

DRAFT MINUTES

CITY OF CHARLOTTESVILLE

PLANNING COMMISSION

TUESDAY, September 13, 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 of NDS

Ms. Kathy Johnson Harris Mr. Ron Higgins, AICP, Planning Manager

Mr. Craig Barton Ms. Ashley Cooper, Neighborhood Planner

Mr. Bill Lucy Mr. Brian Haluska, Neighborhood Planner

Mr. Jon Fink Ms. Amy Kilroy, Grants Coordinator

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

Mr. David Neuman, UVA Office of the Architect Ms. Lisa Kelley, Deputy City Attorney

City Council Members Present:

Mr. David Brown, Mayor

Mr. Kevin Lynch, Vice Mayor

Mr. Blake Caravati

Ms. Kendra Hamilton

I. REGULAR MEETING

Ms. Lewis called the meeting to order at 6:30 p.m. Ms. Lewis stated item 1 under Chair's Report would be deferred until the October meeting because the new Planning Commission members had not yet been appointed. She also stated item G-3 of the Joint Public Hearings was deferred. She reminded the Commissioners there would be an organization meeting for the Comprehensive Plan on 21 September at 6 p.m.

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

Ms. Lewis called for matters not on the agenda.

Mr. Charlie Kabash, of 308 East Market Street, spoke about the density in the North Downtown area. He reminded the Commissioners that he had been the developer for the property at 820 East High Street; he had met with Staff and was trying to make a plan to develop 908 East High Street. Current density allowed for 43 units per acre. Mr. Kabash stated the Commission had liked the idea of a five-story

building. Such a building would be a good transition on that corner; however, 43 units per acre would leave two stories empty. Mr. Kabash asked if the Commissioners could consider 87 units per acre through a Special Use Permit and asked if he could meet with the Commission in an informal work session.

B. MINUTES

July 12, 2005 -- Regular Meeting

Mr. Higgins asked that the minutes be deferred.

C. LIST OF SITE PLANS AND SUBDIVISIONS APPROVED ADMINISTRATIVELY

Mr. Fink sought clarification as to what had been approved administratively on Cheeseburger in Paradise since it was supposed to come before the Commission due to being in an Entrance Corridor. Mr. Higgins stated it had been before the Commissioners and had been approved. Mr. Tolbert stated this was just final approval.

Ms. Lewis asked if there was a motion to approve the site plans approved administratively June 7, 2005 to September 1, 2005, and subdivisions approved administratively June 28 through September 1, 2005. Mr. Fink so moved. Ms. Johnson Harris seconded the motion. The motion carried unanimously.

List of Site Plans Approved Administratively

6/7/05 to 9/1/05

1. File No. East Market Place Condominiums NE Corner of East Market

T-04-000036 26,000 sq. ft. mixed use & 10th Street

2. File No. 501 Charlottesville Federal Office 225 West Main Street

Building Amendment at Ridge/McIntire

3. File No. Baily Printing Addition 914 Harris Street

T-04-000004

4. File No. Monroe Hill Housing 416-428 Monroe Lane

T-03-000023 Amendment (53 units) & 15th Street NW

5. File No. Cost Plus/Best Buy Retail 1613 N. Emmet Street

T-03-000004 Addition Amendment

6. File No. 632 Cheeseburger in Paradise 1101 Seminole Trail &

Restaurant Change Seminole Court

7. File No. 653 CHS Tennis Court CHS at Melbourne Road

Improvements/Restoration

8. File No. Union Bank – New NW Corner of Barracks

T-04-000028 Branch Building Road & Cedars Court

9. File No. 411-A Millmont Street Commercial Office 1023 Millmont Street
Building Elevation Addition

10. File No. 15th Street Apartment 15th Street NW

T-04-000035 Building (34 units)

