

**DRAFT MINUTES  
CITY OF CHARLOTTESVILLE  
PLANNING COMMISSION  
TUESDAY, OCTOBER 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 – Outgoing Staff Present:  
Mr. Kevin O'Halloran, Vice Chair – Outgoing Mr. Jim Tolbert, Director of NDS  
Mr. Michael Farruggio Mr. Ron Higgins, AICP, Planning Manager  
Mr. Craig Barton Mr. Brian Haluska, Neighborhood Planner  
Mr. Bill Lucy Mr. Ryan Mickles, Zoning Inspector  
Mr. Jon Fink, Vice Chair – Incoming Ms. Lisa Kelley, Deputy City Attorney  
Ms. Karen Firehock, Chair - Incoming

Commissioners Not Present:  
Mr. David Neuman, Ex-officio, UVa Office of the Architect

City Council Members Present:  
Mr. David Brown, Mayor  
Mr. Kevin Lynch, Vice Mayor  
Mr. Blake Caravati  
Ms. Kendra Hamilton  
Mr. Rob Schilling

**I. REGULAR MEETING**

Ms. Lewis convened the meeting at 6:32 p.m.

**A. Report of the Nominating Committee and Election of Officers**

Ms. Lewis called for the report from the Nominating Committee. Mr. Barton stated the committee had polled the Commissioners and proposed Ms. Firehock as Chair and Mr. Fink as Vice Chair. Mr. Barton thanked Ms. Lewis for a stellar term running the Commission and keeping them on task. Ms. Lewis asked if there was a motion to accept the slate of officers. Mr. O'Halloran so moved. Mr. Barton seconded the motion. The motion carried unanimously whereupon Ms. Lewis relinquished control of the meeting to Ms. Firehock. Ms. Firehock expressed hope that the next year would be enjoyable and productive. She stated her goal would be to run timely meetings.

**B. Matters from the public not on the agenda**

Ms. Firehock called for any matters from the public not on the formal agenda.

Mr. Wayne Cabel, of 133 Baylor Lane, presented the Commission with a statement from the Ridge Street Neighborhood Association which he then read. The Neighborhood Association was opposed to the Carter's View Subdivision as submitted and would like to see a traffic study pursued.

There were no additional matters from the public.

### **C. Minutes**

#### 1. July 12, 2005 -- Regular Meeting

Ms. Firehock stated she had asked staff to change "Ms. Barton" to "Mr. Barton." "Mr. Harris" in item C should be changed to "Ms. Harris." Item F incorrectly listed Alia Anderson as Alice Anderson. "Slide show" was incorrectly listed as "site show." Number 2 listed "Ms. Fink" and should be "Mr. Fink."

Ms. Lewis stated she needed to abstain as she had not been present for the July meeting.

Mr. Barton moved to approve the minutes as amended. Mr. Fink seconded the motion. The motion carried with Ms. Lewis abstaining.

#### 2. September 13, 2005 – Regular Meeting

Ms. Firehock asked that the fourth paragraph down on the ninth page include "was deferred" after "Sonoma Street."

Ms. Firehock asked if there was a motion to approve. Mr. O'Halloran so moved. Mr. Lucy seconded the motion. The motion carried unanimously.

### **D. List of Site Plans and Subdivisions Approved Administratively**

Ms. Lewis wanted to know what changes had been made to the Fifteenth Street subdivision plans. Mr. Tolbert stated staff would have to get back with her as Ms. Cooper was not present and had been the one handling that subdivision.

Ms. Lewis asked that they pull Site Plan 2 and Subdivision 4; she wanted additional information on both.

Ms. Lewis moved to approve Site Plans 1, 3, and 4 and Subdivisions 1, 2, 3, and 5, all approved administratively September 1st through October 1st of '05. Mr. Barton seconded the motion. The motion carried unanimously.

