

DRAFT MINUTES

CITY OF CHARLOTTESVILLE

PLANNING COMMISSION

TUESDAY, 12 FEBRUARY, 2008 -- 5:30 P.M.

CITY COUNCIL CHAMBERS

Commissioners present:

Mr. Bill Lucy (Chairman)

Ms. Cheri Lewis

Mr. Michael Osteen

Ms. Genevieve Keller

Commissioners Not Present:

Mr. Michael Farruggio (Vice-Chairman)

Mr. Hosea Mitchell

Mr. Jason Pearson

Mr. David Neuman, Ex-oficio, UVa Office of the Architect

Staff Present:

Ms. Missy Creasy

Mr. Nick Rogers

Ms. Mary Joy Scala

Ms. Ebony Walden

City Council Members Present:

None

Also Present:

Mr. Richard Harris, Deputy City Attorney

II. REGULAR MEETING

Mr. Lucy convened the meeting at 5:30 p.m. He noted there would be no public hearing. Mr. Lucy stated item I-1 had been deferred until the April meeting. Additionally, Items L and N had been deferred.

A. COMMISSIONER'S REPORT

Ms. Lewis had no report as none of her committees had met.

Mr. Osteen stated he had been unable to attend the January BAR meeting and had no report.

Ms. Keller had no report.

B. CHAIR'S REPORT

Mr. Lucy had nothing to report.

C. DEPARTMENT OF NDS/STAFF REPORTS

Ms. Creasy stated the regular Work Session would be held 26 February to discuss the Mall crossing. On 18 March the Planning Commission would hold a joint meeting with the County Planning Commission at the County office building. Another regular work session would be held 25 March to discuss the Zoning matter that was deferred from this meeting. Ms. Creasy thanked Mr. Haluska for coordinating the Planning Awards.

D. ANNUAL PLANNING AWARDS PRESENTATION

Outstanding Neighborhood Effort -- *The Woolen Mills Neighborhood*

Outstanding Plan of Development -- *Jefferson Commons*

Outstanding Plan of Development -- *Atlantic Coast Athletic Club*

Citizen Planner of the Year -- *Collette Hall*

The Herman Key, Jr. Access to the Disabled -- *Ebenezer Baptist Church*

The Eldon Fields Wood Design Professional of the Year -- *William Atwood, Atwood Architects*

Neighborhood of the Year -- *The Little High Street Neighborhood*

Outstanding Sustainable Development -- *Arch's Frozen Yogurt*

Outstanding Sustainable Development -- *The Riverbluff Project*

Neighborhood Development Services Staff Member of the Year -- *Mary Joy Scala*

E. REPORT OF THE NOMINATING COMMITTEE -- Election of Chair and Vice-Chair to take effect March 13, 2008

Ms. Lewis stated the nominating committee met and presented for nomination as Chair, Mr. Pearson and as Vice-Chair, Mr. Farruggio. Ms. Keller seconded the motion. Mr. Lucy called a vote of acclamation. The motion carried unanimously.

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

Mr. Lucy called for matters from the public.

Mr. Dave Donahue, of 928 Marshall Street, was present to speak about the proposed development along Davis Avenue. He stated the last time this proposal was to have been presented, the neighbors had been able to see the plans well in advance and to hear what was to go on. The documents for the current proposal had not been made available for the neighborhood until 7 February.

Mr. John Hossack, of 617 Davis Avenue, was also present regarding the Davis Avenue Steep Slope Waiver. He stated the plan does not allow adequate run off. He read a prepared statement in opposition to the proposal.

Mr. Peter McIntosh, of 624 Davis Avenue, did not think the neighborhood was against infill development. He stated the neighborhood was beset with traffic. He requested the Commission deny the waivers on the east side.

Mr. Bruce Williamson, of 1100 Park Street, reminded the Commission Staff had recommended denial of the original plan. He stated there was no compelling reason for a waiver to be granted.

Ms. Debra Dolmich, was present on behalf of her mother, Ms. Mildred Cosner of 613 Davis Avenue. Ms. Dolmich expressed concern about traffic, parking, and privacy issues.

Mr. John Peterson, of 624 North Avenue, stated certain sites are difficult to be developed. He asked the Commission to protect the neighborhood.

G. Consent Agenda

1. List of site plans and subdivisions approved administratively
2. Minutes -- January 8, 2008 -- Pre-meeting
3. Minutes -- January 8, 2008 -- Regular meeting
4. Minutes -- January 22, 2008 -- Work session

Mr. Lucy called the consent agenda. Ms. Lewis stated she had a minor spelling correction she would provide staff.

