

**DRAFT MINUTES
CITY OF CHARLOTTESVILLE
PLANNING COMMISSION
TUESDAY, 13 MAY, 2008 -- 5:30 P.M.
CITY COUNCIL CHAMBERS**

Commissioners present: Commissioners

Mr. Jason Pearson (Chairman)
Mr. Michael Farruggio (Vice-Chairman)
Ms. Cheri Lewis
Mr. Michael Osteen
Ms. Genevieve Keller
Mr. David Neuman, Ex-officio, UVa Office of the Architect

Not Present:

Mr. Hosea Mitchell
Mr. Dan Rosensweig

Staff Present:

Ms. Missy Creasy
Mr. Brian Haluska
Ms. Mary Joy Scala

City Council Members Present:

Mr. Dave Norris, Mayor
Mr. Julian Taliaferro, Vice Mayor
Ms. Holly Edwards
Mr. Satyendra Huja

Also Present:

Mr. Richard Harris, Deputy City Attorney

II. REGULAR MEETING

Mr. Pearson called the meeting to order at 5:33 p.m.

A. COMMISSIONERS' REPORTS

Ms. Lewis stated the joint City/County Housing Committee had met and was getting traction on issues they had identified.

Mr. Osteen stated the BAR had had a special meeting on April 29th besides its regular meeting. The special meeting had looked at 12 individual properties for which the Board was hoping to designate local historic protection.

Mr. Farruggio stated all of his committees had met. The Federation of Neighborhoods had met with the City Manager to discuss the water plan. The Parks and Recreation Committee was working on the master plan for the west side of McIntire Park. The Eastern Connector Committee would be talking about how the Connector would move forward.

Ms. Keller had no report as she had no committee assignment.

Mr. Neuman stated the Annual Community Day luncheon would be June 18; the theme would be Cultural Heritage.

B. CHAIR'S REPORT

Mr. Pearson had been unable to attend the Thomas Jefferson Planning District Commission meeting. He noted the Executive Director of the TJPDC would be leaving the Commission for a position in the private sector.

C. DEPARTMENT OF NDS/STAFF REPORTS

Ms. Creasy stated NDS had received a comment from the public about a potential zoning violation; she had been attempting to address those concerns.

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

There were no matters from the public.

E. CONSENT AGENDA

1. List of site plans and subdivisions approved administratively

2. Minutes - April 8, 2008 – Pre-meeting

3. Minutes - April 8, 2008 – Regular meeting

4. Minutes – April 22, 2008 – Work session

Ms. Keller stated she had submitted some minor changes to the minutes in writing. Ms. Lewis suggested amending the action item under Steep Slope Waivers of the April 22 minutes to reflect that she would be happy to assist in an effort to rewrite the Steep Slopes Ordinance.

Ms. Lewis moved to approve the Consent Agenda of site plans and subdivisions, minutes from the April 8th meetings and April 22nd meeting. Ms. Keller seconded the motion. The motion carried unanimously.

Mr. Pearson called for a brief recess whereupon the meeting stood at recess at 5:45 p.m.

Mr. Pearson reconvened the meeting at 6:01 p.m.

F. PRESENTATION ON REDUCING RUNOFF FROM NEW DEVELOPMENT

Mr. Morgan Butler, of the Southern Environmental Law Group, gave a PowerPoint presentation on a report produced in collaboration with the Rivanna Conservation Society, UVA Law School's Environmental Law and Conservation Clinic. This was followed by a brief question and answer session.

Mr. Farruggio wanted additional information on whether the state code would need to be changed to make the grading area more strict. Mr. Butler explained the state code provides that localities can adopt stricter standards than the state regulations.

Mr. Farruggio wanted to know what plans were in place for taking this to the County.

Mr. Butler explained the presentation was part of a larger project that was looking at every locality within the Rivanna River watershed.

Ms. Keller asked if SELC has considered the implication of the study for existing neighborhoods and commended that such information would be helpful in reviewing site plans for redevelopment proposals in existing build out areas.