#### LIST OF SITE PLANS APPROVED ADMINISTRATIVELY

9/1/05 to 10/1/05

1. File No. 40 CHS Tennis Courts - 1400 Melbourne Road  
Restoration / Renovations
2. File No. 557 Cedars Rehab Therapy 1242 Cedars Court  
Complex – Addition
3. File No. Oxbridge Courtyard 13th & 14th Street NW  
T-04-000021 Apartments (8 units)

#### LIST OF SUBDIVISIONS APPROVED ADMINISTRATIVELY

9/1/05 to 10/1/05

1. Division of Lot 6 Four New S. F. Lots  
1619 Brandywine Drive Barbara E. Null

File No. – 1353 Preliminary & Final  
Final Signed: 9/14/05

2. Reconfiguration of TM4-318, 319, & 320 No New Lots  
207, 209 & 211 10th Street, NW Page Street, LLC  
File No. 1354 Preliminary & Final  
Final Signed: 9/15/05

3. Redivision of TM52-182 & 181 No New Lots  
601 Malcolm Crescent David & Patricia Simpson  
File No. 1355 Preliminary & Final  
Final Signed: 9/27/05

4. Division of TM49-9 One New V.F. Lot  
1024 Locust Avenue Judith L. McLeod  
File No. 1357 Preliminary & Final  
Final Signed: 9/27/05

#### **E. Commissioners' Reports**

Ms. Lewis recapped the past year within the Planning Commission. They said good-bye to two Commissioners and in their memories created the Herman Key Accessibility Award and the Eldon Fields Wood Design Professional Award. The Entrance Corridor Guidelines had been shaped into a good design tool with the help of Mary Joy Scala.

Mr. Farruggio introduced himself to the Commission. He has been a City resident for nine years and is a Sergeant with the Charlottesville Police Department. He looks forward to becoming more involved with the City.

Mr. Lucy stated the two historic districts had been amended and would be on the October Charlottesville Planning Commission agenda. Additional design guideline amendments had been proposed by Councilors Hamilton and Caravati. Mr. Fink stated the regional funding options group had met and was looking at ways to build the transportation infrastructure; a list of recommendations for every major transportation project would be forwarded to the MPO and the Board of Supervisors and City Council.

Mr. O'Halloran had no report as his committees had not met.

Mr. Barton stated his committees had also not met. He took the opportunity to thank Mr. Tolbert for organizing In Our Backyard, the neighborhood day of planning. Mr. Barton stated ideas had been shared about the future of the City.

#### **F. Chair's Report**

Ms. Firehock concurred with Mr. Barton's comments about the day of planning. She stated she had taken notes about items that could be implemented immediately and would consult with staff on those. Ms. Firehock stated the Parks Board had not met but would be presenting the results of a survey on the comprehensive needs for city parks. The City Streams Protection Task Force was looking at options for

using grant funds and other ideas for incentives and requirements for better storm water management in the City.

#### **J. Department of NDS/Staff Report**

Mr. Tolbert stated staff would be meeting with the University neighborhood group, the Venable Neighborhood, on 2 November at Westminster Church at 5:30 p.m. Staff would be meeting to debrief from the planning day to begin compiling the information.

Ms. Firehock sought clarification of the timetable for the Comprehensive Plan. Mr. Tolbert stated work would start within the next 60 days; implementation of the Strategic Plan would take through October 2006.

Ms. Firehock stated the meeting would stand in recess while they awaited a quorum of Councilors.

The meeting stood in recess at 7:00 p.m.

Ms. Firehock reconvened the meeting at 7:04 p.m.

#### **G. Joint Public Hearings**

1. 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 #57 as parcels 95, 94 & 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 3-7 units per acre. Report prepared by Brian Haluska, Neighborhood Planner.

Mr. Haluska gave the staff report. He stated there had been some changes since the staff report had been sent out. Single family residential dwellings require one parking space per dwelling per building regardless of size while boarding houses have 0.3 spaces per bedroom; the applicant states the site has seven spaces which would allow for 21 bedrooms. The first proffer was: Permitted uses of the property shall be a boarding house or rooming house, or any use permitted in both R-1S and B-1 classifications. Mr. Haluska stated there were 13 uses that would be covered by that proffer including accessory buildings, amateur radio antennas, convent/monastery, single-family detached, family day home, residential treatment facility of one to eight residents, a house of worship, communication facilities and towers, elementary schools, high schools, libraries, utility lines, and boarding house; the first 12 are all permitted by right in an R-1S zone.