11. File No. 1008 East Jefferson Street 1008 East Jefferson Street

T-05-000001 Change of Use/Parking

12. File No. Village Place Plan (Phase I End of Village Road to
ZM—03-12-15 of Johnson Village PUD) Highland Avenue

List of Subdivisions Approved Administratively

6/28/05 to 9/1/05

1. Resubdivision of Parcels 41, 42 & 43, TM 29 No new lots

4th Street SW Piedmont Housing Alliance

File No. 1346 Preliminary & Final

Final Signed: 6/28/05

2. Combining TM 29, Parcels 226.2 & 226 No new lots

7½ Street SW Charlottesville Housing Foundation

File No. 1347 Preliminary & Final

Final Signed 6/28/05

3. Division of TM 21-102 One new s.f. lot

215 Cleveland Avenue T. Elsom Johnson, Jr.

File No. 1348 Preliminary & Final

Final Signed: 7/21/05

4. Redivision of TM 22, Parcels 19, 20 & 21 No new lots

405, 407 & 407 Valley Road, Extd. Wm. Krebbs, Charles Kabbash &
Christopher Kabbash

File No. 1349 Preliminary & Final

Final Signed: 8/15/05

5. Revised Lots 11 & 12, Block 21 "Rose Hill" No new lots

SW Corner of Albemarle St. & Cynthianna Ave. Dorothy Taylor Waller

File No. 1350 Preliminary & Final

Final Signed: 8/23/05

6. Property/Lot Line Adjustments TM 59-374 One new s.f. lot

Parcels A, B, C – Palatine Ave. & Rialto St. Linda Bowen, Melvin Blincoe,

Geo. Blinco

File No. 1351 Preliminary & Final

Final Signed: 8/24/05

7. Redivision of TM 9, Parcels 116 & 117 No new lots

1500 Virginia Ave. & 343 15th St. NW Mesa Associates

File No. 1352 Preliminary & Final

Final Signed: 8/26/05

D. COMMISSIONERS' REPORTS

Ms. Firehock stated the City Streams Task Force had met and drafted language for the Comprehensive Plan.

Ms. Johnson Harris stated the school CIP committee would be meeting 15 September 2005.

Mr. Lucy stated the Board of Architectural Review had been busy. He stated there had been discussions about including buildings that were at least 50 years old; some Board members and property owners were skeptical about this practice.

Mr. O'Halloran stated the Board of Zoning Appeals had not had reason to meet. The Downtown Advisory Board Committee had not met. The CDBG had met; however, Mr. O'Halloran had been unable to attend as he had been out of town.

Mr. Fink stated the MPO Tech Committee had not met in August; however, the Transportation Funding Options group, which looks at how to fast track large dollar projects in the region, did meet.

They had come up with a list of recommendations to be formally offered to the MPO in October.

Mr. Barton stated none of the committees on which he serves had met. Mr. Barton had received a status report on the Jefferson School; he expected the report to be available online.

E. CHAIR'S REPORT

Ms. Lewis stated the Thomas Jefferson Planning District Commission had a special meeting in July and regular meeting in August. The TJPDC offices were moved to Water Street.

Ms. Lewis thanked Mr. Neuman for inviting her to the Master Planning Council Meeting to be held later in September. She stated she would attend.

Since time allowed, Ms. Lewis called for the Staff Report.

I. DEPARTMENT OF NDS/STAFF REPORTS

Mr. Tolbert stated a member was needed to serve on the Strategic Planning Committee. This committee would begin meeting in January 2006.

Ms. Lewis called for nominations for the position. Mr. Fink stated he would be happy to be considered. Mr. Lucy stated an interest in serving as well. Ms. Firehock seconded the nominations of Mr. Fink and Mr. Lucy. Ms. Lewis called the question; the motion carried unanimously.

Mr. Tolbert stated there had been a meeting for all the Neighborhood presidents; 12 of the 18 had attended. Staff had discussed the Neighborhood Design Day with the presidents.

