

**DRAFT MINUTES**

**CITY OF CHARLOTTESVILLE**

**PLANNING COMMISSION**

**TUESDAY, 10 JULY, 2007 -- 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)

Ms. Cheri Lewis

Mr. Michael Farruggio

Mr. Hosea Mitchell

Mr. Michael Osteen

Mr. Jason Pearson

Commissioners Not Present:

Mr. Bill Lucy (Vice-Chairman)

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

Staff Present:

Mr. Jim Tolbert, AICP, Director NDS

Ms. Missy Creasy

Mr. Brian Haluska

Ms. Mary Joy Scala

Ms. Ebony Walden

City Council Members Present:

Mr. David Brown, Mayor

Mr. Kendra Hamilton, Vice Mayor

Mr. Kevin Lynch

Mr. Dave Norris

Mr. Julian Taliaferro

Also Present

S. Craig Brown, City Attorney

Richard Harris, Deputy City Attorney

## **II. REGULAR MEETING**

Mr. Fink called the meeting to order at 6:30 p.m.

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

Mr. Fink called for matters from the public not on the agenda.

Ms. Allene Brighton, of 716 Highland Avenue, stated she had learned of the proposed Naylor subdivision within the last eight days. She stated residents of Johnson Village were concerned about the environmental impact of the subdivision on Moores Creek. She presented the Commission a signed petition requesting the deferral of any decision that night.

Mr. Byron Harris, of 844 Village Road, spoke in opposition of the Cleveland Naylor development. He asked the Commission to defer the matter.

Ms. Donna Goings, of 1438 Westwood Road, spoke in opposition of the Cleveland Naylor subdivision. She stated there was no buffer area.

### **B. COMMISSIONERS' REPORTS**

Mr. Farruggio stated the Parks and Recreation Committee had met and discussed the aging infrastructure of some of the recreation locations. They had also discussed the potential partnership of the YMCA and the Boys and Girls Club. The MPO Tech Committee met and discussed traffic in the Route 29 area

Mr. Pearson stated he would allow Mr. Osteen to comment on the Downtown Design Committee meeting. He stated he would be attending the Thomas Jefferson Planning District Commission which would meet 12 July, 2007.

Mr. Osteen stated he had attended the Downtown Design Committee meeting. The committee had met with City Council and the Board of Architectural Review and met to discuss discrepancies in the various zones.

Ms. Lewis had no report on her committees. However, she expressed her gratitude for City Council recognizing the work of the Route 250 Interchange Steering Committee and for moving that process forward.

Mr. Mitchell had no report.

### **C. CHAIR'S REPORT**

Mr. Fink stated a new member, Cindy Zug, had been appointed to the Board of Zoning Appeals. The Eastern Connector Committee did not meet. A joint meeting with the Albemarle County Planning Commission would be set to discuss transportation issues. Mr. Fink recognized Mr. Pearson, Mr. Farruggio, and Ms. Lewis, who had participated in the bike ride for MS and whose team had raised over \$20,000.

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

Ms. Creasy gave the staff report. She noted that Ms. Cooper would be leaving NDS on 31 July.

#### **E. APPOINTMENT OF NOMINATING COMMITTEE**

Mr. Fink stated Ms. Lewis and Mr. Farruggio had been appointed to serve as the nominating committee. They would need to report back in two meeting's time with a slate of candidates.

#### **III. CONSENT AGENDA**

##### **F. CONSENT AGENDA**

##### **1. List of site plans and subdivisions approved administratively**

##### **2. Site Plan -- Madison Place PUD, Phase II -- Corner of Madison Avenue and Meadow Street**

##### **3. Entrance Corridor -- Chevy Chase Bank -- 1200 Emmett Street**

##### **4. Minutes -- June 12, 2007 -- Pre meeting**

##### **5. Minutes -- June 12, 2007 -- Regular meeting**

##### **6. Minutes -- June 26, 2007 -- Work Session**

Mr. Fink stated Item 2 would be pulled from the Consent Agenda.