Ms. Lewis sought clarification on whether the proffer was limiting the site to a boarding house. Mr. Haluska stated the proffer was intended to allow the house to revert back to an R-1S use without having to stay a boarding house. Ms. Lewis felt this was not a proffer as proffers were something given up by the applicant as part of the rezoning. Mr. Fink also felt this was not a proffer. Mr. Tolbert stated the proffer should have been "Permitted uses of the property shall be a boarding house or rooming house, and any use permitted in both R-1S and B-1 zoning classifications" intending for any uses allowed in both R-1S and B1 to be permitted.

Mr. Haluska continued the staff report. He had received a call in support of the application from an unidentified person. He had also received two letters from the public stating opposition to the proposal. Staff recommends approval because the proposal encourages a better transitional use between the traditionally single family neighborhood and the industrial uses across Monticello Road. If the rezoning is approved, the property would require a site plan.

Mr. Fink asked if a Bed & Breakfast was considered a boarding house. Mr. Haluska stated a Bed & Breakfast had to act as the owner's principal home.

Ms. Firehock recognized the applicant.

Ms. Mary Hunter, of 702 Sonoma Street, stated she had included her house in the application for the sake of simplicity. She stated there were no plans to change the inside or outside of the buildings. In response to a query from Ms. Lewis, Ms. Hunter explained the idea behind her application was to offer visitor accommodations similar to those she has used when she travels. She stated there was a stipulation for a maximum two-week stay to ensure this would not become a conventional long term boarding house since the buildings were not suited for that.

Mr. Farruggio sought clarification of the impact on the neighborhood if the business did not go forward. Ms. Hunter stated they would revert to residential houses.

Mr. Fink stated the applicant had reworded her request verbally and he wondered how the Commission could act on that given what they had in writing. Mr. Tolbert stated the "or" in the proffer needed to be changed to "and" and have the applicant re-sign the statement before it goes to Council. Mr. Fink asked the applicant if she would be willing to re-sign a document with the reworded language. She stated she would.

Ms. Firehock opened the public hearing.

Mr. Simon Costa, of 117 Ivy Drive and owner of 935 Monticello, stated many of his concerns had been addressed by the clarifications. He expressed concern that a public roadway, which was not currently maintained by the City, would become more traveled.

Ms. Antoinette Rhodes, of 406 Oak Street, stated this was not the first time such a proposal had been before the Commission. She further stated many homes had been used as rooming houses before the University had become a coed facility.

With no one else wishing to speak to the matter, Ms. Firehock closed the public hearing and called for discussion from the Commissioners.

Ms. Firehock sought clarification as to what would happen if the property were to change hands in ownership. Mr. Tolbert stated ownership was irrelevant as this was a rezoning.

Mr. Fink stated the applicant's willingness to restrict this use allowed him to consider supporting it.

Mr. Barton stated he was sympathetic to the idea after the clarification of the proffer; however, he was uncomfortable with the provision that would ask them to ignore the underlying zoning.

Ms. Lewis stated her support for the application since there was M-1 zoning and R-3 zoning near this property. She agreed with Staff's analysis that this served as a buffer.

Mr. O'Halloran expressed support now that he understood the proffer and what it allowed. He felt this was a reasonable change.

Ms. Firehock asked Ms. Kelley to explain whether the zoning would be in accordance with the Comprehensive Plan. Ms. Kelley stated the Comprehensive Plan was a document to provide guidance. The Land Use Plan should be followed generally, but in individual cases, depending on circumstance and the orientation of a particular property with respect to other uses, there may be circumstances when it is appropriate and within the discretion of the Commission, and ultimately the discretion of City Council, to deviate from the Land Use Plan, the Comprehensive Plan. Ms. Kelley stated they could find that the existing zoning is reasonable and that the proposed zoning as limited by the proffers is also reasonable.

