

DRAFT MINUTES

CITY OF CHARLOTTESVILLE

PLANNING COMMISSION

TUESDAY, 12 JUNE, 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. Bill Lucy (Vice-Chairman)

Ms. Cheri Lewis

Mr. Michael Farruggio

Mr. Hosea Mitchell

Mr. Jason Pearson

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

Commissioners Not Present:

Mr. Jon Fink (Chairman)

Mr. Michael Osteen

Staff Present:

Mr. Jim Tolbert, AICP, Director NDS

Ms. Missy Creasy

Mr. Brian Haluska

Ms. Ebony Walden

Ms. Mary Joy Scala

City Council Members Present:

Mr. David Brown, Mayor

Mr. Kevin Lynch

Mr. Dave Norris

Mr. Julian Taliaferro

Also Present

S. Craig Brown, City Attorney

II. REGULAR MEETING

In the absence of Mr. Fink, Mr. Lucy convened the meeting at 6:31 p.m.

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

There were no matters from the public.

B. COMMISSIONERS' REPORTS

Mr. Farruggio stated the Federation of Neighborhoods Presidents Association had not met with the City Manager in the past month. The MPO Tech Committee meeting conflicted with an Interchange meeting so he did not attend it. The Parks and Recreation Advisory Committee met and discussed the summer programs. The YMCA held a Board meeting and also a public meeting at Carver Recreation Center. At the public meeting, which was very well attended, the committee discussed the state of the City Parks and Rec facilities and programs and the idea of joining with an outside organization.

Mr. Pearson stated the Thomas Jefferson Planning District Commission had met and seen a presentation about a Green Infrastructure Plan from TJPDC staff and students from the University of Virginia.

Ms. Lewis attended the Route 250 Interchange Steering Committee meeting where there had been further discussion about the merits of the perceived first choice of configurations.

Mr. Mitchell had nothing to report.

C. CHAIR'S REPORT

There was no Chair's Report.

D. DEPARTMENT OF NDS/STAFF REPORTS

There was no NDS/Staff report.

E. UVA Master Plan Update

Mr. Neuman gave a PowerPoint presentation.

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

F. CONSENT AGENDA

- 1. List of site plans and subdivisions approved administratively**
- 2. Subdivision -- Cleveland Naylor -- Preliminary and Final -- two Residential Lots and a road extension**
- 3. Minutes -- May 1, 2007 -- Work Session**
- 4. Minutes -- May 8, 2007 -- Pre meeting**
- 5. Minutes -- May 8, 2007 -- Regular meeting**
- 6. Minutes -- May 15, 2007 -- Work Session**
- 7. Minutes -- May 22, 2007 -- Work Session**

Mr. Lucy stated there had been a request to remove item 2 from the Consent Agenda. **He asked if there was a motion to approve the remaining items in the Consent Agenda. Mr. Pearson so moved. Ms. Lewis seconded the motion.** Ms. Lewis wanted to know why the first subdivision plat on the list of site plans and subdivisions approved administratively was not considered a major subdivision plat and she also wanted the minutes of 8 May to reflect that they adopted and not accepted the operation memo by unanimous vote that evening. Ms. Creasy stated there were fewer than ten lots involved, making this a minor subdivision plat. Ms. Lewis asked that that subdivision be pulled out of the list approved administratively. Mr. Tolbert stated his belief that it had been a simple boundary line adjustment but it could be discussed later when Mr. Haluska was present. **The motion carried unanimously.**

IV. JOINT PUBLIC HEARINGS

G. JOINT PUBLIC HEARINGS

1. Closing of a portion of Valley Road: A petition to close a portion of Valley Road a distance of approximately 438 feet long and 30 feet wide between 500 Valley Road and Brandon Avenue.