Mr. Tolbert had received a request to put the Commissioners' E-mail addresses on the City website; in lieu of that, a notice had been placed on the website to direct all E-mail contacts for Planning Commissioners to Ron Higgins, Planning Manager.

Mr. Tolbert stated the bylaws require an annual meeting with City Council. He suggested they meet on a Sunday afternoon in early November to allow for the seating of new Commissioners.

F. PRESENTATION

1. Presentation by David Neuman, University Architect, on Status of UVA Developments

Mr. Neuman gave a PowerPoint presentation; the presentation would be available online at http://www.virginia.edu/architectoffice/pdf/City_Planning_Commission_091305.pdf.

Ms. Lewis recognized Ms. Kathy Johnson Harris. Ms. Johnson Harris had served two terms, giving her time and long evenings and dedication to planning for the future of the City. Mr. Brown stated Ms.

Johnson Harris had served with earnestness. Speaking on behalf of the Planning Commission, City Council, and the residents of the City, Mr. Brown thanked Ms. Johnson Harris for eight years of service to the Planning Commission and for everything else she has done for the City of Charlottesville.

Ms. Johnson Harris stated she would be leaving with a lot of knowledge about a city she loved a great deal. She stated she had served with intelligent people and had worked with a wonderful staff at City Hall. She wished the Commission well. Ms. Johnson Harris reiterated her love of Charlottesville.

II. JOINT PUBLIC HEARINGS

G. JOINT PUBLIC HEARINGS

1. SP-05-6-9: An application for a special use permit for higher density residential development on the property at 1801 Lambeth Lane. This would allow for the pre-existing nine-unit residential structure to be made conforming at eight-units or 42 units per acre instead of the 21 units per acre allowed in R-3 by right, with a maximum allowance of 28 bedrooms. This property is further identified on City Real Property Tax Map Number 5 as parcel 51, having approximately 80 feet of frontage on Lambeth Lane and containing approximately 8,391 square feet of land or .192 acres. The general uses called for in the

Land Use Plan of the Comprehensive Plan are for Multi-family Residential at 21-87 units per acre. Report prepared by Ashley Cooper, Neighborhood Planner.

Ms. Cooper gave the staff report. The applicant seeks a special use permit to allow a density of 42 units per acre, and the maximum allowance of 28 bedrooms. The existing apartment building is a nonconforming use because it has in excess of 21 units per acre. The maximum allowance by right when the property was constructed in 1971 was a maximum of 43 units per acre. The applicant seeks to perform extensive renovations on the building and would like to expand the property. The applicant seeks to expand the structure up and make larger units while having fewer units. The building currently has nine units; the applicant seeks to have eight units. Staff has not received floor or elevation plan. The R-3 zoning allows for a maximum height of 45 feet. Staff recommends approval of the requested density since it was a reduction of the current density; however, staff recommends the applicant apply to the Planning Commission to amend the Special Use Permit once further information is available on site plan amendments and architectural details. Expansion of the building to the maximum height allowance would require a 15-foot side yard setback, which the building currently does not have. A minimum of 14 parking spaces would be required for 28 bedrooms; the site has 12 spaces and no foreseeable way to expand parking. The property is in a state and national historic district; it has been surveyed for the current local historic district proposal and is considered noncontributing. At the last preliminary application meeting, a member of the Venable neighborhood expressed concern over any increase in density or traffic at the location.

Mr. O'Halloran commented that the Commission had asked that things not come before them unless there were specific plans to look at; this proposal fell into that category. Mr. O'Halloran felt there was not enough information to make a proper decision.

Mr. Fink concurred with Mr. O'Halloran.

Ms. Cooper stated the applicant would appreciate some commentary on the density.

Mr. Barton stated the deliberative component of the Commission was to deliberate on complete applications and not to comment on partial applications. While he understood the applicant's interest in gaining information from the Commission, the Commission needed a full body of information to comment intelligently and cogently about the request before them particularly in light of a reduction in density but an increase in bulk and mass. He further stated he was not prepared to comment on that and would abstain from commenting or voting until he saw a full application.

