

**DRAFT MINUTES
CITY OF CHARLOTTESVILLE
PLANNING COMMISSION
TUESDAY, OCTOBER 12, 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, Outgoing Chair	<i>Staff Present:</i>
Ms. Cheri Lewis, Outgoing Vice Chair/Elected Chair	Mr. Jim Tolbert, AICP, Director, NDS
Ms. Kathy Johnson Harris	Mr. Ron Higgins, AICP, Planning Manager
Mr. Kevin O'Halloran, Elected Vice Chair	Ms. Missy Creasy, AICP, Neighborhood Planner
Mr. Bill Lucy	Ms. Lisa Kelley, Deputy City Attorney
Mr. Jon Fink	
Ms. Karen Firehock	

City Council Members Present:

Dr. David Brown, Mayor
Mr. Kevin Lynch, Vice Mayor
Mr. Blake Caravati

Mr. Barton convened the meeting at 6:30 P.M.

I. ELECTION OF OFFICERS

Mr. Barton called for Mr. Fink to present the report from the Nominating Committee. Mr. Fink stated the slate of officers proposed by the Committee was Cheri Lewis for Chair and Kevin O'Halloran for Vice Chair. Mr. Barton stated he would entertain a motion to approve this slate of officers for election. Mr. Lucy so moved. Ms. Johnson Harris seconded the motion. The motion carried unanimously.

Mr. Tolbert reiterated the nomination of Ms. Lewis for Chair and asked if there were any other nominations. There being none, Mr. Tolbert called the vote; Ms. Lewis was elected Chair by a unanimous vote whereupon Mr. Barton turned control of the meeting over to Ms. Lewis.

Ms. Lewis called for the vote for Vice Chair. Mr. O'Halloran won by unanimous vote.

Ms. Lewis welcomed to the Commission Mr. Bill Lucy.

II. REGULAR MEETING

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

Ms. Lewis called for matters not on the formal agenda.

Mr. Wayne Cabell, of 133 Baylor Lane and president of the Ridge Street Neighborhood Association, read a prepared statement to the Commission regarding the Maple Ridge/Camden Place subdivisions. The Ridge Street Neighborhood Association was still concerned about access to the subdivision. Mr. Tolbert explained he had met with the applicant and his engineer; they have come up with an access to the development from Fifth Street.

There were no additional matters from the public.

B. MINUTES

1. September 14, 2004 -- Regular Meeting

Ms. Lewis called for review of the September minutes. Mr. Fink asked that the phrase "single family homes" in the next to last paragraph of page 11 be changed to "single story homes." Ms. Lewis asked that the word "concurred" at the end of the third paragraph of page 7 be changed to "stated she thought so." Ms. Lewis also pointed out that the proper spelling of the last name of the applicant from Southern Development was B-A-L-I-F-F.

Mr. Barton moved to approve the minutes as noted. Mr. Fink seconded the motion which carried unanimously.

C. LIST OF SITE PLANS AND SUBDIVISIONS APPROVED ADMINISTRATIVELY

Mr. Fink moved approval; Mr. Barton seconded the motion. Ms. Lewis called the question; the motion carried unanimously.

List of Site Plans Approved Administratively

9/1/04 to 10/1/04

1. File No. City Center – Phase 1B201-239 Elliott Ave.
T-04-000007 (Old Frank IX Complex) & 2nd Street. NE
2. File No. Carrollton Terrace 1730 JPA/end of
T-04-000005 Apartments – 24 Units Carrollton Terrace
3. File No. Barracks Road Shopping Emmet Street, Barracks
T-04-000009 Center – Commercial Outparcel 1 Road & Arlington Blvd.

LIST OF SUBDIVISIONS APPROVED ADMINISTRATIVELY

9/1/04 TO 10/1/04

1. Redivision of Tax Map 36, Parcel 5, "Lincoln Hts." No new lots
Lots 8 & 9, Block 5, 925 Henry Avenue William & Kim Brown
File No. 1323 Preliminary & Final
Final Signed: 9/1/04
2. Revised Tax Map 59, Parcels 149.2 & 150 No new lots
700 Altavista, 1210-1218 Avon Street Stoney's Grocery, Inc.
File No. 1324 Preliminary & Final
Final Signed: 9/2/04
3. Sanitary Sewer Easement across TM 28, No new lots
Parcels 126 & 128
111 Monticello Avenue 111 Monticello Avenue, LLC
File No. 1325 Preliminary & Final
Final Signed: 9/2/04

4. Combination of Parcels 52, 53 & 54, Tax Map 29
No new lots
206-208 5th Street, SW "Oak Lawn Cottages" Fifth St. Development, LLC
File No. 1326 Preliminary & Final
Final Signed:9/15/04

D. COMMISSIONERS' REPORTS

Ms. Firehock stated the Water Protection Ordinance was passed by City Council on 20 September. The McIntire Park Master Plan would be presented at the next City Council meeting. The City Parks Advisory Board met; they were moving forward in their plan for a master plan/strategy for city parks.