**Mr. Pearson moved to approve the Consent Agenda excepting Item 2. Ms. Lewis seconded the motion. Ms. Lewis asked if a list of site plans and subdivisions had been provided. Mr. Fink stated they had. Mr. Fink called for a voice vote. The motion carried unanimously.**

Mr. Osteen stated the Chevy Chase Bank made substantial improvements since the first time the Commission saw it. He thanked the applicant and their architect for doing a nice job of reworking the plan and reconsidering some previous decisions. Mr. Farruggio seconded Mr. Osteen's comments.

Ms. Lewis noted she had forgotten a friendly addition to the minutes from the last meeting: The applicant for Carver at Preston had really worked hard to respond to the Commission's concerns and wishes on the application. She asked that the minutes reflect that several of the Commissioners had thanked the applicant for adhering to the Commission's vision for what should go on with their building. Mr. Pearson stated he would accept that as a friendly amendment to his motion.

Mr. Fink suggested the Commission consider Item 2 while waiting for the public hearing to start at 7 p.m.

##### **F.2. Site Plan -- Madison Place PUD, Phase II -- Corner of Madison Avenue and Meadow Street**

Ms. Creasy gave the staff report. Phase I of the PUD was done in 2000; Phase II came before the Commission in 2004 for the PUD review. This site plan generally complies with the PUD concept that was proposed in June of 2004. A minor amendment was approved in compliance with the Code to allow for widening the right of way on Meadow Street. This is a proposal for the construction of five single-family detached units with four fronting on Meadow Street and one fronting on Madison Avenue. Staff

recommends approval of the preliminary site plan. Some small issues need to be completed at the final phase including landscape issues such as clarification of the number of trees of each type.

Mr. Farruggio moved to approve the site plan for Madison Place PUD Phase II including the comments from Ms. Creasy and request that this be brought back before the Commission. Mr. Mitchell seconded the motion. Ms. Lewis cited Section 34-867(4) of the Code of the City of Charlottesville and stated she did not find that the site plan satisfies that. She stated she could not support the motion. Mr. Mitchell stated Ms. Lewis had a point and he withdrew his seconding of the motion. Ms. Lewis stated the preliminary site plan was lacking by not including required elements.

Mr. Paul Beyer, the applicant, expressed his understanding of Ms. Lewis's comments. He stated the site plan should have been double checked before submission. He asked to defer the application.

Mr. Farruggio withdrew his motion.

**Ms. Lewis moved to defer to make sure that all elements of the site plan were met. Mr. Pearson seconded the motion. The motion carried unanimously.**

#### **IV. JOINT PUBLIC HEARINGS (Beginning at 7:00 p.m.)**

##### **G. JOINT PUBLIC HEARINGS**

**1. CP-07-07-17:** (Comprehensive Plan) The Charlottesville Planning Commission will hold a public hearing on the proposed 2007 Comprehensive Plan for the City of Charlottesville on Tuesday, July 10, 2007, at 7:00 p.m. in the City Council Chambers in City Hall, 605 East Main Street, Charlottesville, Virginia. The purpose of the Comprehensive Plan is to provide a guide, with long-range recommendations, for the coordinated and harmonious development of property within the City. Elements that are addressed in the proposed Plan include Community Values and Characteristics, Economy, Historic Preservation, Environment, Land Use, Transportation, Housing, Community Facilities, Recreation, and Utilities. The Plan also identifies Community Wide Issues; Goals and Objectives, and recommended Actions for implementation of the Plan. Following the public hearing the Planning Commission may approve, amend and approve or disapprove the proposed Comprehensive Plan. If approved, the Commission will recommend the Plan to the Charlottesville City Council.

Ms. Creasy gave the staff report. The Code of Virginia requires that the Comprehensive Plan be reviewed every 5 years. Review of the 2001 Comprehensive Plan was begun in 2005 and it was determined updates were needed. Many efforts have been made to involve the public in the Comprehensive Plan revision process. Staff has posted drafts of the Comprehensive Plan online and updated as it changes.

Mr. Fink called for questions of staff from Commissioners and Councilors.

Ms. Hamilton sought clarification that the data for the Demographics section was based on the 2000 Census. Ms. Creasy stated it was but there had been supplementation from other sources.

Mr. Fink opened the public hearing.

Ms. Colette Hall, of 101 Robertson Lane, wanted to know what happens after the Comprehensive Plan is approved by City Council as issues are not enforced at this time.

