

DRAFT MINUTES

CITY OF CHARLOTTESVILLE

PLANNING COMMISSION

TUESDAY, 12 DECEMBER, 2006 -- 6:30 P.M.

CITY COUNCIL CHAMBERS

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

Mr. Jon Fink (Chairman)

Mr. Bill Lucy (Vice-Chairman)

Ms. Cheri Lewis

Mr. Michael Farruggio

Mr. Hosea Mitchell

Mr. Michael Osteen

Mr. Jason Pearson

Commissioners Not Present:

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

Staff Present:

Mr. Jim Tolbert, AICP, Director NDS

Ms. Missy Creasy, Planner

Ms. Ashley Cooper, Planner

Mr. Brian Haluska, Planner

City Council Members Present:

Mr. David Brown, Mayor

Mr. Dave Norris

Mr. Julian Taliaferro

Also Present

S. Craig Brown, City Attorney

Mr. Ryan Davidson, Budget & Utilities Analyst

Ms. Leslie Beaugard, Budget Manager

II. REGULAR MEETING

Mr. Fink convened the meeting at 6:30 p.m.

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

Mr. Fink called for matters not on the agenda. There were none.

B. COMMISSIONERS' REPORTS

Mr. Mitchell had no report as his committees had not met.

Ms. Lewis stated the Housing Advisory Committee would meet at noon on 14 December.

Mr. Osteen stated the BAR had met and approved the concept and massing of 201 Avon Street. He stated the Board had also had issues with the perceived height of the CVS project at 310 West Main; he thought the Planning Commission should review this. The Downtown Zoning Committee had met for the first time. He stated the Urban Streetcar Task Force had also had its first meeting in which three subcommittees were designated: Land Use, Funding, and Regional/Local Context.

Mr. Lucy stated his committees had not met. He stated he had received a printout from Assist2Sell showing the sale price and square footage of houses recently sold in Albemarle County; estimating square foot values, the values were substantially lower than they had been previously. He stated this could have some bearing on affordable housing as well as on the tax base.

Mr. Pearson stated the Thomas Jefferson Planning District Commission had met 7 December.

Mr. Farruggio had attended his first MPO Tech meeting. They had discussed the Lewis & Clark Exploratory Center which is hoped to be built in Darden Towe Park near the river. They had also discussed trying to get the timeline down on UnJAM 2030. He stated he had been unable to attend the Parks and Recreation Advisory meeting. The Federation of Neighborhoods had not met.

C. CHAIR'S REPORT

Mr. Fink had attended his first Board of Zoning Appeals meeting and would be officially sworn in later this month. The Strategic Planning Committee had its last meeting and gave final draft comments to Council. Mr. Fink stated he and Mr. Farruggio had attended a graduate Planning Commissioners seminar in Richmond where they reviewed the latest General Assembly initiatives as well as ways to be more effective Planning Commissioners. He stated there would be a joint planning session with City Council on 19 December to discuss the proposed development at Biscuit Run. Review of the Comprehensive Plan was continuing.

I. DEPARTMENT OF NDS/STAFF REPORTS

Mr. Tolbert stated the Biscuit Run meeting would be a presentation by the developer and then a question and answer session for both commissions. He stated he would like to have a Commissioner on a committee to look at on-street loading and parking issues in downtown. He stated there had been a request that they not allow building or filling in the flood plain.

Ms. Creasy stated information would be forthcoming for classes for the new Commissioners.

Ms. Lewis asked if they could discuss Affordable Dwelling Units at a future work session.

III. CONSENT AGENDA (Items removed from the consent agenda will be considered at the end of the regular agenda)

D. CONSENT AGENDA

Minutes -- November 9, 2006 -- Work session

Minutes -- November 14, 2006 -- Regular meeting

Minutes -- November 28, 2006 -- Work session

Subdivision -- Brookwood Phases II -- Preliminary and Final -- 14 single family residential lots

Subdivision -- Brookwood Phase III -- Preliminary and Final -- 17 single family residential lots

Subdivision -- Quarry Road Subdivision -- Preliminary and Final -- 27 townhouse lots

Site Plan -- Belmont Cottages -- Preliminary -- 15 Residential lots

List of site plans and subdivisions approved administratively

Mr. Pearson asked that the last full paragraph of page 3 of the 14 November minutes be changed to reflect his concern that some neighborhoods might not have the imbedded capacity to provide a volunteer project manager in order to manage a project and that Mr. Tolbert expressed that the planners in NDS were familiar with that issue and would be working to make sure that there was equity in the distribution of funds across the City.