Mr. Barton stated, in light of Ms. Kelley's comments, he could support the application.

Mr. Barton moved to recommend the approval of this application to rezone the property from R-1S to B-1 as submitted on the basis that the proposal would serve the interest of the general public welfare and good zoning practice, amended by the slight change to the proffer language -- "Permitted uses of the property shall be a boarding house or rooming house, and any use permitted in both R-1S and B-1 zoning classifications" -- and the second proffer is that guests who reside in these rooming houses may not stay for periods longer than two weeks within a six month period. Ms. Lewis seconded the motion. The motion carried unanimously.

2. ZM-05-8-16: A petition to rezone from R-1S Residential to Planned Unit Development (PUD) the land fronting along the east side of Avon Street between Palatine Avenue and Moore's Creek. The proposal is for a 15-lot single-family cluster development. This property is further identified on City Real Property Tax Map #59 as parcel 373, having approximately 590 feet of frontage on Avon Street, 56 feet of frontage on Palatine Avenue and containing approximately 95,000 square feet of land or 2.19 acres. The general uses called for in the Land Use Plan of the Comprehensive Plan are for single family residential at 3-7 units per acre. Report prepared by Brian Haluska, Neighborhood Planner.

Mr. Haluska gave the staff report. The flood plain requirements in the Zoning Ordinance, Section 34-253, did not apply to this site due to the site size. Mr. Tolbert clarified that the property was affected by the floodway and the flood plain; you cannot fill in the floodway -- nothing was proposed within the floodway by this application. Mr. Haluska continued the staff report. Concerns had been expressed about the traffic impact on Avon Street; the site met the requirement for sight distance necessary to the exit. The Planned Unit Development would allow the applicant to reduce lot sizes, reduce the front and rear yard setbacks, and allow several lots to be accessed via a private access off the road.

Mr. Fink sought clarification of the number of specimen caliber trees were designated for removal. Mr. Haluska did not know.

Mr. Barton wanted to know how many units were designated affordable. Mr. Haluska felt the applicant could better answer the question.

Mr. Fink sought clarification that this property would be under Entrance Corridor Review. Mr. Haluska concurred.

Ms. Firehock recognized the applicant.

Mr. Bill Atwood, of 708 Park Street, stated they had met with the neighborhood twice; they were presenting the favorite scenario. He stated the site plan would be adjusted where necessary to retain the trees.

Ms. Lewis asked if Mr. Atwood's client would be willing to make lots 5 and 13 affordable housing. Mr. Atwood stated he would present that to his client.

Ms. Firehock opened the public hearing. With no one wishing to speak to the matter, she closed the public hearing and called for discussion from the Commissioners.

Ms. Lewis commended the applicant for working with the neighborhood.

Mr. Fink stated that the number of PUDs adjacent to this property and the willingness of the applicant to consider affordable housing worked strongly in their favor.

Mr. Fink moved to recommend approval of this application, ZM-05-8-16, to rezone property from R-1S to PUD as submitted on the basis the proposal would serve the interests of the general public welfare and good zoning practice. Mr. Lucy seconded the motion. The motion carried unanimously.

3. SP-05-9-17: An application for a special permit for higher density residential for the properties at 218 9th Street, SW and 848-854 Estes Street. The application is to increase the allowed density for a residential only development to 43 units per acre. These properties are further identified on City Real Property Tax Map #30 as parcels 55, 59, 60, 61 & 62, having, collectively, approximately 280 feet of frontage on Estes Street, 80 feet of frontage on 9th Street, SW and containing, collectively, 30,900 square feet of land or .709 acres. The general uses called for in the Land Use Plan of the Comprehensive Plan are for single family residential at 3-7 units per acre. Report prepared by Brian Haluska, Neighborhood Planner.

Mr. Lucy recused himself from the matter as he had family members owning property in the vicinity.