Mr. Farruggio thanked the presenters for their work.

Ms. Lewis also thanked the presenters for the information and hoped the City would be able to move forward with the recommendations.

Mr. Pearson called for a brief recess, whereupon the meeting stood at recess at 6:26 p.m.

Mr. Pearson reconvened the meeting at 6:30 p.m.

III. JOINT PUBLIC HEARINGS

G. JOINT PUBLIC HEARINGS

1. SP-08-04-04: (1311 Wertland Street) An application for a special use permit for increased density on the property at 1311 Wertland Street. This is a request to increase density from 21 DUA to 46 DUA which includes a change of use from 2600 square feet of commercial space and one residential unit to 1300 square feet of commercial space and 3 residential units. This property is further identified on City Real Property Tax Map #4 as parcel 301, having approximately 60 feet of frontage on Wertland Street and containing approximately 2831 square feet of land or 0.065 acres. The general uses called for in the Land Use Plan of the Comprehensive Plan is for Office Uses.

Mr. Haluska gave the staff report. There would be no external changes to the building. Currently the top floor is used for a one unit apartment complex while the first and second floors have commercial use. The applicant proposes changing the second floor to two one-bedroom apartments. The site has an approved site plan to provide 11 parking spaces; two are on-site and nine spaces are provided at a garage across the street. That arrangement is not allowed under current Zoning. The proposed change would reduce the required parking to a total of nine spaces. Two would be on-site and seven off-site. Staff recommends approval with the following conditions: one, the applicant provides an off-site parking space for the two additional units either at the 14th Street parking garage or within 1,400 feet of the site; two, a written arrangement shall provide verification that their parking requirement has been met; and, three, if for any reason the use of the off-site spaces is limited or discontinued, the owner will be responsible to find alternative parking spaces within 30 days or cease use of the building to the extent that parking requirements can be met.

Mr. Osteen wanted to know how the off-site parking worked. Mr. Haluska stated the applicant had informed Staff he would be leasing a parking space at the garage if the renter desired it.

Mr. Richard Armstrong was present on behalf of the applicant. He explained parking stamps had been purchased. Mr. Armstrong also stated the two spaces in front of the building had always been available when he had visited the building.

There were no questions for the applicant.

Mr. Pearson opened the public hearing. With no one wishing to speak to the matter, Mr. Pearson closed the public hearing.

Mr. Pearson called for comments from the Commissioners.

Mr. Osteen had no issues with the changing use of the building. He felt residential would be more appropriate than a second floor walk up business in that neighborhood. He expressed concern that the site plan had been approved in 1998 and there was no opportunity for the City to engage the property owner about possible site plan changes. He expressed concern about the lack of shade trees and the amount of impervious space around the building. He felt that since two less spaces were required, the two on-site could be removed to improve the streetscape.

Ms. Keller stated she had no concerns about the number of parking spaces.

Ms. Lewis expressed her support of encouraging mixed use towards more residences. She agreed with Mr. Osteen's design criticism of the existing landscaping; however, she was not sure the Commission could attach conditions on a Special Use Permit that would not mitigate specific conditions that would be created by the granting of the Special Use Permit.

Mr. Farruggio agreed with Mr. Osteen's concern about the streetscape. He stated he would like to see a condition of this be improving the streetscape.

Ms. Keller expressed concern about preserving commercial viability within the City. She felt this particular business required access at the building point. She expressed an inclination to leave the parking there because of the nature of the commercial use.

Ms. Keller moved to recommend approval of this application to allow a special use permit in the B-1 commercial district for an increase in density to 46 dwelling units per acre at 1311 Wertland Street. Ms. Lewis offered a friendly amendment that the motion include the three conditions recommended by Staff: that the applicant provides an off-site parking space for the two additional units either at the 14th Street parking garage or within 1,400 linear feet of the site; that they needed a written receipt or agreement providing verification that the requirement has been met; and, three, if the off-site spaces are limited or discontinued, that the owner to whom they are granting the Special Use Permit will be responsible for finding alternative parking spaces within 30 days, and provide that evidence to the City, or the use will be discontinued. Ms. Keller accepted the friendly amendment. Ms. Lewis seconded the amended motion. Ms. Creasy called the roll. The motion passed, 4-1; Mr. Osteen voted against.