Ms. Johnson Harris stated the CIP Committee for Schools had met and saw an overview of all the projects going on in the school and talked about the five-year budget plan. There would be a discussion about the Herman Key Memorial at the 15 November City Council meeting; the Fifeville Neighborhood Association had also met and felt the Downtown Center would be the best choice for the memorial.

Mr. Lucy, along with representatives from the City and County, had spent four days in Portland and Tacoma examining the street car and light rail systems.

Mr. O'Halloran had nothing to report from the Board of Zoning Appeals or the CDBG; however, the BZA was continuing to meet regularly.

Mr. Fink was unable to attend the MPO Tech Committee; however, Mr. Tolbert was the Chair of that committee, so Mr. Fink asked him to share. Mr. Tolbert stated there had been the nomination and election of officers; he was no longer Chair. Mr. Tolbert stated there had been discussion on the 250-East study being done by the County. Mr. Tolbert also shared that the 29/250 Report was available at the TJPDC website (<http://tjpd.org>) for review.

Mr. Barton had not been able to attend the TJPDC meeting.

E. CHAIR'S REPORT

Ms. Lewis stated the BAR had approved the major features of the Downtown Amphitheater.

Ms. Lewis reminded the Commission of the annual meeting and work session with City Council on 31 October at 2 P.M.

Mr. Barton reminded Ms. Lewis of the meeting to be held 26 October. Ms. Lewis explained that at the September meeting the decision had been made to hold the fourth Tuesday of the month available for an additional meeting if it was needed; the need for the additional meeting would be determined as part of the regularly scheduled meeting. Ms. Johnson Harris stated for the record that she would not be able to attend on 26 October. Ms. Firehock and Mr. Fink also stated they would not be able to attend.

In the absence of a quorum of City Councilors, Mr. Tolbert was asked to present the staff report.

J. DEPARTMENT OF NDS/STAFF REPORTS

Mr. Tolbert had been asked to explain what happened when City Council adopted the Water Ordinance. By Water Ordinance, he meant the Stream Protection, the ENS, and the Storm Water Ordinance. Council passed a resolution exempting any site plan that was under consideration that had been legally submitted to continue on without being impacted by the ordinance. Eleven projects had been identified

that might have been impacted; all but two were impacted by ENS or the Storm Water Master Plan provision. The two impacted by the Stream Protection Ordinance would be coming before the Commission because they were in Entrance Corridors.

Mr. Tolbert stated Sixth and Seventh Streets, as impacted by the Amphitheater, would remain open until Election Day.

Mr. Tolbert had been meeting with Neighborhood leaders regarding the Comp Plan and how to move it forward.

Mr. Barton expressed appreciation for Mr. Tolbert's efforts to bring the standard of submittals up so the Commission was looking at more complete information. However, he was profoundly disappointed, after the work of the Stream Ordinance Committee, which is for the public good, that these projects were not put through a more rigorous review.

III. JOINT PUBLIC PRESENTATIONS AND HEARINGS

Ms. Lewis called the public meeting to order at 7:01 P.M. Due an equipment malfunction, item F would be heard later in the meeting.

G. JOINT PUBLIC HEARINGS

1. Closing portion of alley off of Tenth Street, Northeast: A petition to close a portion of the 15 foot wide alley running east 180 feet from Tenth Street, Northeast behind 100 Tenth Street, Northeast.

Ms. Creasy gave the staff report. This had been before the Commission in September and had been deferred to allow time to negotiate a Deed of Easement between those requesting the closing and adjacent property owners. A draft document was in the members packets; it had been revised to state the applicant would maintain the entire alley for a period of five years. If the Planning Commission feels all concerns were addressed, Staff could recommend approval of the request with the condition that the Deed of Easement be signed and submitted prior to the application moving forward to City Council.

Ms. Lewis recognized the applicant.

Ms. Tara Boyd, Esquire, of 726 Monticello Avenue, was present on behalf of the applicant, Joe Milby. She provided the Commissioners with copies of the revised easement. She stated Ms. Creasy had summarized her statements. Mr. Milby would pave the entire alley when he redevelops the property. He would maintain his half of the alley in perpetuity and would maintain the other half of the alley for a period of five years after repaving of the alley is completed. Ms. Boyd asked that the Commission not impose a fee for vacation of the alley since the City had no interest in the alley and would gain more than it loses by vacating the alley.