Mr. Haluska gave the staff report. The special use permit sought higher residential density for the Cherry Avenue corridor. The corridor permits 21 dwelling units an acre in a residential building by right and up to 43 dwelling units an acre by special use permit. The Cherry Avenue corridor permits 43 dwelling units by right in a mixed use building. This is another instance where the zoning and the land use map do not match. In 1947, the property was zoned B-2, Business; in 1958, it was zoned M-1, Restricted Industrial. In 1999, the property was changed to the transition zone. In 2003, that zone was renamed and rezoned to the Cherry Avenue Corridor. Staff recommends approval. Staff had received letters in support.

Ms. Firehock sought clarification of the statement that "the use would not adversely affect the natural environment" in light of more pavement, more density, noise and traffic. Mr. Haluska stated the area was developed as it was.

Mr. Tolbert stated this property probably should not have been designated Mixed Use because Estes Street is not conducive to commercial traffic.

Ms. Firehock recognized the applicant.

Mr. Elliott Fendig, of Terra Engineering and Land Solutions, was present as the applicant's representative. Mr. Fendig stated storm water issues would be addressed using all of Charlottesville's and the states requirements for storm water management.

Mr. Fink asked if other green mitigations had been considered due to the amount of pavement. Mr. Fendig stated they were still in the preliminary stages but had had discussions with the applicant concerning possibilities for internal best management practices. Mr. Fendig stated there were still green areas on the plan.

Ms. Lewis asked if the applicant would consider affordable units. Mr. Fendig stated he would be willing to talk to the applicant about it.

Mr. Rich Carter, of Estes Street Partners, explained there was no off street parking.

Mr. Barton reiterated Ms. Lewis' question about affordable units. Mr. Carter stated he would have to take that back to the other partners for discussion. Ms. Lewis stated that this application would displace some families who could benefit from affordable units.

Ms. Firehock opened the public hearing.

Ms. Cybele Lucy, of 854 Nalle Street, read a prepared statement of opposition to the project. One of the concerns of the neighborhood was the incomplete site plan.

Mr. Jason Pearson, of 829 Nalle Street, spoke in opposition of the proposal. His concerns were site layout and density, and the quality of the project.

Ms. Katarina Krizansic, of 829 Nalle Street, spoke in opposition of the proposal.

Ms. Nancy O'Brien, of 501 Ninth Street, concurred with the previous speakers.

With no one else wishing to speak to the matter, Ms. Firehock closed the public hearing and called for comments from the Commissioners.

Mr. Lynch stated that, since they were in the middle of the Comprehensive Plan process, they needed to look at the transition zone and acknowledge that it has failed.

Ms. Firehock wondered if the Commission could condition what types of business went into a Mixed Use zone. Mr. Tolbert stated the Ordinance listed the businesses which could go in there; they could not further restrict the uses. Ms. Kelley stated they may place reasonable conditions that they deemed necessary to reduce any anticipated adverse impact from the development. She gave the example that if the development was likely to include types of businesses that would be detrimental from a traffic impact standpoint -- and they were reasonably foreseeable -- the Commission could craft a condition that limits a specific type of use.

Ms. Firehock expressed concern that the neighbors had issues with the site and that they felt they had not had adequate communication with the developer.



Mr. Barton stated his concern over recalculating the area available for development with respect to the alley since that may affect the number of dwelling units and that would affect the buffering. He would support deferring or tabling this application until such a time as they had sufficient information to evaluate that change in the development application.

Ms. Lewis concurred with Mr. Barton. She thanked members of the public who had brought their concerns. She also was vexed about the alley closing that had not been brought before the Commission. She would favor deferral.

Mr. Farruggio expressed concern about the parking, the noise from the HVAC units. He also felt the buffer zone was critical. He, too, would lean toward deferral.

Ms. Firehock felt there was so little information in the applicant to say whether the elements of the Comprehensive Plan were met.