Ms. Lewis made a motion to approve the minutes for January 8, Pre-meeting and Regular, and January 22 Work Session, plus the site plans and subdivisions approved administratively that were noted on their list. Mr. Osteen seconded the motion. Mr. Lucy called a vote of acclamation. The motion carried unanimously.

H. SITE PLAN

1. Paton Street PUD, 501 Hanover Street

Ms. Walden gave the staff report. The applicant, Habitat for Humanity, has filed an application for approval of a preliminary site plan at 501 Hanover Street also known as Paton Street Phase 2. This phase calls for the construction of 21 units and the improvement of the Roy Street right of way. This plan meets the objectives of the PUD ordinance. Staff recommends approval. The prevailing issue relates to the sidewalk waiver. There are a number of things in support of the waiver: the sidewalk would be abutting the back of a property; the destination of this particular sidewalk is in question; it would go through the middle of a platted right of way; a significant tree would have to be removed. Staff suggests the Commission consider either waiving the sidewalk on the entirety of the south side of Roy Street, or approving the waiver as represented or with some other alternatives.

Ms. Keller wanted to know if there were any safety concerns by not having a sidewalk especially to children walking to school. Ms. Walden stated there was a crosswalk from the Paton Street sidewalk to Roy Street.

Mr. Lucy recognized the applicant.

Ms. Marcia Joseph, of Habitat for Humanity, was present with Mr. Bruce Hogshead. She provided the Commission with photographs of the area of the site in question and gave a brief presentation.

Mr. Osteen wanted to know about the concerns the contractor had about the old sewage line. Ms. Joseph stated it was a terracotta line which had been there for some time; the contractor had not wanted to break the line. Mr. Osteen expressed concern about the City being liable for any breaks to the line. Mr. Osteen wanted to know if it would be more prudent for the applicant to remove the old line and replace it with new. Ms. Joseph stated it would be a huge expense and was something she had never seen done before.

Ms. Keller stated she had come into the meeting thinking there would be no purpose served in requiring a sidewalk; however, there was a new issue before the Commission.

Mr. Osteen stated he thought the project was a really nice project. He did not have a problem with waiving the requirement for an absolute perimeter sidewalk on both sides of the road. He thought Mr. Farruggio's idea of crosswalks at either end of viable sidewalks on both sides of Paton and both sides of Roy Street connecting to a sidewalk that just connects the loop on just the north side was a good suggestion.

Ms. Lewis stated she would like to see the drawings come back and see how the planting strip on the north side looks.

Mr. Lucy wanted to know if the applicant felt the Farruggio idea could be a better proposal. Ms. Joseph thought it could work. Mr. Lucy wanted to know if it would be a hardship to bring that back in a month. Ms. Joseph thought it was something they could do.

Ms. Lewis moved to defer the preliminary site plan application for Habitat for Humanity until next month's meeting. Mr. Osteen seconded the motion. Ms. Creasy called the roll. The motion carried unanimously.

III. JOINT PUBLIC HEARINGS

I. JOINT PUBLIC HEARINGS

1. **ZT-07-12-29:** (Zoning Ordinance) An ordinance to amend and re-ordain Article VI, §§34-540 through 34-799 of the Code of The City of Charlottesville, 1990, as amended (Zoning Ordinance), to:

(a) divide the current Downtown Corridor ("DC") into three (3) separate zoning districts known as the DC, the Water Street Corridor ("WS") and the South Street Corridor ("SS");

(b) reduce the by-right height in the Downtown Corridor and Water Street Corridors from 101 feet to 70 feet, allow a special use permit height of up to 101 feet with stepback requirements, increase the minimum height to 40 feet, and reduce the allowable density from 87 Dwelling Units Per Acre ("DUA") to 43 DUA;

