

**DRAFT MINUTES  
CITY OF CHARLOTTESVILLE  
PLANNING COMMISSION  
TUESDAY, JANUARY 11, 2005 -- 6:30 P. M.  
CITY COUNCIL CHAMBERS**

The Regular Meeting of the Planning Commission was held on this date with the following members present:

Ms. Cheri Lewis, Chair Staff Present:

Mr. Kevin O'Halloran, Vice Chair Mr. Jim Tolbert, AICP, Director NDS

Mr. Craig Barton Ms. Missy Creasy, AICP, Neighborhood Planner

Mr. Jon Fink Mr. Brian Haluska, Neighborhood Planner

Ms. Karen Firehock Ms. Mary Joy Scala, AICP, Design Planner

Ms. Kathy Johnson Harris Ms. Lisa Kelley, Deputy City Attorney

Mr. Bill Lucy Mr. David Neuman, UVA, Office of the 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**

Ms. Lewis called the meeting to order at 6:27 p. M.

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

Ms. Lewis called for matters from the public not on the agenda. There were none.

**B. MINUTES**

December 14, 2004 -- Regular Meeting

Ms. Lewis asked that the phrase "Ms. Lewis had no financial interest in the matter and did not believe she had any conflict in voting on it" be added to the Site Plans and Subdivisions section on page 2.

Mr. Fink moved to approve the minutes as amended. Mr. Lucy seconded the motion, which carried unanimously.

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

Mr. Tolbert noted a correction to item one, the ACAC complex at Old Ivy Industries.

Mr. Barton moved to approve the site plans and subdivisions approved administratively from 1 December 2004 to 1 January 2005. Mr. Fink seconded the motion. The motion carried unanimously.

**LIST OF SITE PLANS APPROVED ADMINISTRATIVELY**

12/01/04 - 1/01/05

1. File No. ACAC Complex at Old Ivy Rd. 111 Monticello Avenue  
T-04-000023
2. File No. Hope Community Center 341 11th Street NW  
T-04-000018
3. File No. Linden Town Lofts 1013 Linden Avenue  
T-04-000025
4. File No. Gleason Site Redevelopment 126-128 Garrett Street &  
T-04-000007 2nd Street, SE

#### **LIST OF SUBDIVISIONS APPROVED ADMINISTRATIVELY**

12/01/04 - 1/01/05

1. Redivision/Combining Parcels 128 & 126, TM 28 No new lots 111 Monticello Ave., 2nd, Garrett & Gleason Streets 111 Monticello Ave. LLC  
File No. 1329 preliminary & final  
Final Signed: 12/01/04
2. Hope Community Center Plat – Sidewalk Strip No new lots  
341 11TH Street NW Covenant Church of God  
File No. 1330 preliminary & final  
Final Signed: 12/22/04
3. Division of TM 58, Parcel 58 One new single-family lot  
607 Monticello Ave. & 5th Street SE Michael & Suzanne Johnson  
File No. 1331 preliminary & final  
Final Signed: 12/23/04
4. "Rivers Edge", Phase One, Lots 1-5 Five new single-family lots  
NE corner of Chesapeake St. & Riverside Ave. Rivanna Collaborative LLC  
File No. 1332 preliminary & final  
Final Signed: 12/23/04

#### **ENTRANCE CORRIDOR DESIGN APPROVALS**

12/01/04 - 1/01/05

1. File No. T-04-000022 2006 JPA Apartments 2006 Jefferson Park Ave.
2. File No. T-04-000028 Union Bank & Trust 2151 Barracks Rd.  
at Cedars Court

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

Mr. Barton had no report.

Mr. Fink had attended the MPO Tech meeting. A multi-community group was looking at ways to accelerate financing and construction of some of the long-term projects. There had been no Streams Task Force meeting.

Mr. O'Halloran had attended the CDBG meeting; recommendations had been made. The BZA would be meeting in the following week.

Mr. Lucy stated the Board of Architectural Review was considering expanding the number of neighborhoods; 1331 additional buildings could be added to the 800 already included. He felt such an increase seemed to be more of neighborhood planning than preservation planning. He stated he was still studying the Guidelines and expressed concern about the notion of "harmonious" which could enforce excessive rigidity. He also expressed concern about the Guidelines restricting punching holes for windows and doors in the sides of historic buildings which he felt was a considerable mistake for downtown. He also suggested the Commission add a New Business category as well as discuss what was in store for the next meeting.