Mr. Fink moved to defer this application, SP-05-9-17, for the Special Use Permit in the Cherry Avenue Corridor zone for the Estes Street Partners, a proposed residential use dwelling at 850 Estes Street to permit a residential density of 43 dwelling units an acre, or 30 units total. Ms. Lewis seconded the motion. The motion carried, 6-0-1; Mr. Lucy had recused himself from the matter. Mr. Tolbert clarified that there was a 100 day period from the date of application until action is taken; the deferral will probably be until the next meeting.

Ms. Firehock called for a recess; the meeting stood in recess at 9:35 p.m.

Ms. Firehock reconvened the meeting at 9:44 p.m.

4. ZT-05-9-18: An ordinance to amend and re-ordain the following sections of the City Code, Chapter 34 (Zoning Ordinance):

1. Sec. 34-157: Stating that special permits in BAR or ERB review areas shall be referred to the appropriate board for comment prior to city council action.
2. Sec. 34-353: Reducing the height limits in R-UMD & R-UHD districts from 60' to 50'.
3. Sec. 34-457: Correcting the requirement for a 20' side yard setback adjacent to properties zoned or used residential.
4. Sec. 34-562: Removing the minimum % of residential use in a mixed-use development.
5. Sec. 34-580: Removing the minimum % of residential use in a mixed-use development.
6. Sec. 34-582: Removing the minimum % of residential use in a mixed-use development.
7. Sec. 34-640: Removing the minimum % of residential use in a mixed-use development.
8. Sec. 34-641: Removing the minimum % of residential use in a mixed-use development and clarifying the density allowed by right and in mixed-use development by special permit.
9. Sec. 34-984: Correcting the ratio for parking from 1/1200 to 1/200.
10. Sec. 34-1045: Adding further definition and restrictions to temporary sign provisions.
11. Sec. 34-1101: Corrects the provisions specifying the height to which an appurtenance can rise.
12. Sec. 34-1120: Adding a maximum slope allowance of 25% for buildable lots and adding regulations for granting waivers to this.
13. Sec. 34-1121: Correcting the description of the "sight triangle" requirement.
14. Sec. 34-1200: Correcting the definition of "basement" and revising the definition of "lot".

Mr. Tolbert gave the staff report. Number 1 required any application for a Special Use Permit in a Design Control District to be referred to the BAR or ERB as appropriate for comment. Number 2 would reduce the height restrictions in R-UMD and R-UHD from 60 to 50 feet by right. Number 3 clarified that side and rear yard setbacks of 20 feet were required in Mixed Use adjoining a residential property. Numbers 4, 5, 6, and 7 were the requirements that defined Mixed Use development requiring a percentage of the gross floor area which would only be addressed if the ground floor street frontage was commercial. Number 8 clarifies the residential density. Number 9 corrects a typographical error. Number 10 deals with sandwich board signs; temporary signs are allowed for businesses fronting on the Downtown Mall, however they must be placed on the drain channel. Number 10 also allowed temporary signs during business hours for businesses fronting on West Main Street and on The Corner. Number 11 is a clarification. Number 12 is a provision for a steep slope requirement; this is the same provision as Albemarle County and defines steep slope as over 25 percent. Number 13 clarifies sight triangle. Number 14 deals with definitions of "basement" and "lot."

Mr. Lynch sought clarification if Numbers 4, 5, 6, and 7 took away the requirement for residential restriction. Mr. Tolbert stated there was no provision against an all commercial building in the mixed use corridors. He stated four of the districts required ground floor commercial. The intent of the ordinance was to create street level activity with the retail and residential above that.

Ms. Firehock opened the public hearing.

Mr. Alexis Zeigler, of 912 Woodfolk Drive, spoke strongly in favor of the steep slope provision.

Ms. Adrian Fowler, of 805 Raymond Road, read a prepared statement in support of the steep slope provision.

Mr. Charlie Armstrong, of 121 Burnet Street, spoke strongly in opposition of the steep slope provision and suggested a more refined steep slope ordinance.