Ms. Lewis stated the motion from the September meeting had asked that the word "irrevocable" be included in the deed. Ms. Boyd stated that Paragraph 1 showed the easement to be a perpetual, non-exclusive easement. Ms. Lewis felt that was not the same as irrevocable.

Ms. Lewis called for questions of the applicant from the Commissioners and Councilors. There were none.

Ms. Lewis opened the public hearing.

Ms. Joan Carpenter, of 2570 Holly Knoll Lane, spoke on behalf of her mother, Mary Beverly of 1009 East Market Street as well as the other four adjacent residential property owners. She felt they had all come to an agreement for the wording of the Deed of Easement. She asked that they require the deed to be recorded immediately.

With no one else wishing to speak to the matter, Ms. Lewis closed the public hearing.

Ms. Lewis called for questions from the Commissioners or Councilors. There being none, she called for comments from the Commissioners and Councilors.

Mr. Fink sought clarification if closing the alley gave additional development rights to the applicant. Mr. Tolbert had worked with the assessor and found the applicant would gain three more development rights; the assessor did not take those rights into account when valuing the property.

Mr. Barton felt the conditions placed on the applicant had been met. He felt there should be financial assessment made.

Mr. Barton moved that they approve closing the portion of the alley off of Tenth Street, Northeast and would ask that they recommend to Council that Council assess a fee for the transfer and that they shall determine the value of the transfer. Mr. O'Halloran seconded the motion. Mr. Lucy asked if there were a precedent for the City to be paid for something it did not own. Mr. Tolbert explained there was a precedent for the Planning Commission recommending it. Mr. Tolbert further stated that was the reason for a new policy being drafted for Council to consider. Mr. Fink stated fees had been assessed on prior alley closings when development rights were granted by vacation. The motion carried, 6-1; Mr. Lucy voted against.

2. ZM-4-9-18:A petition to rezone, with proffers, from R-1S Residential to Planned Unit Development (PUD) the property at 1141 St. Clair Avenue and Locust Lane. This property is further identified at City Real Property Tax Map Number 49 as parcel 187, having 75 feet of frontage on St. Clair Avenue, 175 feet of frontage on Locust Lane and containing 12,125 square feet of land or .30 acres. The general uses allowed in the R-1S zoning are single-family detached dwellings at seven units per acre. The general uses called for in the Land Use Plan of the Comprehensive Plan are one-family residential at three to seven units per acre.

Ms. Creasy gave the staff report. The proposed PUD would create a development of four single-family detached urban cottages. The applicant reduced the number of cottages in response to concerns raised about the high density of the first plan. The units were reduced to one story with usable attic space to fit in with the height of units in the neighborhood. Parking would be behind the units. Additional open space is allowed in the new plan. Currently three units would be allowed by right on the proposed site. Staff had requested additional elevations; one had been received and more were expected during the public hearing. Lot dimensions would cause the shape of the housing to not conform to the character of surrounding homes. No one had attended the preliminary agenda meeting on 4 October; however, staff received comments from neighbors. Residents were still concerned with the new proposal even though it was an improvement from the first submittal. The neighborhood would prefer fewer houses on the site. Staff recommends approval if the Planning Commission determines that the measures taken by the applicant to address the concerns of density, scale, and character meet Planning Commission's approval; additional conditions to be considered were: the concept plan and narrative have differing calculations

for total space on site; to change the landscaping behind the units. If the item moves forward a subdivision and site plan will be required which must conform to the approved PUD.

Ms. Lewis called for questions of Ms. Creasy.

Ms. Lewis recognized the applicant.

Mr. Daniel Walter stated the PUD was a design opportunity to originate and create a creative type of housing for single families. He felt they were doing that. They had attempted to address concerns expressed by the CPC in the prior meeting. He clarified that the total space was 13,125 square feet; open space was 3,212 square feet, or 24.4 percent.

Mr. Barton sought clarification of the dimension of the city right of way since it was not noted on the plan. Mr. Walter stated the outer edge of the sidewalk was the edge of the City right of way, or approximately 15 feet.

Mr. Barton also sought information on the proposed open space. Mr. Walter explained the space between units 2 and 3 would be a courtyard; the open space on the west side of the lot was a continuation of the porch and was another area which could be treated as a courtyard.

Ms. Lewis opened the public hearing.