Ms. Johnson Harris had nothing to report from her committees. She stated there was an applicant for a PAH grant for affordable housing.

Ms. Firehock had attended a Parks Advisory Board meeting; the Board was working with Staff to develop a needs assessment for City parks.

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

Ms. Lewis stated she had attended a TJPDC meeting. She also asked the Commissioners to begin thinking about the Planning Awards.

#### **J. DEPARTMENT OF NDS/STAFF REPORTS**

Mr. Tolbert stated Mr. Higgins had planned to discuss Planning Awards and would be sending the Commissioners an E-mail seeking nominees.

Ms. Lewis thanked Ms. Kelley for getting back to the Commissioners about the Arlington Court matter.

Ms. Lewis recessed the meeting until a quorum of City Council would be present. Whereupon, the meeting stood adjourned at 6:46 p. M.

Ms. Lewis reconvened the meeting at 6:57 p. M.

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

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

**1. City of Charlottesville Capital Improvement Program (CIP) FY 2006-2010:** The Planning Commission is soliciting the public for comments on the proposed 5-year Capital Improvement Program for fiscal years 2005-2006 through 2009-2010. The program areas included in the CIP are: Education; Transportation & Access; Parks & Recreation; Neighborhood Improvements, Facilities Management; General Government Infrastructure; Economic Development, and; Public Safety.

Ms. Lewis reminded the Commissioners and Councilors that taking up this matter was defined under state Code 15.1-2221 as one of the essential duties of the Planning Commission.

Leslie Beauregard, City Budget Officer, presented the CIP to the Commission. Three major revenue items in the CIP were: local contributions, or the General Fund contributions, which were budgeted at 4.2 million; a 7.5 million dollar bond issue which would be sought after in 2006; a \$50,000 peg fee revenue that can only be spent on Capital items for the cable TV operations. Some of the major expenditures of the 12.7 million are: the J&D Court renovation; Downtown Mall reconstruction; the Jefferson School; the fire stations, with the possibility of adding a fourth station; facility maintenance projects; improvements

to Penn Park in compliance with the Americans with Disabilities Act; replacement of the Charlottesville High School bridge.

Mr. Fink asked if there was a budget that had the break outs. Ms. Beauregard explained the money was there for things that come up during the year that were strategic investments.

Mr. Barton sought clarification of the fire station monies. Ms. Beauregard explained the first outlay was for architectural review. Mr. Tolbert explained the first monies would go towards design; construction would not occur until 2009 when the second piece of the funding would occur.

Mr. Fink wondered if land had been targeted for the new station. Ms. Beauregard stated the City had looked at a couple of pieces of land but none were targeted yet. Mr. Tolbert stated analyses by the Fire Department showed need in the western and southern parts of the City.

Mr. Barton concurred with Mr. Fink that there was a need for greater detail in the budget. Mr. Barton felt it would be useful to identify design services, construction monies, and materials.

Mr. Fink did not feel he could adequately serve the public by ratifying this budget at this time. He felt it would be good to have a document that was much more complete than what was presented.

Ms. Firehock concurred with Mr. Fink especially as it involved broad categories.

Ms. Lewis opened the public hearing. With no one present to speak to the matter, Ms. Lewis closed the public hearing.

Mr. Fink moved that they defer this joint public hearing or a vote on the City of Charlottesville Capital Improvement Program (CIP) FY 2006-2010 until the February meeting; he also requested as part of the motion that they receive an upgraded document at least two weeks before the meeting date so they had adequate time to review and ask questions. Ms. Firehock seconded the motion. Ms. Lewis called for discussion. Ms. Lewis stated her desire to see if they could rework the process so that the Commission, without deferring to another meeting, was involved for two different meetings to allow for more deliberative time and for give-and-take between the Commission and the Budget Officer. The motion carried unanimously.

**2. SP-04-12-22:**An application for a special permit to use a portion of the building at 414 East Main Street (Fusion Restaurant) for an "amusement center" with four (4) billiard tables. This property is further identified on City Real Property Tax Map Number 28 as parcel 49, having 21 feet of frontage on the Downtown Mall (East Main Street) and containing approximately 3,360 square feet of land or .08 acres. The general uses allowed in the Downtown Corridor zoning of this property are mixed uses.