Mr. O'Halloran concurred with Mr. Barton.

Ms. Firehock concurred with her colleagues.

Ms. Lewis stated a Special Use Permit was a very powerful tool of the Planning Commission and it was very discretionary for them to grant because it is an unusual request.

Ms. Lewis recognized the applicant.

Mr. Richard Spurzem, of 1836 Sugar Maple Terrace, was present on behalf of Neighborhood Properties. He stated he could not add much more than was outlined in the Staff report. He stated they had met all the criteria in making the application and submitting an as-built site plan. Mr. Spurzem stated he was not seeking to have the Commission design the project.

Mr. Fink sought clarification as to why the take offs were not included in the packet as the Commission had very little information to go on. Mr. Spurzem stated that whatever was built or constructed would meet the setbacks and height restrictions in the R-3 zone. He further stated he was asking for increased density to allow an existing nonconforming use to be conforming. Mr. Fink stated it would be impossible, based on the as-built plan, to add another level because the building would have already violated the setbacks. Mr. Spurzem stated the architectural work and engineering had not been done and would not be done until he had the flexibility to know he could redo the structure that is there and reconfigure the number of bedrooms. He reiterated it would meet the setbacks and height regulations.

Ms. Lewis called for comments.

Mr. O'Halloran, while applauding the applicant's efforts to make a more attractive building, stated he would not be able to support a Special Use Permit since it was a nonconforming use.

Ms. Lewis opened the public hearing.

Ms. Karen Dougal, of 20 University Circle, spoke in opposition of the proposal. She expressed concern about the amount of traffic on the narrow streets of the area.

With no one else wishing to speak to the matter, Ms. Lewis closed the public hearing and called for comments from the Commissioners. Ms. Lewis reminded the Commissioners that this matter had been deferred from their July meeting; she stated an additional deferral would probably not be in order as it was time to take some action.

Mr. Fink felt Mr. O'Halloran had aptly put it that many requests had been made to have complete applications brought before the Commission. While he found the designs and take offs compelling, he stated they needed time to study, to contemplate, and to talk with staff. Mr. Fink stated there should be a hard and fast rule that staff gives the Commissioners, and requests of the applicants, complete applications. Mr. Fink further stated there was no way he could support this.

Mr. Barton concurred with Mr. O'Halloran's identification of the criteria to be used for evaluating the application. Mr. Barton stated he could not support the new zoning due to concerns about the traffic and the impact of a larger, bulkier building.

Mr. O'Halloran moved that the request for the Special Use Permit be denied. Ms. Firehock seconded the motion. The motion carried unanimously.

2. SP-05-8-10: An application for a special use permit to use the building and property at 1508 Grady Avenue for a rooming house/boarding house/fraternity or sorority house. This property is further identified on City Real Property Tax Map Number 5 as Parcel 75, having approximately 150 feet of frontage on Grady Avenue, 154 feet of frontage on Sixteenth Street NW and containing approximately 23,392 square feet of land or .54 acres. The general uses called for in the Land Use Plan of the Comprehensive Plan are for Multi-family Residential at 21-87 units per acre. Report prepared by Ashley Cooper, Neighborhood Planner.

Ms. Cooper gave the staff report. The applicant is seeking a Special Use Permit for a boarding house or fraternity/sorority boarding house use in this R-UMD zoned property. The property has 16 parking spaces currently. The floor plan shows nine bedrooms. This building, which was built circa 1925, started

as a single-family dwelling, then a boarding house, and most recently the building was used as office space. It has been surveyed to be part of the local historic district and is considered a contributing structure. Under current zoning, the property could potentially house 92 residents. The applicant wants to propose a maximum of 25 occupants. There is an additional structure on the property that, by definition, cannot be considered part of the boarding house special use. The site would require four off street parking spaces. Staff recommends approval. This site was in the section called out to be rezoned to University Medium Density. No public comments were received at the preliminary public application review meeting. The by-right use of the property is more harmful than the proposed Special Use Permit of the property.