Mr. Pearson also asked that the last paragraph on the first page of the 28 November minutes include that there was also discussion of the fact that the importance of an effective continuous sidewalk system was noted in the course of the meeting as an important aspect of linkages and as an incentive for walking which reduces the City's carbon footprint and was an appropriate topic of the conversation within an overall meeting about the environment section of the Code.

Ms. Lewis asked that the 9 November minutes reflect that Mr. Pearson left the meeting as they went into closed session because of a conflict. She also asked that "Ms. Lewis also asked Staff to contact the Thomas Jefferson Planning District Commission regarding their impact fees legislative proposal and to report back to the Commission" be added to the end of the current full paragraph on the second page of the 9 November minutes. Ms. Lewis asked that the end of the first paragraph of page 8 of the 14 November minutes reflect that she said that a Special Use Permit was a grant of an extraordinary use which was over and above the underlying Zoning Ordinance and that the whole process of granting a Special Use Permit, which is gift-like, requires a certain amount of trust on the part of the person receiving the gift. She also asked that the first full paragraph of page 12 of those minutes reflect that Mr. Tolbert answered her question by stating they would review in all districts the approach to the ground floor exclusion for residential units, and that he explained that in this case it only applied to mixed use buildings within that district.

Mr. Fink asked that "before the tree was removed" be added to the last sentence of the second full paragraph of page 8 of the 14 November minutes.

Ms. Lewis stated they needed to remember to note that they would probably support approval of the preliminary plan for Belmont Cottages subject to two 12 foot alleys and Rougemont Avenue being deleted off the final site plan.

Mr. Lucy moved that the Consent Agenda be approved. Mr. Pearson offered a friendly amendment that they include the changes which had been spoken and specifically removing the two 12 foot alleyways and the Rougemont Street off the Belmont Cottages site plan. Mr. Lucy accepted the friendly amendment. Mr. Pearson seconded the amended motion. Ms. Lewis wanted to know why Brookwood Phase IV was on the list of site plans approved administratively. Mr. Haluska stated the final plat had been signed. Ms. Lewis offered a friendly amendment to delete item 1, Brookwood Phase IV, from the list of site plans and subdivisions approved administratively be removed. Mr. Lucy and Mr. Pearson accepted the friendly amendment. Mr. Fink called for a vote by voice affirmation. The motion carried unanimously.

IV. JOINT PUBLIC HEARINGS

E. JOINT PUBLIC HEARINGS

1. SP-06-12-25: (1620 Jefferson Park Avenue) An application for a special use permit for higher density residential development on the property at 1618-22 Jefferson Park Avenue/103 Valley Road. This proposal would allow for the continued use of two existing apartments and one new apartment (three additional units) for a total of 22 units on this site (23 units per acre instead of 21 units per acre). The 19 unit apartment building currently under construction on this site is by right (21 units per acre) within the R-3H (Multifamily Historic) zoning classification (which is the classification of this site). This zoning classification allows for 21 units per acre by-right and 22-87 units per acre by special permit. This property is further identified on City Real Property Tax Map Number 11 as parcel 7, having approximately 172 feet of frontage on Jefferson Park Avenue and 212 feet of frontage on Valley Road and containing approximately 39,552 square feet of land or 0.908 acres. The general uses called for in the Land Use Plan of the Comprehensive Plan are for Two Family. Report prepared by Ashley Cooper, Neighborhood Planner.

Ms. Cooper gave the staff report. The by right site plan was approved in August. This property is in the Oakhurst Circle/Gildersleeve Wood Historic District and had extensive BAR review. The addition of three units is proposed; two of them previously existed on the site in an historic building, the Squirrels Nest, which has been maintained. The third unit, a four bedroom unit, would be in the building envelope of the already approved building. The applicant did work closely with the Neighborhood Association and listened to and addressed a lot of the neighborhood concerns. The applicant was removing the existing parking from the front of the site.

Mr. Farruggio wanted to know the total number of bedrooms. Ms. Cooper stated there would be 82 bedrooms in the proposed use. Mr. Farruggio asked if that would need 40 parking spaces. Ms. Cooper stated parking had been reduced from 42 by two spaces since there was a bus stop in front of the building.

Mr. Fink recognized the applicant.

Mr. Wade Tremblay, General Manager of Wade Apartments, 1025 Wertland Street, had nothing to add.