Mr. Tolbert gave the staff report. The applicant proposes adding four pool tables to the basement level of Fusion Restaurant. Historically, the City has not desired pool halls operating as a stand-alone use. This would not be a stand alone use. Staff recommends: the arcade be located in the basement area; it be accessed through the restaurant; the hours of operation be the same as the operation of the restaurant and no later than 12 a. M.; that at all times during operation a manager or employee be on duty to monitor use of the amusement center; the amusement center not be used for gaming and other activities requiring special state licenses; the billiard tables must be in areas accessible to individuals with disabilities; that the amusement arcade consist of no more than four billiard tables. Mr. Tolbert

asked the Building Official to look at the site. Based on that review, an additional requirement would be that all Building Code issues be resolved prior to opening.

Mr. Fink asked if it was currently ADA accessible. Mr. Tolbert stated the back door was accessible. Mr. Barton sought clarification as to how that would meet the staff requirements of accessibility through the restaurant. Ms. Lewis asked if they could condition the Special Use Permit to state Water Street was not used during business hours as the primary access.

Mr. Jim Baldi, of 108 Second Street, Southwest, sought clarification that he had put 12 a. M. on his application. Ms. Lewis concurred. He stated he would like to not tie his hands if he didn't need to. He stated the other pool halls were open until 2 a. M. Mr. Tolbert concurred that the other two pool halls stayed open until 2 a. M. Mr. Fink felt it was unfair to make the applicant close at 12 if other establishments were open later.

Mr. Barton asked if there would be supplemental signage for the amusement center. Mr. Baldi concurred. Mr. Tolbert asked that there be an additional condition that no additional sandwich board signage would be allowed on the Mall.

Ms. Lewis opened the public hearing. With no members of the public wishing to speak to the matter, Ms. Lewis closed the public hearing.

Ms. Lewis called for comments from the Commissioners.

Mr. Barton felt that, within reason, commercial endeavors seeking to attract the public should be as visitable as possible in terms of ADA compliance. He stated visitability would also include comfort of the patron and felt the establishment should have a handicapped accessible restroom. Mr. Barton was inclined to recommend the Special Use Permit with the condition of the restroom being made handicapped accessible.

Ms. Firehock was in support of changing the time to 2 a. M.

Mr. Fink echoed Mr. Barton's comments. He also felt the establishment should be allowed to stay open longer in keeping with other establishments on the Mall.

Mr. O'Halloran moved that they approve the Special Use Permit with the conditions amended as noted in the discussion. Mr. O'Halloran clarified the conditions changed from the Staff recommendations were: condition 2, the hours of operation be no later than 2 a. M. Three additional conditions were added: that all building code issues be resolved; there be no additional sandwich board sign in addition to The Fusion sign; and that the bathroom on the basement level be modified to be in conformity with ADA standards. Mr. Fink added a friendly amendment that the phrase "with secondary access from Water Street" be added to point one. Mr. O'Halloran accepted the friendly amendment. Ms. Johnson Harris seconded the amended motion.

**3.ZT-04-12-24:**An ordinance to amend and reordain the following sections of the Code of the City of Charlottesville, 1990, as amended (Zoning Ordinance):

- a.)Section 34-242(b) -- To change the reference date of the New Flood Insurance Rate Maps to February 4, 2005.
- b.)Section 34-251(a)(2) -- To change the maximum height of flood vent openings from 3 feet to 1 foot.

c.)Section 34-252(a)(1) -- To correct the language to not allow encroachments into the Floodway to increase the base flood elevation.

d.)Section 34-254(1) -- To correct the allowable increase in base flood elevations, with encroachments in the floodplain, by lowering it from 3 feet to 1 foot.

Mr. Tolbert gave the staff report. FEMA has been working on revisions to maps in Charlottesville. FEMA set an effective date of 4 February 2005 by which everything needed to be done.

Mr. Barton sought clarification of what would happen to properties, which would become non-conforming by implementation of the ordinance. Mr. Tolbert explained these changes would not have any impact on individual properties.

Ms. Hamilton sought clarification as to why her packet had four items while the agenda only had three. Mr. Tolbert was unsure that item 4 had been properly advertised. However, due to the time constraints, the Commission could provisionally adopt the fourth section since it may have been advertised.

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

Mr. Fink moved that they adopt ZT-04-12-24: An ordinance to amend and reordain the following sections of the Code of the City of Charlottesville, 1990, as amended: a, Section 34-242(b); b, Section 34-251(a)(2); c, Section 34-252(a)(1); and that they provisionally approve Section 34-254(1) subject to verification that this had been properly noticed. Mr. Barton seconded the motion. The motion carried unanimously.