Ms. Walden gave the staff report. The University of Virginia requests that the City of Charlottesville permanently close a 438 foot portion of Valley Road from Brandon Avenue to 500 Valley Road to benefit the South Lawn Project. A cul-de-sac will be constructed. Pedestrian access will be provided from Jefferson Park Avenue and Brandon Avenue to Valley Road via a six foot pedestrian path. The City currently maintains the street which is accepted into the city street system. There are existing gas, water, and sanitary sewer utility lines as well as stormwater drainage facilities within the area. These will be vacated. The average fair market value of adjoining land would be nine dollars per square foot making the value \$118,242. Vacation of this street or alley would landlock eight parcels which would become part of the South Lawn project. Adjoining property owners will be slightly inconvenienced as they would have to access their properties from Jefferson Park Avenue. The benefit to the public of this road closure is the reduction of cut-through traffic from Brandon Avenue to Jefferson Park Avenue via Valley Road. Since the report was written, three members of the public had voiced concerns to Staff. Since a portion of Valley Road is near an historic district, the cul-de-sac design was reviewed by the BAR, which recommended approval with the suggestion that the prohibition of parking be considered around the cul-de-sac and that emergency access be verified. The fire department has recently stated that the closing of this portion of Valley Road will increase response time by about three to four minutes. The two most reasonable options to mitigate this impact would be to providing clear emergency access between the two new dead-ends which would have to be negotiated with the University. Staff concludes that the proposed vacation of this street would be consistent with the City's street closing policy and the Comprehensive Plan. Staff recommends approval of this application with a reservation of stormwater, gas, water, and sanitary sewer easements. Staff also recommends that a public access easement be reserved for the pedestrian way that connects Brandon Avenue to Valley Road.

Mr. Lucy called for questions of Ms. Walden.

Mr. Mitchell asked for additional information about emergency access. Ms. Walden stated the access would be 25 feet in width, located to the rear of the South Lawn Project. For the neighborhoods, the fire department would have to access Valley Road from Jefferson Park Avenue.

Ms. Lewis wanted to know if cut through traffic was a problem for the community. Mr. Tolbert stated it had been when the South Lawn project was first proposed but may not be now.

Mr. Lucy recognized the applicant.

Mr. Charlie Hurt, of the Real Estate Department at the University of Virginia, stated the Neighborhood Association had asked the University to close that portion of Valley Road because of cut through traffic and the University was trying to be a good neighbor. He stated there were no sidewalks in this area and they thought it would create an enhanced pedestrian environment.

Mr. Lucy wanted to know what would be the impact to the project if Valley Road was not closed. Mr. Neuman stated it would be a significant effect.

Mr. Tolbert explained the emergency access concern was for fire rather than police or rescue.

Mr. Lucy opened the public hearing.

Mr. Russell Mooney, of 3050 Seminole Trail and owner of three buildings on Valley Road, stated he was never notified of any neighborhood meetings. He stated his main concern was fire and expressed concern that the ladder truck could not make a left turn onto Valley Road.

Ms. Sharon Luke, of 1203 F T Valley Road in Sperryville and owner of two houses on Valley Circle, expressed concern about pedestrian access and wondered if access would be available during construction.

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

Mr. Farruggio stated he supported closure but was concerned about fire access and city easement access. He wondered if there were any other enhancements that could be made to the neighbors for losing the connectivity.

Ms. Lewis was also concerned about emergency access. She wondered if a median was possible on JPA. She stated she would be in favor of deferring until after the University's Board of Visitors met and could give assurances about pedestrian access. Mr. Lucy wondered what implication deferral would have on the University. Mr. Neuman stated they had planned to close this off this summer. Ms. Lewis stated they were being asked to consider a street closing with specific criteria and then were being told they had no choice but to vote on it this evening and to vote affirmatively because the University had plans.

Mr. Pearson stated his understanding that this issue had only arisen the previous week.

Mr. Farruggio stated he agreed with Ms. Lewis that this felt trapped. He stated he would feel comfortable conditioning this.

Mr. Mitchell stated he did not feel trapped. He stated he would not be able to vote for this without addressing the emergency access issue and the easement.

Mr. Farruggio stated closing the road was a good idea and that it would enhance the neighborhood, but there were other issues that he could not get around.

Mr. Tolbert stated the Commission's role was to determine if this closure was consistent with the Comprehensive Plan. He stated they could have a finding that it was consistent with the Comprehensive Plan only if the emergency fire access issue was resolved to Council's satisfaction before closure.