Mr. Fink wanted to know how the unit in the building envelope had come about. Mr. Tremblay stated R-3 construction has recreational requirements; originally this space was to be recreational space. The applicant applied for and received a waiver after concerns were expressed by the neighborhood about possible noise. The applicant wanted to make use of the space.

Mr. Fink opened the public hearing.

Ms. Nina Barnes, of 12 Gildersleeve Wood, was present on behalf of the Jefferson Park Avenue Neighborhood Association. She stated the Neighborhood Association would support the three extra units if the applicant removed the asphalt in front of the Squirrels Nest and to agree there would be no parking there and no loading or unloading there and to landscape the area nicely. She expressed concern that no landscape plan had been provided yet.

Ms. Jane Foster, of Gildersleeve Wood, stated the neighborhood was grateful that Mr. Tremblay had talked with them because changes were made.

With no one else wishing to speak to the matter, Mr. Fink closed the public hearing. He then called for comments from the Commissioners.

Ms. Lewis wanted to know if it would be appropriate for them to make the condition of the Special Use Permit that the parking and asphalt on Valley Road be removed and adequate landscaping subject to BAR approval. Mr. Tolbert saw no reason they could not.

Mr. Farruggio wanted to know if the Planning Commission would see the landscaping plan. Mr. Tolbert stated they would not unless they called it up. He added the BAR would be reviewing it as part of their approval. Mr. Tremblay stated the BAR had approved the landscaping plan except for that portion in front of the Squirrels Nest; that would be submitted for BAR approval.

Mr. Osteen stated he lived in the Oakhurst/Gildersleeve Wood neighborhood and he owned the property to the immediate right of this property. The project was a positive statement in the neighborhood. He thought the neighborhood would be in support of the Special Use Permit. Mr. Osteen stated Mr. Tremblay and his designers had done a wonderful job addressing the concerns of the neighborhood. He stated he would support the project.

Mr. Fink asked Mr. Osteen if he had any business relationship with Mr. Tremblay. Mr. Osteen stated he did not.

Mr. Farruggio expressed concern about the project having 40 parking spaces for 82 bedrooms. However he did support the project.

Mr. Pearson saw no problem with the project in light of the fact it would be student housing and the students would not have vehicles.

Ms. Lewis suggested continuing to work with the University on providing satellite parking so that parking was not on city streets or in neighborhoods.

Mr. Osteen, based on the finding that this proposal meets the criteria for a Special Use Permit and would serve the interest and general public welfare and good zoning practice, moved to recommend approval of this application for a Special Use Permit for higher density residential development on the property at 1620 Jefferson Park Avenue to allow for a density of 23 units per acre in the R-3H residential

multifamily historic district contingent upon approval of a pending site plan amendment to eliminate all parking along the Valley Road frontage. Mr. Lucy seconded the motion. Mr. Farruggio offered a friendly amendment that adequate landscaping in the form of street shading trees be incorporated in front of the building along JPA and wrap around the corner. Mr. Osteen and Mr. Lucy accepted the friendly amendment. Mr. Fink suggested the wording be "condition removal of four spaces with asphalt and with a landscape plan reviewed by the BAR." Ms. Lewis suggested they specifically phrase it as "installation of a landscaped area where the asphalt is being removed." Mr. Fink suggested "with the addition of a landscaped area to be approved by the BAR." Mr. Osteen and Mr. Lucy accepted the amendments. Mr. Tolbert called the roll. The motion carried unanimously.

V. REGULAR MEETING ITEMS (Continued)

F. CAPITAL IMPROVEMENT PROGRAM

Mr. Davidson gave a PowerPoint presentation on the fiscal year 2008-2012 proposed Capital Improvement Program.

Mr. Norris wanted to know why ADA improvements were being pushed back a number of years. Ms. Beauregard stated they would look into that.

Mr. Fink wanted to know how the Commission could know of budget surpluses so they could look at projects. Ms. Beauregard stated it took months to know of any surplus.

Mr. Farruggio applauded the work done on the CIP. He believed the Commission needed earlier involvement in the process and earlier knowledge of a surplus. He stated the Commission should make strong suggestions to Council on how the money should be spent.

Mr. Lucy noted the CIP was a five year plan. He stated some of the most interesting items to consider would be those which were not reasonable to fund in the first year, but were possible to fund on out years including: a streetcar system; a tree planting program; services to low income persons; an alternative school.

Mr. Fink saw the CIP as a visioning document. Unfortunately the Planning Commission has not been allowed to share in the vision. He stated the Planning Commission needed to have a new relationship with the process.