- (c) reduce the by-right height in the South Street District from 101 feet to 45 feet, and reduce the allowable density from 87 DUA to 21 DUA;
- (d) increase the setback requirements in the Downtown Corridor from 10 feet to 25 feet and impose a 5 foot setback on numbered streets within this district between Ridge Street and 10th Street, East;
- (e) divide the West Main North Corridor (“WMN”) into two (2) separate zoning districts known as the West Main North Corridor and the Corner District (“CD”);
- (f) allow a special use permit height of up to 70 feet in the WMN and CD, increase the minimum streetwall requirement from 35 feet to 40 feet, and establish a 25 foot setback requirement on Main Street;
- (g) increase the by-right height in the West Main South Corridor from 60 feet to 70 feet, increase the height allowed by special use permit from 80 feet to 101 feet with setback requirements, reduce the required setback on Main Street from 15 feet to 10 feet, and reduce the mixed use residential density from 64 DUA to 43 DUA;
- (h) reduce the allowable density in mixed use buildings in the Downtown Extended Corridor from 87 DUA to 43 DUA, allow up to 200 DUA by special use permit, and eliminate business to residential ratio restrictions;
- (i) reduce the allowable density for mixed use buildings in the Central City Corridor from 64 DUA to 43 DUA and in residential buildings from 43 DUA to 21 DUA;
- (j) change building height references in the above-referenced Article from stories to linear feet.

Continuation of Hearing from December 11, 2007. Report prepared by Jim Tolbert, NDS Director.

This matter was deferred prior to the meeting.

IV. REGULAR MEETING ITEMS (Continued)

J. REIDS GROCERY -- 600 Preston Avenue

1. Entrance Corridor Review
2. Site Plan Review

Ms. Creasy stated the Entrance Corridor was coming to the Commission with the Site Plan amendment as part of the package.

Ms. Scala gave the staff report. She provided the Commissioners with an amended page showing the east elevation of the building. There had been talk of moving the condensers to the roof; this had not been shown on the previous submittal. This is a request for an Entrance Corridor certificate of appropriateness related to a proposed storage addition to an existing grocery store at 600 Preston Avenue. City Council approved a special use permit January 7 for the 3,331 square foot addition to the rear of the 9,990 square foot grocery store. The proposed addition is about one-third the mass of the existing grocery store, and is two-feet shorter in height. It is located to the rear, and is utilitarian in style, much like the existing store. The layout has been revised to allow vehicular access to the rear of the property. The proposed addition is 18 and-a-half feet high. The walls are concrete masonry units painted

white; there is also a concrete masonry unit cornice also painted white. No changes are proposed to the existing grocery building as viewed from the entrance corridor. Two new street trees and low shrubs are proposed in front of the building on Preston Avenue. Since no changes are proposed to the façade of the existing building, staff has recommended minimal improvements to the Preston Avenue frontage, including the street trees and stair access. The proposed addition is simple and appropriate in materials and color. The changes made to the front of the building will make the builder more attractive and easier to access. Staff recommends approval of the Certificate of Appropriateness as submitted.

Mr. Bill Owens, of Atwood Architects, had nothing to add to Ms. Scala's presentation.

Mr. Osteen wanted to know if the applicant had a preference between horizontal and vertical louvers. Mr. Owens did not.

Mr. Lucy called for comments.

Mr. Osteen thought the applicant had addressed the concerns the Commission had previously. He liked the redesign; it was very simple and straightforward.

Ms. Lewis thanked the applicant for the redesign of the addition and for the proposed improvements to the front of the store.

Mr. Osteen moved to approve the Entrance Corridor Certificate of Appropriateness for Reid Supermarket at 600 Preston Avenue. Ms. Keller seconded the motion. Ms. Creasy called the roll. The motion carried unanimously.

K. STEEP SLOPE WAIVER

1. Davis Avenue Residential Development -- Off Marshall Court right of way

Mr. Rogers gave the staff report. The applicant requests a waiver of the critical slope ordinance. Critical slopes make up approximately 1.3 acres of the 6.5 acres. The applicant proposes constructing 16 houses and expanding Marshall Court into the property. Staff recommends finding 2 in order to approve the waiver.

Mr. Osteen wanted to know if there was a good reason to move forward with no clear approach to storm water management. Mr. Rogers stated he and the engineers thought they had three acceptable options for sensitivity to the site. Mr. Rogers stated it was his impression that the applicant intends to use two vegetative bioswales along the rear portions of each line of the property.

Ms. Valerie Long, Esquire, was present on behalf of the applicant. The applicant had attempted to preserve a large wooded area on site.

Mr. Lucy called for questions from the Commissioners. There were none. He then called for discussion.

Ms. Lewis stated that while considering the four criteria for waiving the request, she found the list of conditions she would have to impose getting longer. She stated the ordinance required a strict scrutiny of the application. She did not think the application meant any of the criteria. Ms. Lewis stated this was the first time she had ever endorsed denial under this ordinance. She could not support granting this waiver of the natural areas on the site.