2. SP-08-04-05: (830 Monticello Avenue – Belmont Baptist Church) An application for a special use permit amendment to the June 5, 2006 approval to increase the number of children enrolled at the International School of Charlottesville from 50 to 99 children on the property at 830 Monticello Avenue. A special permit for a daycare in this location is currently in effect. This property is zoned R-1S, a classification requiring a special permit to operate a daycare. This property is further identified on City Real Property Tax Map 58 as parcel 219, having approximately 144 feet of frontage on Monticello Avenue and containing approximately 18,165 square feet of land or 0.417 acres. The general uses called for in the Land Use Plan of the Comprehensive Plan is for Single Family Residential.

Mr. Haluska gave the staff report. The hours of operation are 7 a.m. to 7 p.m. The applicant is currently operating at two sites and would like to have all operations in a single site. The applicant consulted with the building official as to what the maximum enrolment could be in the facility. Staff's primary concern was the traffic and parking. Eight parking spaces are required; an adjacent parking lot can accommodate more cars. Staff's observation of morning drop off of students revealed no traffic conflicts. Staff looked into the feasibility of a mid-block crosswalk; this would require an ADA ramp. Staff recommends approval with the following conditions: a maximum enrolment of 99 children per day without amendment of the Special Use Permit; and the hours of the school would be limited to 7 a.m. to 7 p.m. Monday through Friday.

Ms. Keller wanted to know how many times traffic had been observed and at what times. Mr. Haluska stated he had been there at approximately 8:30 a.m.; most of the traffic had been related to the daycare center.

Ms. Keller wanted to know if there was a uniform pick up time. Mr. Haluska asked that that be referred to the applicant.

Mr. Tom Nachbar, of 1636 St. Anne's Road, was present on behalf of the applicant. He explained the school day started at 9, so drop off ran from 8 to 9. He stated there were three different ending times: noon, 3, and 5 or 5:30. He stated the peak traffic time was in the morning.

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

Mr. Farruggio expressed concern about doubling the amount of students and the increase in traffic during drop off. He wondered if there should be a more well defined sidewalk if the numbers were doubled. Mr. Farruggio felt the crosswalk was not a solution.

Ms. Keller shared Mr. Farruggio's concern. She also wondered if some other indication of school activity rather than a crosswalk would be effective. Ms. Keller stated she would be inclined to support this because it was very difficult to find the right zoning to locate a preschool. She would like to see the sidewalk extended to encourage walkability.

Ms. Lewis stated that as Staff had not perceived any problems with drop off and there was no report that doubling the students would create a more dangerous situation, she saw no factual basis to require that sort of condition on this application. Noting that her colleagues were concerned about the safety of escorting children across the street, she suggested they craft a condition for the safe provision of arrival and departure of students and their parents to and from the school who arrive by vehicle. Mr. Nachbar stated the applicant would be even stricter about that than the City would require.

Ms. Edwards wondered if, among the current staffing of the facility, there was someone who could be devoted as a crossing guard during those peak times. Mr. Nachbar stated it was possible. He also noted the parents were required to walk their children into the school but he did think it was possible to have someone do that.

Ms. Lewis moved to recommend approval of this application for amending the Special Use Permit in the R1-S zone for the International School of Charlottesville daycare use at 830 Monticello Avenue to permit a daycare center serving no more than 99 students per day with the conditions that the hours

of operation of the school be limited to 7 a.m. to 7 p.m. Monday through Friday and that the school provide safe arrival and departure of students and their parents to and from the school who arrive by vehicle. Mr. Farruggio seconded the motion. Ms. Creasy called the roll. The motion carried unanimously.