Mr. Farruggio agreed that the Planning Commissioners see things that don't get picked up in the CIP and aren't necessarily picked up by City Council. As long range planners for the City, the Commissioners see how investment would pay off for what the City wants to do in the future.

G. SITE PLANS

1. Watson Manor -- 3 University Circle

Ms. Cooper gave the staff report. This property is under a Special Use Permit. The Commission is looking at a site plan amendment. The plan is illustrative of the landscape changes that have been requested and supported by the neighborhood. City Council had passed a resolution at its 4 December meeting with the following conditions: one, a European Beech tree, approximately 8 inches in caliper, shall be planted on the subject property as a replacement for the specimen Beech tree removed during construction; two, as an amendment to the approved site plan, the applicant will submit a revised

landscaping plan for consideration by the Planning Commission at its regular meeting in December and such plan, as approved by the Commission, shall be fully implemented and maintained by the property owner or applicant; three, wood bollards, similar in design to bollards located on University Circle near Rugby Road, shall be placed along the curb line, the parkway area shall be seeded; four in addition to any costs associated with amended landscape plan as approved by the Planning Commission, the applicant or property owner will expend an additional five thousand dollars on neighborhood landscaping in order to mitigate the impact of the proposed development on the neighborhood; the expenditure required by this paragraph shall only be undertaken after consultation with the University Neighborhood Association and other affected neighbors; and, five, the City Department of Neighborhood Development Services will be given prior notice of any change in the person responsible for implementation of the requirements of this Special Use Permit and the accompanying site plan. The European Beech tree has been shifted further into the yard. There is also a mature landscaping plan as requested by the University Circle Neighborhood Association. Staff suggests if the 8 inch tree does not survive planting, it should be replaced with a four and-a-half inch specimen. Staff feels an irrigation system should be in place. Staff feels the applicant has been exceeding the requirements.

Mr. Lucy felt the main intention of the landscape plan was screening and aesthetics rather than shade and long term energy implications. He sought clarification of whether there would be functional gains beyond the screening of driveways or parking. Mr. Hawker Dawes, of Mitchell Matthews Architects, stated the original landscape plan was generated with the intention of meeting City requirements which address street tree requirements along University Circle.

Mr. Dawes stated there had been comments at the last CPC meeting about the decision of European Beech over American Beech. He stated European Beeches of this size are more transplantable than American Beeches.

Mr. Fink asked if the applicant was amenable to installing an irrigation system. Mr. Dawes stated it would be in the best interest of the owner.

Mr. Fink wanted to know how the Commission could condition an irrigation system. Mr. Craig Brown stated that not only was it not a Code requirement, but there were not proffers on site plans.

Mr. Joseph Davis, the applicant, of 604 Watson Avenue, stated they would have to investigate the cost of irrigation. He was not in any position to promise an irrigation system without knowing the cost.

Ms. Lewis sought clarification from staff as to whether the applicant had been notified of the findings of the arborist in advance of this meeting. Ms. Cooper stated she had spoken with the landscape designer about it a couple weeks before.

Mr. Craig Brown stated he had just spoken with the applicant. The applicant would be amenable to having the matter deferred to allow him time to investigate the cost of an irrigation system and any alternative means for insuring the long term health of the landscape plan.

Mr. Fink stated the applicant had worked with the best of intentions, and the Commission appreciated that. He felt this was important especially given the history of this application.

Ms. Lewis wanted to know if the \$5,000 gift had been given to the neighborhood by the Foundation. Mr. Davis stated it had not yet but would be soon. Mr. Fink asked that the Commission be informed when it happened. Mr. Davis stated it would.

Ms. Lewis stated she could not support Staff's suggestion of what to do if the tree died. Ms. Lewis felt the applicant should have to come back and amend the site plan if the tree is not successfully transplanted. Mr. Tolbert explained that once the site plan was approved and the tree was planted, it was enforceable. The only reason it had been mentioned was because the arborist had said a four and-a-half inch tree was better than an eight inch tree. Mr. Fink felt that was fair. Ms. Lewis stated her agreement with the process and decision but stated she could not support the recommendation.

Mr. Farruggio moved to defer the site plan approval for Watson Manor, 3 University Circle for further requirements. Ms. Lewis seconded the motion. Mr. Tolbert called the roll. The motion carried unanimously.

Mr. Fink asked if there was a motion to adjourn until January 9, 2006 [sic]. Mr. Lucy so moved. Ms. Lewis seconded the motion. A vote by voice affirmation carried unanimously. The meeting stood adjourned at 8:18 p.m.