Ms. Lewis called for questions of Ms. Cooper. There were none. Ms. Lewis then recognized the applicant.

Mr. Keith Woodard, of 224 Fourteenth Street NW, stated his belief that the house had originally been built to be a rooming house. He wanted to return it to its original intent.

Ms. Lewis called for questions of the applicant.

Mr. Barton sought clarification as to why the applicant had not specified either rooming house or fraternity/sorority rooming house. Mr. Woodard explained he did not know who would want to lease the property yet since he did not know how big a group would be allowed.

Ms. Lewis opened the public hearing.

Ms. Karen Dougal, of 20 University Circle, provided some background on the house: it was built by Eugene Bradbury, a well-known architect. This home was built as a private home. She asked that if it was used as a boarding house, sorority or fraternity, that very strict guidelines are put in that it is kept as it is and the exterior is not destroyed.

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

Mr. Caravati stated he had been on the Planning Commission when the building was switched to an office from a fraternity.

Ms. Lewis called for comments from the Commissioners.

Mr. O'Halloran stated his hesitance on weighing in on this since later in the agenda they would be considering adopting an historic district that would include this property. He felt rushed to make a decision on a property that would potentially be in a very different position in a few hours.

Mr. Barton stated an inclination to approve the proposal with the condition of limiting the number of bedrooms to the existing number of bedrooms in order to provide a measure of security that the building would be protected.

Mr. Higgins informed the Commission that, when used as a fraternity, the building had housed 17 people.

Mr. Fink sought clarification of how many bedrooms were currently in the house. Ms. Cooper stated seven rooms had been marked as bedrooms in the floor plans she had. Mr. Woodard stated there could

be ten in the house and two in the cottages. Ms. Cooper stated the site would require six parking spaces for a boarding house and ten spaces if it were a fraternity or sorority.

Ms. Kelley urged the Commissioners to review the potential impacts of this development on its current district and not attempt to craft a condition to protect some resource or district that may exist in the future.

Ms. Firehock moved to recommend approval of this application to allow Special Use permitted R-UMD, Residential-University Medium Density, District for a boarding/fraternity house at 1508 Grady Avenue with the following condition that the main house be limited to no more than ten bedrooms; and the Special Use Permit applies to the entire property but the existing two unit apartment will be allowed additionally as a by-right use for the property also with the same number of bedrooms that it currently has and that the envelope of the main building remain as is.

Mr. Fink seconded the motion and offered a friendly amendment that they also add this approval is based on finding that this proposal meets the criteria for a Special Use Permit and would serve the interest of the general public welfare and good zoning practice.

Ms. Firehock accepted the friendly amendment. The motion carried, 6-1; Mr. O'Halloran voted against.

Ms. Lewis reiterated that public hearing 3 on the agenda (ZM-05-8-11: A petition to rezone from R-1S Residential to B-1 Business, with proffers, the properties at 625 Monticello Road, 709 Sonoma Street and 702 Sonoma Street. This would permit the operation of the existing homes as visitors' rooming houses or hostels. These properties are further identified on City Real Property Tax Map Number 57 as parcels 95, 94 and 92, having, collectively, 171 feet of frontage on Sonoma Street, 57 feet of frontage on Monticello Road, 132 feet of frontage on Carlton Road and containing, collectively, 21,376 square feet of land or .5 acres. The general uses called for in the Land Use Plan of the Comprehensive Plan are for single-family residential at three to seven units per acre) had been deferred. She then called for a brief recess. The meeting stood in recess at 8:46 p.m.

Ms. Lewis reconvened the meeting at 8:53 p.m. Items 4 and 5 would be heard together. Ms. Lewis removed herself from the consideration, discussion and voting on this matter due to a conflict of interest under the Conflict of Interest Act of Virginia as she, in her professional capacity as an attorney, represents one of the property owners. Mr. O'Halloran assumed chairmanship of the meeting.