Ms. Naomi Roberts, of 1140 St. Clair Avenue, spoke in opposition of the proposal. She had issues with the height of the buildings, the traffic, and parking which would affect access by fire and rescue vehicles.

Ms. Marilyn Ellinger, of 1137 St. Clair Avenue Extended, spoke in opposition of the proposal. She did not like PUDs and had concerns about the number of proposed buildings and the parking.

Mr. Donald Hanbury, of 1129 Locust Avenue, spoke in opposition of the proposal. He felt the proposal was a distortion of the concept of Planned Unit Development.

Mr. John Hossack, of 617 Davis Avenue, co-president of the Locust Grove Neighborhood Association, read a prepared statement in opposition of the proposal. He also presented the Commission with a petition from the neighborhood.

Ms. Frances Mellon, of 1142 St. Clair Avenue, spoke in opposition of the proposal. Her objections were based on the effect of the proposal on the quality of life.

Mr. John Potter, of 1208 Bland Circle, thanked Mr. Walter for speaking with the neighborhood and making changes in the design, but spoke in opposition of the proposal.

Ms. Pat Bruffy, of 1134 St. Clair Avenue, spoke in opposition of the proposal due to parking issues.

Ms. Mabel Kinsey, of 1007 Locust Lane, expressed support for previous speakers. She urged the Commissioners to support their previous zoning decisions of R-1S. She felt the proposed density was too intense for the neighborhood.

Ms. Betty Mooney, of 201 Sunset Avenue, expressed concern about the lack of viable family neighborhoods.

With no one else wishing to speak to the matter, Ms. Lewis closed the public hearing and called for questions of the applicant from the Commissioners.

Mr. Lucy sought clarification as to how many units were allowed by right. Mr. Walter explained there were three lots of record; by right, three units of rather unusual, undesirable dimensions could be done.

Ms. Lewis called for comments from the Commissioners.

Mr. Lucy thought the area was a neighborhood of evolution. He felt the neighborhood should discuss that and consider what the alternatives might be.

Mr. Barton expressed concern about the density of units on the site. He was not convinced the proposal was a reasonable change for this particular parcel. He was not comfortable voting to approve this change; he urged the Commissioners to consider carefully whether this site warrants the increase in density.

Mr. Fink echoed Mr. Barton's comments. He also had problems with the massing. Mr. Fink commended Mr. Walter for the great work he did in the City. He felt this plan was a wonderful plan but not for this site. He could not support the rezoning request.

Ms. Fenton concurred with her colleagues. She felt they had to consider PUDs in the context of the surrounding neighborhood. She felt the density was still too high.

Mr. O'Halloran did not think the site was appropriate for a PUD; he could not support the proposal.

Ms. Johnson Harris did not support the proposal.

Mr. Lucy felt this was not a good spot for a PUD.

Ms. Lewis thanked the applicant for hearing the comments at the last meeting and addressing them in a memo. However, she had to concur with her colleagues that this was not the right place for the proposal.

Mr. Fink moved that they deny application ZM-04-9-18 to rezone from R-1S to Planned Unit Development. Ms. Fenton seconded the motion. Mr. Higgins called the question. The motion carried unanimously.

F. JOINT PUBLIC PRESENTATIONS

1. Area B Study -- Jefferson Park Avenue and Fontaine Avenue area

Mr. Tolbert explained that the City, County and University entered into a three party agreement several years ago to study areas adjacent to the University in areas that are influenced by the University but aren't part of the University.

Mr. Ken Schwartz, of Renaissance Planning Group, made an abbreviated presentation with the offer to return to the November meeting since there were still technical issues. He explained the information was available for download from the County website, albemarle.org. There were five alternatives to create a better interconnection between City, County and University.

G. JOINT PUBLIC HEARINGS (Continued)

3. Proposed Changes to the City Parking Ordinance: Proposed changes to the City Code parking ordinance, Chapter 15, Article V, to provide for notice and comment on permanent parking changes and to permit citizen petitions.

Ms. Kelley gave the staff report. Ms. Kelley had prepared the draft ordinance with Mr. Yellots. In drafting the proposal, some of the language causing concern had been eliminated. Ms. Kelley updated some matters while going through some of the Code provisions. Staff education will be needed to make sure all departments are working together and understand what the City Code says about who has the authority to make parking decisions.

Mr. Barton sought clarification that items marked as reserved were still under study. Ms. Kelley stated that was intended to indicate that the text in that section will be deleted entirely but the number of that section would be reserved in case something needed to be added in the future.

Mr. Barton also asked if Number 4, Chapter 28, Article I was subject to notice. Ms. Kelley stated the temporary street closings would not be; temporary street closings were usually done either with a construction project or in connection with a special event like a parade or block party.