IV. REGULAR MEETING ITEMS (Continued)

H. BROOKWOOD PHASE VI

1. Entrance Corridor Review

Ms. Scala gave the staff report. The applicant is requesting a Certificate of Appropriateness for 13 townhouse units on the south side of Brookwood Drive; five are proposed in Phase VI and eight units are proposed in the revised Phase IV. The design of the eight units for Phase IV are identical to those in Phase V that were approved in December. The units for Phase VI are of a traditional townhouse design. Due to the placement of sewer and water lines, street trees cannot be placed right next to the sidewalk. Staff was concerned about the proposed windows of the townhouses in Phase VI. They did not comply with the original conditions of approval for future submittals visible from the corridor. However, the windows do comply with Phase V and the new revised Phase IV. Ms. Scala suggested the windows be changed to ones with exterior grills. Staff had received one letter from the public expressing concern about the parallel parking spaces and suggesting that they be shielded from the view of Fifth Street.

Mr. Keith Lancaster, of 1613 Meadowbrook Heights Road, and Mr. Charlie Armstrong, of Southern Development, were present on behalf of the applicant.

Mr. Armstrong stated they would be willing to change the windows if the Entrance Corridor Board felt it would be appropriate. They had not considered using it due to the cost as they were trying to make these units more affordable.

Mr. Pearson called for questions of the applicants. There were none.

Mr. Pearson closed the Planning Commission meeting to open the Entrance Corridor Review Board. He then called for discussion.

Mr. Osteen expressed concern about the site layout since it had been presented in phases. He noted that the Guidelines refer to this Corridor vision being a wooded hillside; the hill and trees had been wiped away.

Ms. Lewis felt the design of Willoughby had been more honest and clever than this proposal.

Mr. Farruggio echoed his colleagues' points. He did not think this met the Entrance Corridor guidelines.

Ms. Keller stated this was a difficult project for her since she had entered it when it was three-quarters complete. She had design issues with the entire development and echoed the concerns of her colleagues.

Mr. Armstrong noted that most of the issues were with the buildings that front Fifth Street. He stated they would like a chance to go back and work on those some more. He asked if approval could be granted for the eight units of revised Phase IV and defer the Certificate of Appropriateness for the five on Fifth Street.

Mr. Farruggio noted the issues were with impervious surfaces, parking places, shades, and sidewalks.

Mr. Armstrong suggested that, if his proposal could not legally be considered, the whole matter be deferred.

Mr. Osteen stated if they could legally separate the application, he would support the suggestion.

Ms. Lewis suggested they discuss the eight units.

Mr. Osteen did not feel strongly about the windows for the eight units.

Mr. Farruggio expressed concern about the depth of parking for the driveways. Ms. Scala stated the site plans showed a deeper driveway than those previously approved.

After review, Mr. Harris stated he had no problem with the Entrance Corridor Review being split. However, the site plan could not be split.

Ms. Lewis moved to approve the Entrance Corridor Certificate of Appropriateness for the eight units located in Phase IV in Brookwood with the condition that the parking areas be expanded 18 feet beyond the required sidewalk next to the units. Mr. Osteen seconded the motion. Mr. Farruggio stated his primary concern was the pedestrian connectivity along the whole stretch of road. Ms. Creasy called the roll. The motion passed, 4-1; Ms. Keller voted against.

Mr. Lancaster requested a deferral for the units adjacent to Fifth Street as well as the parking lot behind the units.

Mr. Pearson closed the Entrance Corridor Review Board and reconvened the Planning Commission meeting.

2. Preliminary Site Plan

Mr. Lancaster requested deferral of the site plan for Brookwood Phase VI.

With no other business to consider, Mr. Pearson stated he would entertain a motion to adjourn. Mr. Farruggio so moved. Ms. Lewis offered a friendly amendment that they be adjourned to the second Tuesday of June. Mr. Farruggio accepted the friendly amendment. Ms. Lewis seconded the motion. The motion carried unanimously whereupon the meeting stood adjourned at 8:13 p.m.