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

#### **G. SITE PLANS**

##### **1.Wertland Square -- Wertland Street and 14th Street, NW -- Report**

Ms. Scala gave the staff report in the absence of Ms. Cooper. City Council had approved the closing of a portion of an alley off Wertland Street on 19 April 2004.Concern had been expressed by adjacent property owners that this property owner would use the remainder of the alley as an access for the apartment complex proposed at the site. The site plan was before the Commission to demonstrate the alley was not being used as access. Access was off of 14th Street.

The applicant, Mr. John Matthews, was present to answer questions.

Mr. Barton asked if there had been any reduction in parking based on the provision of bicycle lockers. Mr. Matthews stated they had looked at that. He also stated they had excess parking including bike parking.

With no additional questions, Ms. Lewis moved on to item 2.

##### **2.Cheeseburger in Paradise -- 1101 Seminole Trail (Old Chi-Chi's)**

Ms. Creasy gave the staff report. A preliminary site plan had been submitted to change the Chi-Chi's to Cheeseburger in Paradise. The building is proposed to remain one story but will increase to 8,042 square feet. The site is zoned Highway Corridor with Entrance Corridor Overlay. A few minor engineering and traffic comments were under review when the report was sent. All but one engineering comment had

been addressed in the interim. Lighting details will need to be submitted as part of the final site plan. Staff recommends approval of the preliminary site plan with the conditions that the remaining comment from the 16 December letter be addressed as well as additional comments submitted on the staff report.

Mr. Ray Burkholder, with Balzer and Associates, reiterated that the only changes remaining to be made were changes within the actual design of the interior.

There were no questions for the applicant.

Ms. Lewis stated she was impressed that the project decreased the amount of impervious surface on the site.

Mr. Barton moved that they approve the site plan for 101 [sic] Seminole Trail, the new project to be known as Cheeseburger in Paradise, with the comments and conditions recommended in the Staff report. Ms. Firehock seconded the motion. The motion carried unanimously.

## **H.ERB REVIEW**

### **1. Cheeseburger in Paradise -- 1101 Seminole Trail -- Renovation of Old Chi-Chi's building**

Ms. Scala gave the staff report. The applicant, Outback Steakhouse, Incorporated, is requesting a Certificate of Appropriateness from the Entrance Corridor Review Board to renovate the former Chi-Chi's into a Cheeseburger in Paradise restaurant. The parapet would be raised to screen the rooftop equipment. The design features a corner entry area with Hardiplank siding and glass windows. A metal rail above this entry area encloses a water tower feature that serves as an attention getting device. Four surfboards with menus set into the surface are proposed to be mounted on the exterior entry walls in that area. Staff recommends against the water tower and surfboards because they are not architectural elements that are compatible with the City's historic, architectural and cultural resources. Staff recommends the use of stucco, the standing seam metal roof, the wood windows with true divided lights, and the Hardiplank siding. The color palette, while bright, is acceptable for this use and location. Staff does not recommend the silver metal fish scale panels of galvanized steel proposed on the water tower. Lighting would not be changed; however, if they do, they would change to shoebox features which must be mounted horizontally and have a flat lens. The application is for two wall signs and one monument sign. There is an existing monument sign which would be replaced. The type and number of signs are permitted; however, the wall signs are larger than permitted in the EC district. Staff recommends disapproval of the water tower, the silver metal fish scale panels of galvanized steel on the water tower and the exterior surfboards because they are not architectural elements compatible with the City's historic, architectural and cultural resources. Staff suggests the application be deferred and alternate designs be submitted for review. Lighting details should be a condition of the final site plan approval.

The architect was supposed to have flown in from Texas but was not present.

Mr. Fink did not see a reason for the water tower. He did not mind the surfboards as they were not a part of the view shed. He felt the colors were garish and should be earth tones.

Mr. Barton, while agreeing with Ms. Scalp's description of the intent of Entrance Corridors, argued that the context of the Corridors changes slightly. He felt there was more latitude in the 29 Corridor than in

other Corridors within the City. He was not as disturbed by the palette of colors. Mr. Barton felt the water tower was not a successful way of integrating a sign into the facade of the building. Mr. Barton would prefer seeing another iteration of the entry.