Mr. Bill Emory, of 1604 East Market Street, recognizing the importance of this document, asked the Commission to hold off on approving this for another month and directly solicit all of the Neighborhood Presidents for input. He asked that the neighborhood plans be included in the Comprehensive Plan as they had been previously.

Mr. Peter Kleeman, of 407 Hedge Street, recognizing that it was a large document, stated having a Comprehensive Plan that was a snapshot every five years makes the development and analysis of it more formidable. He suggested that, since there were ten to 15 elements, several elements could be addressed on an annual basis.

Ms. Genevieve Keller, of 504 North First Street, thanked Ms. Scala for her work on the Plan. She asked that homeowners be included in the tax credits mentioned in Chapter 5. She suggested that Chapter 7 have a sentence acknowledging the substantial role of the citizenry in encouraging, advocating and promoting historic preservation. She also asked that increased density be tempered with the potential effects on historic resources.

Ms. Heather Heilmann, a legal intern at the Southern Environmental Law Center of 201 West Main Street, presented the Commission with a list of concerns. She stated the SELC did support any plan to create a stormwater utility.

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

Mr. Pearson thanked Ms. Hall for her question and stated that the Comprehensive Plan played an important role on major zoning and land use decisions. It provides a basis for justifying decisions. He stated he would like to hear from other Commissioners or the City Attorney about the legal strength and use of the Plan as asked by Ms. Hall. Mr. Brown, Esquire, stated the Comprehensive Plan was a guide to the future of development of the City and not a set of enforceable rules and guidelines.

Ms. Lewis wanted clarification of the interplay between the individual neighborhood plans and the Comprehensive Plan. Ms. Creasy stated they were an appendix to the Plan and were taken into account in the planning process.

Mr. Osteen stated his agreement with Mr. Kleeman's comments about breaking this down into manageable components.

Ms. Lewis wanted to recognize and thank those who had worked on this: Karen Firehock, Craig Barton, Kevin O'Halloran, Mike Svetts, Jeanie Alexander, Mary Joy Scala, Amanda Scofield, Amy Kilroy, Bill Lucy, the neighborhood presidents, Charlottesville Community Design Center, Missy Creasy, Jim Tolbert, and Jon Fink.

Mr. Fink stated everyone who worked on the review during the 18 months should be acknowledged.

**Mr. Farruggio made a motion that they move the Comprehensive Plan forward, approving it, pushing it forward to the City Council. Ms. Lewis seconded the motion. Mr. Mitchell wanted to know what the process would be from this point. Ms. Creasy stated if it was approved, it would move forward to City Council for them to approve the document. Once the document is approved, implementation would begin. Ms. Creasy called the roll. The motion carried unanimously.**

Mr. Tolbert stated they had a much better document. He expressed appreciation for the work of Staff, the Commission, and the community.

**2. ZM—07-07-19:** A petition to rezone from R-1S Residential to Planned Unit Development (PUD), with proffers, for the property along Rialto Street. The application is to increase the density to allow single family dwellings of different types. Proffers include donation of lots to the Charlottesville Police Department Foundation, construction of public sewer main, and a monetary contribution for a stream restoration project on Moore's Creek. These properties are further identified on City Real Property Tax Map Number 59 as parcels 375, 375.1 and 379, having 390 feet of frontage on Rialto Street and containing approximately 98,000 square feet of land or 2.25 acres. The general uses called for in the Land Use Plan of the Comprehensive Plan are for Single Family Residential of three to seven units per acre. Report prepared by Brian Haluska, Neighborhood Planner.

Mr. Haluska gave the staff report. He provided the Commissioners with a copy of a letter about the application which had been received that afternoon. A preliminary meeting had been held in June. Issues had arisen due to the open space requirement. The proposal is for 19 units; under R-1S there could be eight to 16 units. Staff is concerned about the bioswale behind the residences. The sewer line in this area of the City is over capacity and cannot handle additional development. The open space requirement can be reduced by City Council in situations where, through creative design, or in light of the nature and extent of active recreational facilities provided it deems the over all objectives of the PUD are best served by this reduction.

Mr. Fink wanted clarification of the engineering concern about the sewer system. He did not feel there was enough information to make an intelligent decision on the application.