Ms. Lewis sought clarification that temporary use could continue for 29 days and not be appealable.

Ms. Kelley stated the intention was to create a right of appeal only for the longer term closings defined in the earlier portion of the ordinance to be longer than 30 days. Ms. Lewis stated she found Chapter 28, Article I, Paragraph A(5) to be a little deceptive. Ms. Kelley stated the rule of default for temporary street closing is they may be authorized for 48 hours; there needs to be an exception for that for construction projects. Based on the work being done and all that is involved in the construction project, the City Engineer determines the minimum amount of time the closing needs to happen in order to accommodate those activities.

Ms. Kelley stated NDS staff had recommended, in Chapter 28, that "City Engineer" be changed to "Traffic Engineer." Staff had also suggested augmenting the fees for temporary street closings by providing not only a charge per sidewalk or per right of way but an additional fee for every 100 feet of sidewalk or right of way. This had not been in the packet but was something the Commission could consider recommending to Council.

Ms. Lewis asked that "absence," as used in Paragraph H on page 5 of 8, be defined. Ms. Kelley said that language would be worked on; she did not want to define "absence" as the intent had been to describe a situation where there was no Traffic Engineer on staff.

Mr. Barton moved that they approve the proposed parking ordinance changes conditioned by Ms. Kelley's artful redrafting of language in Section 1544, Subsection H in which the term "absence" would be redefined to clarify in effect that the position was not filled or not simply an absence due to illness or literally not being in the office. Mr. O'Halloran seconded the motion. Ms. Firehock thanked Mr. Yellots for all the hard work he had done. Ms. Johnson Harris thanked Ms. Kelley for all of her work as well. Ms. Lewis stated this was a great example of citizen initiative. Mr. Higgins called the question. The motion carried unanimously.

4. ZM--4-7-14:A petition to rezone, with proffers, from R-1S Residential to Planned Unit Development (PUD), the property known as the Blincoe Tract at Palatine Avenue. This property is further identified on

City Real Property Tax map Number 59 as parcel 374, having approximately 418 feet of frontage on Palatine Avenue, 590 feet of frontage on unopened Rialto Street and containing approximately 178,824 square feet of land or 4.1 acres. The general uses allowed in the R-1S zoning are single-family residential. The general uses called for in the Land Use Plan of the Comprehensive Plan are single-family residential. This item will also include a preliminary discussion for closing portions of the Rougemont Avenue, Leander Avenue, and adjacent alley rights of way.

Mr. Tolbert gave the staff report. The proposal is for 21 single-family houses. The gross density of the site would allow more units than are requested; however, a significant amount of the site is affected by the floodway and could not be developed. The applicants proffer two affordable units and a bridge or some type of crossing across the creek depending on what is learned from the Corps of Engineers. The Rivanna Trail is on the County side of the creek. This property is the southernmost tip of the city limits on Avon Street. The street closings would be on the November agenda. The floodway in the lower portion of the site is being left vacant for a recreation area. The project would be subject to the new water ordinance, the stream protection, the ENS and the storm water management ordinance. Staff recommends approval with the conditions that: the street that is interior to the development be developed as a public street and dedicated to the City as a public street; the right of way be left to allow the future extension of the street to Rialto; and that the rezoning be contingent upon the approval of the three applications to close streets and alleys that would be considered at the November CPC meeting.

Ms. Lewis opened the public hearing.

Ms. Linda Bowen, of 716 Palatine Avenue, spoke in favor of the proposal.

Mr. Derek Vanderlind, of 713 Palatine Avenue, saw this proposal as a real asset and gave his support to the proposal.

Ms. Molly Cliborne expressed concern about the proposed multi-family units in such a quiet neighborhood, the effect of increased traffic, and the loss of undeveloped green space.

Mr. Michael Latsko, of 1603 Green Street, expressed concerns about the density of the proposed development in a very undeveloped area of Charlottesville.

Mr. Lane Bonner, of 9 Canterbury Road, was opposed to the closing of Rougemont Street.

Ms. Lewis closed the public hearing and recognized the applicant.

Mr. David Toscano, of 628 Evergreen Avenue, was present to represent the contract purchaser of the property, Massimo Rampini and his company MGR Development Corporation. This request is a more traditional PUD and does not compromise neighborhood connectivity. This PUD does not compromise other neighbors' property development and does not landlock anyone.

Ms. Lewis sought clarification of the proffer that the houses would go to employees of the City. Mr. Toscano explained that preference would be for those people employed by the City such as teachers and firefighters.