4. ZT-05-8-12: Rugby Road-University Circle-Venable Neighborhood Architectural Design Control District: An ordinance to amend and reordain Section 34-272 of the Code of the City of Charlottesville 1990, as amended (Zoning Ordinance), relating to protected properties by creating an overlay zoning restriction without affecting the underlying zoning district designations. This ordinance would create a seventh major architectural design control district, District G, known as the Rugby Road-University Circle-Venable Neighborhood Architectural Design Control District. The district would include all of the properties listed in the Zoning Map amendment, ZM-05-8-13, below.

5. ZM-05-8-13: Rugby Road-University Circle-Venable Neighborhood Architectural Design Control District: An ordinance to amend and reordain the Zoning District Map incorporated in Section 34-1 of the Zoning Ordinance of the Code of the City of Charlottesville, 1990, as amended, by adding a seventh major Architectural Design Control District and consisting of the following properties: [Property list]

Ms. Scala began the staff report with a PowerPoint presentation of the background and history of the district. Ms. Scala gave the staff report. The Planning Commission was being asked to make a recommendation to City Council to add the Rugby Road-University Circle-Venable Neighborhood District as an Architectural Design Control District; this designation would require BAR review of any exterior changes. Most of the district is currently listed on the state and national registers. The BAR recommended approval of the proposed ADC District noting potential conflicts with the R-UHD Zoning located on Fourteenth and Fifteenth Streets south of John Street. A subcommittee met to discuss ways to resolve the conflict including creating a special sub area in the R-UHD area. Ms. Scala stated most of the information she would be providing would also apply to the Downtown Districts. The purpose of ADC Districts was: to preserve buildings and structures that serve as important visible reminders of the heritage of the city, state and nation; to assure that new structures, landscaping, and related elements will be in harmony with setting and environs; to promote local historic preservation efforts through identification and protection of historic resources; to maintain and improve property values; and to promote tourism, enhance business and industry and to promote an enhanced quality of life throughout the City. Charlottesville has seven local historic districts and 64 individually designated properties not in districts. Noncontributing structures in the proposed districts were those that were post-1945 with a few exceptions. A noncontributing structure can be removed without approval by the BAR. Most of the proposed district is currently designated as a National Register District. The district was surveyed by architectural historian Maral Kalbian. Staff received many phone calls and letters from the public. Staff had two recommendations. Option one is the BAR's recommendation to designate the entire area as an ADC District. Option two allows for the whole area to be designated as an ADC District, but the area zoned R-UHD would be designated as a sub area where BAR review of demolitions would not be required.

Mr. O'Halloran called for questions of Ms. Scala.

Mr. Fink sought clarification that the 16 graded properties in the R-UHD area could face demolition at some point. Ms. Scala stated the subcommittee had thought that was a good compromise.

Mr. O'Halloran opened the public hearing.

Mr. Wally Camp, church administrator at Westminster Presbyterian Church and speaking on behalf of the pastor and other church members, spoke in opposition of the proposal. The church hopes to purchase additional adjacent property and was concerned about the potential conflict of the church's mission and the restrictions of this ordinance. The church saw no benefit from the ordinance while it added costs to their operation. They would like to be excluded from the district.

Ms. Karen Dougal, of 20 University Circle, spoke in favor of the proposal.

Mr. Rick Jones, of 102 South First Street, spoke in opposition of the proposal. He felt the Commission was treading on dangerous ground in terms of violating the Comprehensive Plan with respect to the University Medium and High Density. He expressed concern that the public was not aware of the subcommittee and grading of houses.

Mr. Jim Stoltz, President of the University Neighborhood Association, read a prepared statement in opposition of the proposal. He felt the proposed zoning goes against the zoning code and that the study was shallow and flawed.