Mr. Fink called for questions of Mr. Haluska.

Ms. Hamilton wanted to know how the proffer of four housing units to the Charlottesville Police Department Foundation would affect affordable housing. Mr. Haluska stated he did not know and would defer to the applicant on that matter.

Mr. Fink recognized the applicant.

Mr. Andrew McGinty, of 1102 Little High Street, was present to answer questions.

Ms. Hamilton wanted to know if the Fair Housing laws would prevent the four houses going to police officers and police personnel. Mr. McGinty stated he did not know.

Mr. McGinty stated they were only looking at doing 12 units until the sewer line was upgraded. Mr. Fink advised the applicant it could be years and years before the replacement line comes through.

Mr. Fink stated the Commission could not allow open space of less than 15 percent.

Mr. Osteen wanted to know if the applicant had addressed Staff's concerns about the bioswale. Mr. McGinty recognized his colleague, Mr. Eugene Young. Mr. Young stated the bioswale would take the water that was coming down on the properties and redirecting it into another bioswale and two biofilters.

Mr. Fink wanted to know what would happen to the houses if the bioswale failed. Mr. Young explained that in doing the watershed analysis there was not enough water to be that detrimental.

Ms. Lewis sought clarification as to why the Commission should waive the open space requirement. The applicant stated it allows them to make a contribution to the Policemen's Fund.

Mr. Fink opened the public hearing.

Mr. Bill Fritz, of 1506 Rialto Street, stated that adjacent landowners had been speaking with the developer and had agreed to a mutual closing of the undeveloped portion of Palatine Street.

Mr. Sam Towler, of 1601 Green Street, spoke in favor of the proposal.

Mr. Dan Goodall, of 2578 Holcomb Drive and a member of the Board of Directors of the Charlottesville Police Department Foundation, expressed gratitude for the proffer of four lots. He explained the Foundation would transfer the lots on the open market and using the funds for their Housing Initiative.

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

Mr. Fink stated he had a lot of apprehension about this application. He expressed concern that there were no plans about phasing. He stated he could not support this application as presented.

Mr. Farruggio stated he liked the proffers. He had less concern about the open space and was more concerned about the sewer capacity. He also expressed concern about the bioswale and pedestrian access.

Mr. Osteen also expressed concern about the sewer system and the idea that this could be a phased development. He stated he was not as concerned about the open space.

Mr. Pearson also stated the open space was not a big issue for him. He supported the spirit of the proffer to the Charlottesville Police Department Foundation, but he expressed concern that this proffer did not seem appropriate since it does not directly mitigate the impact of the proposed density. He asked Mr. Brown to comment.

Ms. Lewis also expressed concern about the stormwater/sewer capacity issue. She did not think the Commission could waive the open space requirement based on Section 34-493 of the Code of the City of Charlottesville.

Mr. Mitchell expressed concern about the sewer issues and the pedestrian issues.

Ms. Lewis stated their standard of review was whether the existing zoning is reasonable and whether the proposed zoning classification is reasonable. She thought the Commission would like for there to be a deferral.

Mr. McGinty requested a deferral.

**Ms. Lewis moved deferral on application ZM—07-07-19. Mr. Osteen seconded the motion. Ms. Lewis stated the applicant might want to look at phasing and discuss with the City the capacity of the sanitary sewer lines and when that timing and phasing might be. Ms. Lewis stated she would like to see details on the phasing. Ms. Creasy called the roll. The motion carried unanimously.**

Mr. Fink called for a recess. The meeting stood at recess at 8:53 p.m.

Mr. Fink reconvened the meeting at 9:02 p.m.

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

### **H. SUBDIVISION**

#### **1. Cleveland Naylor -- Preliminary and Final -- two Residential Lots and a road extension**

Ms. Walden gave the staff report. The applicant proposes to subdivide a vacant lot into two lots. The lots conform to the requirements of the subdivision and zoning ordinance. Both building sites stay clear of the heavily vegetated areas of the site and areas that contain steep slopes. Twelve to 14 trees between eight and 46 inches in caliper will need to be removed for the buildings. The applicant would like the Commission to consider waiving the sidewalk requirement on the northern portion of the right of way. Staff recommends preliminary and final approval of the Cleveland Avenue plat as presented.