Mr. Barton expressed concern about the steep grade of the site from Palatine to the flood plain. Mr. Rampini stated they would alter the grade to accommodate the requirement of 5 percent. Mr. Barton

wondered if the fill would impact the wetlands. Mr. Rampini explained the fill would bring the grade to the 500 year flood plain.

Mr. Barton asked that the site plan come before the Commission to review the grading and wetlands.

Mr. Caravati sought clarification of the anticipated timeframe of the project. Mr. Rampini explained the site plan should be ready by early spring and the project could start in early summer. Mr. Caravati expressed concern about the timing of the project as it would affect the definition of affordable housing.

Dr. Brown sought clarification of neighborhood access to the green space. Mr. Toscano stated the proposal was to assist in the construction of some passageway over the creek; there would not be a trail along Blincoe Park.

Mr. Lynch stated his support for this proposal. He appreciated the fact that this was the first PUD coming before the CPC that met the original definition of a PUD.

Ms. Lewis called for comments from the Commission.

Ms. Johnson Harris was excited that City employees were being considered. It was a wonderful idea and concept. She commended the applicant for the proffers for affordable housing.

Mr. Fink thought this was a good example of what a well designed PUD can be. He encouraged the applicant to take the new stream ordinances to heart. He encouraged the applicant to take under advisement the Council initiative of having 15 percent affordable housing.

Mr. O'Halloran echoed Mr. Fink's comments.

Mr. Barton echoed previous comments. He was concerned about the number of units considered for affordable housing.

Mr. Fink moved that they approve application ZM-4-7-14 to change the current zoning classification from R-1S to PUD. Mr. Lucy seconded the motion. Mr. Higgins called the question. The motion carried unanimously.

Ms. Lewis called for a five minute recess. The Commission recessed at 9:36 P.M. Ms. Lewis reconvened the meeting at 9:43 P.M.

5. SP--4-8-16:An application for a special permit for higher density residential for the property at 1013 Linden Avenue. This property is further identified on City Real Property Tax Map Number 61 as parcel 52, having 88 feet of frontage on Linden Avenue and containing approximately 43,995 square feet of land or 1.01 acres. The general uses allowed in the Highway Corridor zoning of this property are high-density residential and mixed use commercial. The proposed development is for 26 town homes.

Mr. Tolbert gave the staff report. The property was rezoned to Highway Corridor during the summer. Zoning allows 21 units per acre by right. The applicants propose 26 townhouse-type condominiums. The applicant has partnered with Piedmont Housing Alliance to provide six units as affordable units. More than adequate housing is provided. Staff recommends approval. Ms. Firehock sought clarification behind the request for 26 units. Mr. Tolbert explained the applicant felt this site could support higher density; the Special Use Permits allow for higher density. The neighborhood supports the proposal.

Ms. Lewis recognized the applicant.

Mr. Frank Piatkowski and Ms. Lisa Wojtaszek were in partnership with Piedmont Housing Alliance.

Mr. Piatkowski stated they had originally asked for the 21 units allowed by right under the Highway Use District. Under the special use permit for the Highway District, they could seek 43 units. The six affordable housing units would be offered to PHA at \$145,000. The affordable units would be interspersed in each of the buildings.

Ms. Lewis called for questions from the Commissioners and Councilors.

Mr. Caravati sought clarification of the impact on the neighborhood of the materials and textures that would be used. Mr. Piatkowski stated he had gone before the Belmont Neighborhood Association and they had commented favorably on the modified design. Mr. Piatkowski also stated they were still working with the architects to make final selections of colors and of brick samples. Mr. Caravati felt more detail would be necessary when the proposal came before Council. Mr. Barton wanted to know what was being considered for the "tot lot." Mr. Piatkowski said there would be a fiberglass construction rock climbing structure which was intentionally made small enough for preschool children. Two or three of those, surrounded by wood chips, would be in an enclosed area.

Ms. Lewis opened the public hearing.

Mr. Stu Armstrong, with the Piedmont Housing Alliance, acknowledged that the project had 23 percent of the units affordable.

Ms. Lewis called for comments from the Commissioners.

Mr. Fink commended the design as a good use of space and could support the proposal.

Ms. Firehock liked the affordable element but would support any work that could be done to soften the area around the garage.

Ms. Johnson Harris concurred with Ms. Firehock.

Mr. Lucy felt it was interesting, challenging and positive.

Mr. Barton thought it was encouraging to see a developer come forward with 23 percent affordable units.

Mr. Barton moved to recommend the approval of this Special Use Permit on the basis that the proposal would serve the interest of the general public welfare and good zoning practice; and that it be conditioned by any of the recommendations staff makes. Mr. O'Halloran seconded the motion. The motion carried unanimously.