Mr. Hasmukh Shah, of 323 Fourteenth Street, spoke in opposition of the proposal. Making a blanket designation was not in the public interest. He felt the consultant's report was minimal. The district as presented would have a detrimental effect on property owners by limiting their abilities to improve them in a cost-effective manner.

Ms. Eleanor Biasioli, of 622 Evergreen Avenue, spoke in opposition of the proposal. She did not want her house considered a designated property.

Ms. Genevieve Keller, of 504 North First Street, spoke in favor of the proposal and asked the Commission to approve Option 1.

Mr. Daniel Bluestone, of 501 Park Hill and a member of Preservation Piedmont, expressed support of Option 1.

Mr. Lane Bonner spoke in opposition of the proposal. He stated the majority of people who own property and live in the neighborhood do not like the plan.

Mr. David Veliky, of 1895 Cove Point Road, felt Option 1 would take away some of his rights.

Mr. Timothy Veliky, of 2512 Stony Point Road, spoke in opposition of the proposal.

Mr. Daniel Veliky, of 3125 Dundee Road, Earlysville, complimented City Council for University High Density and Medium Density. He felt this proposal would change UHD and UMD.

With no one else wishing to speak to the matter, Mr. O'Halloran closed the public hearing and called for comments from City Council and the Commissioners.

Ms. Hamilton expressed concern that small and middling developers would be forced to sell out to larger developers.

Mr. Lucy felt it was important that some parts of the area be designated as historic.

Ms. Firehock stated she had approached the matter with an open mind, but could not support Option 2 where some things could be torn down. She felt leaving the UHD zone in they would run into conflicts with the Comprehensive Plan.

Mr. Fink concurred with Ms. Firehock. He stated the UHD area had been designed specifically for walkability, livability, and student housing. He suggested they eliminate that zone from the proposed ADC.

Mr. Barton felt it was a false argument to pit sustainability versus historic preservation. He felt the district had merit as a whole.

Mr. O'Halloran did not feel there was a consensus of the Commission. He thought there were valid questions and that they should reconsider the issue.

Mr. Lucy was committed to the district being very important within some boundaries; however, he also felt there were additional issues that needed to be addressed.

Ms. Johnson Harris concurred with Mr. O'Halloran. She did not think all of the properties fell into the same category.

Mr. Fink suggested they return the proposal back to Staff and have more citizen input. Mr. Fink felt they needed to have High Density in the area. He also felt the historic structures were noble and were the fabric and texture of the community.

Mr. Fink moved that they defer application ZT-05-8-12 and ZM-05-8-13 for a future date. Ms. Firehock expressed concern that they simply defer and discuss this again with more property owners coming forward saying they did not have enough time to deliberate; she offered a friendly amendment that they require Staff to send a letter to the affected property owners notifying them that it has been deferred and inviting them to come in and discuss this to provide some of the same kind of information that was in the staff report. Mr. Fink accepted the amendment. Mr. Lucy seconded the amended motion. The motion carried, 5-1-1; Ms. Johnson Harris voted against and Ms. Lewis did not vote, having recused herself from the matter under the Conflict of Interest Act of Virginia.

Mr. O'Halloran suggested a brief recess. The meeting stood in recess at 10:40 p.m.

Ms. Lewis reconvened the meeting at 10:45 p.m.

6. ZT-05-8-14: Expansion of the Downtown and North Downtown Architectural Design Control Districts: An ordinance to amend and reordain Section 34-272(1)(2) of the Code of the City of Charlottesville, 1990, as amended (Zoning Ordinance), relating to protected properties by expanding the Downtown Architectural Design Control District (A) and the North Downtown Architectural Design Control District (B). This would create an "overlay" zoning restriction on these properties without affecting the underlying zoning district designations. The properties to be added would include the properties listed in the Zoning Map amendment, ZM-05-8-15, below.