Mr. Fink wanted to know if there was any buffer requirement. There was not.

Mr. Dustin Greene, of 1115 Elliot Avenue, was present on behalf of the applicant. He stated the sidewalk waiver was being requested because the houses back onto this street and because it is at the end of a turnaround.

Mr. Farruggio wanted to know if the applicant would be amenable to having a planting strip. Mr. Greene stated that if they were granted the sidewalk waiver on the north side of the street, he would be more than happy to suggest that to his client.

Mr. Osteen wanted to know if there were more development rights to the property. Mr. Greene stated the residue was in the critical slopes area.

Mr. Farruggio expressed concern about building an extra 40 feet of road which is a great deal of expense. He stated it did not seem to be in the best interest of the City.

**Mr. Farruggio moved to approve the preliminary and final subdivision of Cleveland Avenue Parcel 118 plat as presented with the exception of no sidewalk on the north side. Ms. Lewis seconded the motion. Mr. Pearson stated a five foot sidewalk would be highly beneficial in addition to a planting strip. Mr. Osteen stated he could not support this. He stated the drawings did not express to him what was intended with the property. Ms. Creasy called the roll. The motion passed, 4-2; Mr. Osteen and Mr. Fink voted against.**

### **I. PRELIMINARY DISCUSSION**

#### **1. Ridge and West Main Street Rezoning**

Ms. Walden gave the staff report. The applicant, Bob Englander of the Cathford Group, is petitioning on behalf of property owner Mooney West Main Street LLC to rezone 301 and 315 West Main Street and adjacent property located on 4th street, which are currently zoned West Main North Corridor, allowing 23 dwelling units per acre and 4 stories, to Downtown Corridor, allowing 86 dwelling units per acre and 101 feet by right. The applicant proposes a nine story mixed use building. The applicant has submitted a proffer to limit the access points to 4th Street and McIntire Road and provide streetscape improvements along the right of way. The Downtown Development Committee has recommended rezoning the



downtown area; this property would be within the new zone. NDS staff suggested the applicant request rezoning as no one knew when the recommendations would go forward.

Mr. Fink recognized the applicant.

Mr. Bob Englander, of 1007 West Avenue, Richmond, was present to answer questions.

Mr. Farruggio wanted to know the plans for parking and access on McIntire Road. Mr. Englander stated there needed to be some flow of traffic in and out of the site. He stated the majority of the access would be off 4th Street. Mr. Englander added those conversations were had with City Traffic Engineers.

Mr. Farruggio wanted to know the applicant's plans for the sidewalks along McIntire. Mr. Englander stated they needed to be widened. He stated the Main Street sidewalk would be repaved.

Mr. Fink wanted to know how this proposal would bring value to the community. Mr. Englander stated this was one of the few 100 percent corners in the City as it was a gateway north and south and east and west in the City. He stated it was a site that demanded a signature building.

Mr. Osteen sought clarification of how the changes impacted the commercial element. Mr. Englander stated there would now be five to six boutique shops with all of the entrances on Main and McIntire with very little interior access.

Ms. Lewis stated the mixed use programming of the building at this corner was very exciting. Ms. Lewis stated the corridor did need service businesses as well as boutiques. She stated she would like to see a retail entrance off McIntire.

Ms. Lewis wanted to know how the four vehicular entrances act as proffers to mitigate the impact of putting four times the by right development of residential units there. Mr. Englander stated they were trying to determine the highest and best use of the site for the community. He stated it would give visibility to the community.

Ms. Lewis did not know how relegating traffic off Main Street would benefit the public.

Mr. Fink felt there was much more possibility to be had there.

Mr. Pearson suggested adding trees as a buffer between people and cars would be a great way to enhance the intersection.

Mr. Farruggio stated the Commission had made suggestions about: sidewalks, street trees, inclusion of affordable housing, LEED standards, and building frontages on both streets.

Mr. Mitchell suggested Mr. Englander work with Staff to work through infrastructure issues and to think about creative ways to help with that.

**Mr. Farruggio moved to adjourn until the August meeting. Mr. Pearson seconded the motion. The motion carried unanimously whereupon the meeting stood adjourned at 10:21 p.m.**