6. ZM--4-9-17:A petition to rezone, with proffers, from R-2 Residential to Planned Unit Development (PUD), the property at 217 Douglas Avenue. This property is further identified on City Real Property Tax Map Number 58 as parcel 344, having 55 feet of frontage on Douglas Avenue, 145 feet of frontage on "Third Street" and containing 9,570 square feet of land or .22 acres. The general uses allowed in the R-2 zoning are single and two-family residential at 7-12 units per acre. The general uses called for in the Land Use Plan of the Comprehensive Plan are one and two-family residential at 7-12 units per acres.

Mr. Tolbert gave the staff report. There is currently a single-family house on the property that the applicants propose to remove. The applicant proposes five cottage units in three buildings: The Manor

House, The Gazebo, and The Potting Shed. Five parking places are proposed. They proffer to improve Third Street and bring it up to City standards and to improve the drainage in the alley. The improvements have not yet been engineered. Preservation Piedmont has issues about the property. If approval is recommended, staff suggests a condition that building elevations be made a part of the rezoning to ensure compatibility with the scale of Douglas Avenue.

Mr. Daniel Walker stated the property had a duplex that had been neglected and was in disrepair. There was a large amount of large scale homes in the neighborhood. He had attempted to meet the concerns of the neighborhood and the Commissioners as expressed in the September meeting. The Manor House, which contains three of the units, would sit on Douglas Avenue and tie the majority of the project into the existing streetscape. Five units were desired to meet the demand for housing in Charlottesville. Mr. Walker felt they had taken the comments from the Commissioners and applied them.

Ms. Lewis opened the public hearing.

Ms. Kathleen Meyer, of 208 Douglas Avenue, spoke in opposition of the proposal. She felt the project was inappropriate for Belmont.

Ms. Molly Cliborne, of 711 Rockland Avenue, having seen houses get renovated, expressed concern about a house being torn down and replaced by many units.

Mr. Leo Aroco, of 222 Douglas Avenue, felt the project was too large for the size of the property. He also felt the proffer should include improving Third Street.

Ms. Pam Scott, of 215 Douglas Avenue, spoke in opposition of the proposal. She felt a project of this type was not needed in Belmont.

Ms. Mary Michaud, of 726 Levy Avenue, stated this was not an issue of infill. The proposal did not preserve green space. She felt this was spot rezoning.

Ms. Jillian Galle, of 338 Monticello Road, felt the proposal set a precedent for demolishing a home that can be rehabilitated.

Mr. Richard Spurzem, of 1795 Lake Road, spoke in opposition of the proposal. He felt that this was stupid plan for a single city lot.

Mr. Ben Ford, of 117 Amherst Commons, read a prepared statement to the Commission in opposition of the proposal.

Mr. Emile Credivle, Jr., of 917 B Montrose Avenue, stated Douglas is a classic American traditional neighborhood. He felt that what had been presented was not a Manor House or Gazebo House but rather a sardine can.

With no one else wishing to speak to the matter, Ms. Lewis closed the public hearing. She then called for questions and comments from the Commissioners and Councilors.

Mr. O'Halloran could not support the proposal. He felt five units on a quarter-acre lot was a terrible precedent. The design was beautiful but there were other alternatives for the site.

Mr. Fink echoed Mr. O'Halloran's comments. He had issues with the density.

Mr. Barton had issues with the scale of the project and the number of units. He felt there were other options such as renovation and the addition of one additional outbuilding.

Mr. Lucy thought the Commission and Council should revisit the uses for a PUD. He would support the proposal.

Ms. Firehock, in deference to the neighbors, thought the density was not appropriate for the area.

Ms. Johnson Harris concurred with Ms. Firehock.

Mr. Walker expressed confusion over the comments received based on comments received at the prior meeting. Mr. Barton stated that neighborhood comments helped sway the Commission.

Mr. Tolbert clarified that the matter had been heard in the September meeting as a preliminary hearing to discover issues that could be addressed before the public hearing. It was not done as a public hearing. The Commission cannot commit to supporting or not supporting a project until there has been a public hearing.

Mr. Fink felt they needed to give the development community extraordinarily clear guidelines.

Ms. Kelley stated PUD zoning was not spot zoning. She encouraged the Commissioners to refer to the PUD section and guidelines as laid out in Section 34-490 of the City Code.

Mr. Barton felt there were many reasons to reject this proposal based on the criteria set forth in Section 34-490.