Ms. Keller stated she would agree with much of what Ms. Lewis said, but would take exception of granting the manmade slopes.

Mr. Osteen agreed with Ms. Lewis. The natural slopes had more significance for him. He thought the development had potential. He could not imagine debating critical slopes without a finished grading plan. Mr. Osteen wanted to see a deferral of this discussion pending a final grading plan and a commitment to the storm water plan. Mr. Osteen thought 17 lots was too aggressive for this lot.

Mr. Lucy stated the distinction between manmade and natural was one of the simplest distinctions that could be made.

Ms. Keller stated she felt as though their hands were tied because they could only consider a steep slope waiver. She thought the Commission would like to see a different kind of development, a more environmentally friendly development.

Ms. Lewis wanted to know how the applicant came about the natural versus manmade distinction. Mr. Rogers explained that Staff advised the applicant to differentiate between the manmade and natural slopes. Mr. Frank Pohl, of Weather Hill Development, explained how the determination had been made between manmade and natural slopes.

Mr. Osteen stated he would like to see this deferred.

Ms. Lewis stated she had earlier been in favor of granting the waiver for the manmade areas, but she agreed with Mr. Osteen that deferral was in order.

Ms. Keller stated she was uncomfortable with making that distinction for lots 8 and 9.

Mr. Lucy noted a deferral was easier for the Planning Commission. He also stated the notion of the R-1 ordinance was an artifact of another era; a PUD might be a better course to follow.

Ms. Long stated they would be happy to request deferral or accept a deferral to incorporate some of the Commissioners' comments into their plan and figure out what could be done to get it into a position where it could be supported by the Commission.

Ms. Keller moved to defer. Ms. Lewis seconded the motion. Ms. Creasy called the roll. The motion carried unanimously.

Mr. Lucy called for a five minute recess. The meeting stood at recess at 7:51 p.m.

Mr. Lucy reconvened the meeting at 7:56 p.m.

L. 1801 Hydraulic Road -- Road Extension Project

1. Preliminary Site Plan
2. Entrance Corridor Review

This matter was deferred prior to the meeting.

M. PRELIMINARY DISCUSSION -- ENTRANCE CORRIDOR REVIEW BOARD

1. University Car Wash -- 2171 Ivy Road

Ms. Scala gave the staff report. The applicant is replacing an existing car wash on the site with a new car wash. In the future the applicant will be submitting a complete site plan and EC application for final approval. This site is located in a commercial area opposite St. Anne's Upper School campus. The railroad blocks it from view of properties to the north. No residential properties are impacted by this development. The proposed site plan is very well done, considering all the physical constraints including the size and shape of the parcel. The only site plan issue that the ERB may wish to comment on is the need to extend the sidewalk further west than the last curb cut. Because the designs for the car wash structure are unusual, the applicant is requesting ERB comments prior to finalizing the design. Staff recommendation is that the final design, however creative, should evoke some connection to Charlottesville; perhaps the structure's form or materials could make this connection.

Ms. Lewis sought clarification that this was the first Entrance Corridor Review for this particular corridor. Ms. Scala believed it was.

Mr. Jeff Dreyfuss, of Bushman Dreyfuss Architects, gave a brief presentation to the Commission.

Ms. Keller thanked the applicant for the handout which established the context. She thought some of the submitted designs could work with the Guidelines. The vegetation tied in with the Kluge center and with St. Anne's. She expressed a preference for scheme 2.

Mr. Osteen thought it was a nice project. He thought pedestrian access should be facilitated. He thought there was a lot of asphalt. He expressed a preference for a much larger planting base with perhaps a large triangular landscape island. Mr. Osteen suggested a bioswale be incorporated.

Ms. Lewis thanked the applicant for the documentation as the Corridor did not have much of a vision. She stated she had no additional comments beyond what she had discussed with the applicant previously. She concurred with Mr. Osteen about minimizing the amount of asphalt. Ms. Lewis expressed a preference for a shared roofline over the two bays.

Mr. Lucy thought this was a good start. He expressed a preference for scheme 1.

N. OTHER ITEMS

1. Proffer Policy Guidelines

This matter was deferred prior to the meeting.

Ms. Lewis made a motion to adjourn to the second Tuesday of March. Ms. Keller seconded the motion. Mr. Lucy called for a vote of acclamation. The motion carried unanimously whereupon the meeting stood adjourned at 8:19 p.m.