Charlottesville. She would be proud to see this on this corner. She supported the application but was a little embarrassed that the members of the Commission were being a little tough on the application. Ms. Firehock concurred with all of Ms. Lewis's sentiments. Ms. Johnson Harris agreed also. Mr. Higgins called the question. The motion failed 3-4 with Ms. Firehock, Ms. Johnson Harris, Ms. Lewis, and Mr. Wood voting against.

Ms. Lewis asked if acceptance should be made conditioned on certain things coming back to the Commission. Mr. Fink stated his resistance was listening to the professional architects on the Commission wondering if things worked on this scale. Mr. Fink thought they should make a requirement in the Entrance Corridor Review that they see a viewscape from the street on everything that comes before them. Ms. Lewis felt the applicant seemed unprepared in his presentation because he had been asked that afternoon to add elevations to the presentation. Mr. Barton was persuaded by Ms. Lewis that the applicant was working with the best intentions.

Ms. Lewis made a motion to grant a Certificate of Appropriateness under the Entrance Corridor Guidelines on this application based on staff's recommendation and the analysis contained in the report, strongly suggesting that the applicant work with the members of the Commission, especially the design people, concerning the design comments they had made this evening so that the final product is what all will be proud of. Ms. Firehock seconded the motion. Mr. Higgins called the question. The motion passed, 5-2, with Mr. O'Halloran and Mr. Barton voting against.

J. DEPARTMENT OF NDS/STAFF REPORTS

Mr. Higgins reminded the Commissioners that a Design Guidelines work session had been set for August 4th.

Mr. Higgins stated the zoning amendments would be brought before the Commission on August 10th.

Commissioners had been given a letter with suggestions from a downtown developer regarding ordinance changes. These could be discussed August 4th.

Mr. Barton suggested they bring their calendars to the work session to discuss the idea of multiple meetings since the hour was late after a light schedule.

Ms. Lewis looked forward to discussing multiple meetings, as she was concerned about the applications in front of the Commission when the hour gets late.

Ms. Firehock made a motion to adjourn the meeting of the Planning Commission and reconvene on August 10th at 6:30 P.M. Mr. Fink seconded the motion. The motion carried unanimously whereupon the meeting was adjourned at 10:55 P.M.

Respectfully submitted:

James E. Tolbert, Secretary

Approved:

Craig Barton, Chair