Mr. Frank Ballif, of Southern Development, also spoke in opposition of the steep slope provision. He stated Albemarle County was reevaluating its ordinance. He strongly urged the Commission to pull the ordinance and look at it again.

Mr. Neil Williamson, of Free Enterprise Forum at 550 Hillsdale Avenue, felt the steep slope provision as set forth would place barriers on infill development.

Mr. Billy Hunt, of 204 Hartman's Mill Road, concurred with Mr. Zeigler and Ms. Fowler.

Ms. Julia Reese, of 916 Woodfolk Drive, concurred with Mr. Hunt.

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

Mr. Farruggio wanted to know the method or level of burden to allow someone to build on a 25 percent or greater slope. Mr. Tolbert stated there was land that would have development sites and there was land that would be impacted. However, there was a waiver provision.

Mr. Fink, without naming the specific development, sought clarification of how they could ensure not making the same mistakes with ENS which caused a lot of sediment feeding into the Rivanna River and the loss of mature trees. Mr. Tolbert stated the ENS measures to which Mr. Fink referred had been

poorly installed by the contractor causing them to fail due to the intensity of storms. The individual was cited and made to put in correct ENS measures. Mr. Tolbert stated staff inspected every site before a big rain -- if they knew it was coming -- and after a big rain. Mr. Tolbert stated the referenced developer had met the minimum requirements. Mr. Fink wondered if that meant the minimum measures were not nearly enough.

Mr. Tolbert stated that was why this ordinance was before the Commission.

Ms. Firehock stated that, due to the fact the City had been built a long time ago, most of the City did not have storm water management. She explained that most of the stream buffer was contained within the floodway.

Mr. Farruggio wanted to know if other areas were rethinking their critical slope ordinances; if so, had that been taken into consideration before crafting this ordinance. Mr. Tolbert was not aware of that.

Mr. Lucy sought elaboration on the situations in which a waiver would be permitted. Mr. Tolbert explained that the Planning Commission may grant a waiver if the site conditions are such that the ordinances applied would deny use of the property. He further explained if compliance with the article would degrade this property or an adjacent property a waiver could be granted. Mr. Tolbert also said the developer has the opportunity to show how the end result would protect the storm water and address those needs.

Ms. Lewis cited a section of the steep slope submittal: "In considering the requested modification or waiver, the Planning Commission shall consider the recommendation of the Director of Neighborhood Development Services." Stating that they always consider his recommendations, Ms. Lewis asked if that would bind the Commission to always adopt his recommendation. Ms. Kelley read it as being a means of getting needed information to the Commission. Ms. Lewis recommended the language be changed to "The Director of Neighborhood Development Services shall deliver a recommendation to the Planning Commission on the requested modification or waiver."

Ms. Firehock observed that several mistakes within that section that had been deleted by the Commission at the work session had been left in.

Mr. Lucy was perplexed by the fact that the steep slope section was numbered 34-1120; however, within the site plan section of the Zoning Ordinance, this was labeled Street frontage required. It was explained that the label "Street frontage required" was being deleted and would be turned into a section addressing lot regulations.

Ms. Firehock wondered if there was support among the Commissioners for items 1 through 3 and 8 through 14.

Mr. O'Halloran moved that they recommend approval of Items 1, 2, 3, 8, 9, 10, 11, 12, 13, and 14 on ZT-05-9-18. Mr. Fink seconded the motion which carried unanimously.

Ms. Lewis sought clarification from Ms. Kelley that, since there was no applicant involved, they could just not take action on Items 4, 5, 6, and 7 and put them into a work session. Ms. Kelley concurred.

#### **H. Site Plans and Subdivisions**

1. Druid Avenue Residences PUD – 1010 Druid Avenue – 5 single-family units

Mr. Haluska gave the staff report. The concept plan showing five units was approved. Some minor engineering comments were still being considered by staff. Staff recommends approval.

Mr. Fink asked if staff had examined the ENS plan. Mr. Haluska stated the applicant had submitted an ENS plan which was being reviewed by staff.