7. ZM-05-8-15: Expansion of the Downtown and North Downtown Architectural Design Control Districts: An ordinance to amend and reordain the Zoning District Map incorporated in Section 34-1 of the Zoning Ordinance of the Code of the City of Charlottesville, 1990, as amended, by adding to the Downtown and North Downtown Architectural Design Control Districts and consisting of the following properties:
[Property list]

Ms. Scala gave a PowerPoint presentation. Ms. Scala gave the staff report. The Planning Commission is asked to make a recommendation to City Council to designate these additional properties within North Downtown and Downtown Districts to align the boundaries of the local with the national register districts. On 16 August, 2005, the BAR voted unanimously to recommend the district additions as proposed except for five additional properties recommended as noncontributing. A few public comments have been received including requests for additional information. Staff met with the homeowners group for the Charlottesville Towers; they did not want to be added to the district. Staff recommends approval of the district additions as recommended by the Board of Architectural Review.

Ms. Lewis recognized that the only member of City Council present was the Mayor. The issue therefore was no longer a joint public hearing.

Ms. Lewis opened the public hearing.

Mr. Lewis Martin, III, of 923 Marshall Street, spoke to the Commission about Tax Map Parcels 33-59 and 33-61. He asked the Commissioners to not include these properties.

Mr. David Cook, of 1501 Old Oaks Drive, stated his concerns mirrored those of the previous groups in that he had just recently received the letter regarding this matter.

Mr. Larry Mundy, of 1301 Wimbledon Way, spoke as a representative of the Board of The Charlottesville Towers. He stated that 45 of the 65 owners in the building did not want to be included in the district.

Ms. Genevieve Keller, of 504 North First Street, commended the Commission for their work in considering expansion of the Downtown Historic District.

Mr. Daniel Bluestone had signed up to speak but had needed to leave. He had asked Ms. Keller to express his support of the proposal.

Mr. Guy Cohen, an owner of 215 Avon Street, expressed concern about the blanket designation. He had not asked for his property to be included.

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

Mr. Fink sought clarification of any mechanism a property owner had to remove themselves from a newly designated district. Ms. Scala stated they would have to apply for a rezoning.

Ms. Firehock stated she did not feel like she had had time to thoroughly digest the fact sheet on every property nor the comments received from the public.

Mr. Tolbert suggested they defer this and consider both historic districts at the 27 September work session.

Mr. Preston Coiner, member of the BAR, stated each of these properties had been scrutinized by the BAR members using the criteria for protected properties.

Ms. Lewis asked if there was a motion to defer this application to the September 27 meeting. Mr. O'Halloran so moved. Ms. Firehock seconded the motion that carried unanimously.

III. REGULAR MEETING ITEMS (Continued)

H. PRELIMINARY DISCUSSION OF PUD SUBMITTALS

1. Belmont Cottages PUD -- Avon Street and Palatine Avenue -- 15 single-family units

Mr. Haluska gave the staff report. This is a preliminary discussion. The site is adjacent to two pre-existing PUDs, Moores Creek and Avon Terraces. The applicant is asking for a 2.19 acre site and 15 single-family detached houses fronting on Avon Street.

Mr. Bill Atwood, the applicant's representative, stated there had been three meetings with the

neighborhood and one walk around. The neighbors had been concerned with traffic and were pleased that the design had only one entrance. The neighbors preferred a cottage design environment.

Ms. Firehock expressed concern about egress from the area due to the current traffic flow. Mr. Atwood stated his belief that the proposed egress was at a good location for that section of Avon Street.

Mr. Barton asked that the applicant provide elevations and possible Photoshop graphics of the proposed PUD.

Mr. Barton moved that they adjourn until the next regularly scheduled meeting. Mr. Fink seconded the motion. The motion carried unanimously whereupon the meeting stood adjourned at 11:40 p.m.

Respectfully submitted:

Mr. Jim Tolbert, Secretary

Approved:

Cheri Lewis, Chair