Mr. O'Halloran was not in favor of the water tower. He was somewhat bothered by the colors. He would recommend deferral and coming back with a different plan.

Mr. Lucy was confused about why the use of metal was not appropriate on Route 29 yet was appropriate on the Downtown Mall.

Ms. Johnson Harris felt earth tones would be nice. She did not like the tower and did not think it would be attractive on that corridor.

Ms. Firehock was less concerned about the color palette. She wanted to hear from the applicant whether they would entertain a different design or tone down the colors.

Ms. Lewis reiterated that 29 is subject to the Entrance Corridor Ordinance. Ms. Lewis cited Design Guidelines 34-310(1), overall architectural design form style of the building or structure. She stated she could support a design more like the one presented in a photograph of a Cheeseburger in Paradise which had a more cylindrical entryway and less of a water tower with galvanized fish scales. Ms. Lewis also cited 34-310(2), exterior architectural details and features; she agreed with the Staff analysis that the water tower was not an architectural element compatible with Charlottesville's resources. Ms. Lewis cited 34-310(3), texture, materials, colors. Ms. Lewis felt the colors were suitable for the 29 Corridor. Design arrangement of buildings and structures on the subject site; Ms. Lewis felt there weren't any real changes from the previous site except for reconfiguring the entrance. Ms. Lewis cited 34-310(5), the extent to which features and characteristics described in paragraphs above are architecturally compatible with similar features and characteristics of other buildings and structures having frontage on the same entrance corridor street; Ms. Lewis felt there was a diversity of architecture on 29 North. Ms. Lewis cited 34-310(6), provisions of the Entrance Corridor Guidelines, which discuss site elements. In general, she would be in favor of approving the application with the exception of the water tower and the fish scale exterior.

Ms. Johnson Harris moved to defer with the recommendations given by the Planning Commissioners until the next meeting in February. Ms. Firehock seconded the motion. Mr. Barton sought clarification that the deferral was asking the applicant to provide revisions as per the comments that have been offered today. The motion carried unanimously.

## **I. PRESENTATION OF REZONING CONCEPTS/DISCUSSION OF ISSUES**

### **1. Habitat for Humanity/Paton Street PUD -- Paton and Moore Streets -- 16 units**

Mr. Haluska gave the staff report. This application was to rezone from R-2 to PUD. The property consisted of two sections of land, comprised of three tax map parcels, totaling 2.21 acres. The applicant proposes six single family units along Moore Street and five two-family units on Paton Street. Both sections of those streets are currently not constructed. The applicant met with the neighborhood and some design changes came from those meetings.

Mr. Overton McGehee, of Habitat for Humanity of Greater Charlottesville, described the work of Habitat for Humanity to the Commission. He explained the plan was to allow home ownership in the Fifeville



Neighborhood. He stated the possibility that some of the units would be traded to another builder so there would be a better income mix within this development and the trading development. If no builders were interested, all 16 units would be Habitat homes.

Ms. Marsha Joseph stated there was funding available so a better quality material was possible.

Mr. Lucy was disappointed that the two-story designs presented at the neighborhood meetings were not going to be built. Mr. Lucy, citing Section 34-490(6), to ensure the development will be harmonious with existing uses and character of the adjacent property, felt the project was harmonious and in scale with existing property; it would have been better for the neighborhood to have the original designs.

Ms. Firehock liked the bio-swells. She asked that the applicant not do too much clearing and that he consider planting some native shrubs to replace some of what was cleared out.

Mr. O'Halloran was in favor of the project.

Mr. Fink concurred with Mr. Lucy about the two-story structures. He also concurred with Ms. Firehock about avoiding over clearing.

Mr. Barton expressed his support of the project. Hr thought the one-story bungalow looked like an updated Habitat house.

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

Ms. Lewis asked Mr. Neuman to provide his report.

Mr. Neuman had been involved in three community outreach meetings. There was a revised proposal for an art center that would merge the new museum with what had been the Performing Arts Center. Mr. Neuman also stated there was a significant archeological site next to the B1 parking lot. A cemetery and homestead site had been found. Hospital Drive would be closed to through traffic.

Mr. Fink moved that they adjourn the meeting until February's second Tuesday. Ms. Johnson Harris seconded the motion. The motion carried unanimously whereupon the meeting stood adjourned at 10:06 p. M.

Respectfully submitted:

---

Mr. Jim Tolbert, AICP, Secretary

Approved:

---

Ms. Cheri Lewis, Chair