Ms. Lewis felt a PUD could be considered since the property was zoned R-2 and the existing building was a duplex. The neighborhood had a mix of uses. However, against the application was the neighborhood comments. The Commission must listen to the comments and whatever the neighbors say effects all of us.

Mr. Caravati left the meeting at 11:38 P.M. In the absence of a quorum of Councilors, Ms. Lewis closed the public hearing.

Mr. Barton moved to recommend denial of the application, ZM-4-9-17, for a Planned Unit Development at 217 Douglas Avenue for the reasons: that the proposed zoning classification is not reasonable. Ms. Firehock seconded the motion. Mr. Higgins called the question. The motion carried, 6-1; Mr. Lucy voted against.

7. CP--4-8-15: Amendment to the Comprehensive Plan, Chapter Three, Demographics, Housing and Education and the Key Actions portion of Chapter Fourteen to include data updates from the 2000 U. S. Census and revised comments on the status of actions.

Ms. Lewis asked if this matter could be deferred due to the lateness of the hour.

Ms. Johnson Harris moved that they defer this matter. Mr. Fink seconded the motion. The motion carried unanimously.

IV. REGULAR MEETING ITEMS (Continued)

H. SUBDIVISIONS

1. Camden Place -- West side of Raymond Road – 16 new lots

Mr. Tolbert gave the staff report, demonstrating the proposal on a map. The property had been zoned R-3 and is now zoned Ridge/McIntire Residential which allows 21 units per acre by right. Southern Development has met with the neighborhood and is sensitive to their concerns. A traffic study would be required. Staff recommends approval.

Ms. Lewis recognized the applicant.

Mr. Frank Baliff, of Southern Development, stated they had met with the Neighborhood Association in July and were proposing 16 lots based on those grade with a basement.

Mr. Barton sought clarification that utilities would be underground. Mr. Baliff stated there had been discussions with Virginia Power on what to do with the existing poles. New runs would come underground from the poles.

Mr. Fink stated the applicant had been a stand up applicant and it has been a pleasure to work with him.

Mr. Fink moved that they approve this subdivision, 16 lots on the west side of Raymond Road. Ms. Johnson Harris seconded the motion. Mr. Barton offered a friendly amendment that they approve the 1 with the condition that one be held in abeyance as they look for the best connections. Mr. Tolbert stated they could only vote on the subdivision as presented. Mr. Barton removed his friendly amendment. Ms. Lewis disclosed that she was under contract to buy a unit in another subdivision developed by Mr. Baliff; however, she had no pecuniary interest in this application.

Ms. Johnson Harris disclosed that she lived on Raymond Road. Mr. Tolbert did not think that would impact her ability to participate. The motion carried unanimously.

I. RESENTATION OF REZONING CONCEPTS/DISCUSSION OF ISSUES

1. Palatine Townhomes PUD -- 701-707 Palatine Avenue -- 8 townhomes

Mr. Tolbert gave the staff report for the preliminary discussion. The property is zoned R-1S and has four lots. There is one duplex on the property which would be renovated for two of the townhomes. The applicant meets the open space requirements. An existing sewer line impacts the development; the applicant has addressed that by using that portion for open space.

Ms. Lewis reminded the applicant that this was a preliminary discussion, not a public hearing; approval is not guaranteed by the expression of positive comments.

Mr. Jim Moore, of 1213 Hazel Street, stated he had met with the Belmont Neighborhood Association which had expressed concern about the appearance of the existing duplex. Mr. Moore stated that by allowing a rezoning to PUD, this provides an attractive solution in this area in terms of density. He proposed 16 parking spaces. A homeowners association was proposed to ensure maintenance of the common areas. Parking would be underneath the units. The main floor would front Avon Street.

Ms. Firehock asked if pylon houses were being considered due to steep slopes. Mr. Moore did not know the percentage of the slope; there was a 15 foot drop between Avon Street and the storm water retention. Ms. Firehock advised the applicant of the prohibition against building on slopes over 25

percent. Mr. Moore explained the pylons would be used to allow a backhoe to traverse underneath the house to service the septic line.

Mr. Barton asked if access could be made from Palantine. Mr. Moore explained that the fourth lot had a deed easement with two duplexes. A current driveway crosses the front of the fourth lot.

Ms. Lewis liked the buffered area setting back from Avon Street. In conclusion, Mr. Moore stated he had received design ideas from the neighbors and has not received any negative comments yet about the PUD.

Ms. Johnson Harris moved that they meet November 9th. Ms. Firehock seconded the motion. The motion carried unanimously whereupon the meeting stood adjourned at 12:26 a. M., Wednesday, October 13, 2004.