The applicant, who was not identified for the record, was present. He stated the driveway had been widened in response to engineering comments.

Ms. Lewis moved to approve the site plan as submitted. Mr. Barton seconded the motion which carried unanimously.

2. Carter's View Subdivision – end of Baylor Lane – 29 single-family lots

Mr. Haluska gave the staff report. This had been on the April agenda and was pulled before being acted upon. This is a major subdivision of 30 lots requiring a new street and new utilities. The original proposal was to have had a waiver of street grade; that waiver had been withdrawn and the roads were at eight percent or less. This was to be considered as a preliminary subdivision plat. They have addressed the engineer's comments and those are in review. Staff recommends approval as it meets all requirements of the subdivision ordinance.

Mr. Steve Lane, of 2007 Hessian Road, stated the engineer had alerted him that the subdivision plan before the Commission did not show actual grades for the lots. He stated his belief that the staff report was thorough in its recommendation.

Ms. Firehock asked that the applicant be very careful about the treatment of the stream buffer when the final subdivision site plan was done. She suggested a great deal of detail be provided to avoid any loss to the buffer. Mr. Lane stated that was an excellent suggestion which had been heard loud and clear by the applicant and its engineer.

Mr. Barton stated the development seemed to comply with existing Code, nonetheless he was disappointed that it continued to have a road layout that did not address the questions of connectivity. Although he was forced to vote for this, he did so with extreme displeasure.

Mr. Farruggio concurred with Mr. Barton.

Mr. O'Halloran moved to approve the subdivision. Mr. Fink seconded the motion. The motion carried unanimously.

**I. Preliminary Discussion**

1. Chestnut Street/Carlton Avenue PUD

Mr. Haluska gave the staff report. Rezoning would be from R-2 to PUD to achieve a cluster development of single-family dwellings with a variety of housing types at a higher density. The conceptual plan shows six single-family detached houses on Carlton Avenue and Chestnut Street, and four attached units accessed by a private access from Carlton Avenue.

Mr. Fink noted that a lot of the proposed 40 percent open space is actually impermeable space which is not considered as open space. Mr. Barton felt open space, as described by the Commonwealth Standards with respect to development, included impermeable surface.

Mr. Lucy sought clarification as to how many units would be permitted under R-2 zoning. Mr. Haluska stated eight units would be allowed.

Mr. Charles Hendricks, of The Gaines Group, was present on behalf of the applicant. He provided the Commission with copies of a handout that further developed the original submittal; this material had also been provided to the Neighborhood Association at a meeting on October 10th. He stated the open space calculation was based on the amount of unpaved or built surface; there was no pocket park, it was just the grass areas. The development incorporates high quality materials, energy efficient construction and aesthetically rich design. The development draws from the Belmont community for its massing, scale and details. Off street parking would be provided for up to two cars per unit. The applicant was seeking partnership with the Piedmont Housing Alliance and use the CDBG grant to make 20 percent of the development affordable. Mr. Hendricks stated they were trying to make these very environmentally conscious houses. Mr. Hendricks stated all but one unit had garages.

Mr. Farruggio expressed concern about the density and the parking. He also expressed concern over the square footage of the units and wondered if families would stay there for long periods.

Ms. Firehock sought clarification that dialog had been held with the neighbors. Mr. Hendricks stated they had met with the Neighborhood Association. He further stated they had been concerned about whether the applicant could market the project rather than objecting to it. Mr. Farruggio suggested the applicant go to adjacent neighbors and speak with them as not everyone attended Neighborhood Association meetings.

Ms. Firehock suggested they address the PUD/SUP issue at the next work session.

Ms. Firehock informed the Commissioners there were now recycle bins in Chambers.

Mr. Fink moved that they adjourn until the November meeting. Mr. O'Halloran seconded the motion. The motion carried unanimously whereupon the meeting stood adjourned at 11:23 p.m.

Respectfully submitted:

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Mr. Jim Tolbert, Secretary

Approved:

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Ms. Karen Firehock, Chair