Mr. Lucy stated the 2007 Comprehensive Plan had not been adopted yet but it did encourage increasing connectivity between neighbors.

Mr. Farruggio moved to certify that the proposed vacation of the 438 foot portion of Valley Road would be consistent with the Comprehensive Plan only if there was a reservation of the following easements: public access, stormwater, gas, water and sanitary sewer easements as well as reservation of a public access easement for emergency vehicles that connects Brandon Avenue to Valley Road, as well as prohibition of parking on the proposed cul-de-sac, and would recommend to the City Council that this street or alley be vacated by ordinance. Mr. Mitchell seconded the motion. Mr. Pearson sought clarification that the easement for emergency vehicles would also function as a pedestrian easement. Mr. Farruggio stated public access as mentioned in the first reservation meant that it probably would be, but it would be a design issue. With no further discussion, Mr. Lucy had Ms. Creasy call the roll. **The motion passed, 4-1; Ms. Lewis voted against.**

2. Meadowcreek Parkway Interchange: Pursuant to Virginia Code section 15.2-2232, the Planning Commission will review the proposed Meadowcreek Parkway Interchange, located at the intersection of US Route 250 Bypass and McIntire Road in the City of Charlottesville, to determine if the general or approximate location, character and extent of the proposed Interchange is substantially in accord with the City's adopted Comprehensive Plan or part thereof. The Planning Commission shall communicate its findings to the Charlottesville City Council, with written reasons for its approval or disapproval. The design concepts of the proposed Interchange may be examined at the Department of Neighborhood Development Services, 610 East Market Street, Charlottesville, Virginia, Monday through Friday between the hours of 8 a.m. and 5 p.m.

Mr. Tolbert gave the staff report. The official name of this project is The 250 Interchange at McIntire Road. The Commission is to determine the consistency of this project with the 2001 Comprehensive Plan as the 2006-2007 Comprehensive Plan was still in development. This matter would be heard by City Council at its 2 July 2007 meeting where they will determine the consistency with the Comprehensive Plan and to select a preferred alternative for the interchange design.

Mr. Owen Peery, of RK&K, gave a PowerPoint presentation. He also provided the Commissioners and Councilors with handouts of the PowerPoint slides. Also present with Mr. Peery was Mr. John Coates.

Mr. Tolbert reiterated that the 2001 Comprehensive Plan speaks to peak congestion and a need to alleviate that congestion. The Meadowcreek Parkway Project is in the Comprehensive Plan; it anticipates an intersection with the 250 Bypass. City Council has, as part of its approval, required a grade separated interchange at the 250 Bypass. The Comprehensive Plan also addresses sidewalk connectivity; this project provides a great deal of pedestrian connectivity. Staff recommendation is that this is consistent with the Comprehensive Plan.

Mr. Brown, the City Attorney, stated the final design of the interchange would be some time late this year. He informed the Commissioners that the statute requiring their review did not require their approval or view of detail of final construction drawings.

Mr. Lucy called for questions.

Mr. Lucy wanted to know if the Commission would have the opportunity to review the proposed interchange. Mr. Brown did not know of a legal perspective that would call for it. However, City Council could ask the Commission to look at it.

Mr. Lucy sought clarification of the meaning of "character" and "extent." Mr. Brown was not sure he could give a lot of guidance on the statutory language of "character" and "extent" as they were quite ambiguous and very broad.

Mr. Farruggio thought that the written reasons for approval or disapproval would be formed in the portion of the motion as had been done in the past by citing specific sections of the Comprehensive Plan or Titles.

Mr. Lucy opened the public hearing.

Mr. Patrick Kelly, of Albemarle County, was present on behalf of the Charlottesville and Albemarle American Legion Post 74 in reference to the Dogwood Vietnam Memorial on the side of the interchange. He read a prepared statement expressing concern that the memorial would be razed to allow for the interchange.

Mr. Peter Kleemen, of 407 Hedge Street, stated the overarching goals of the Comprehensive Plan was to provide a safe, efficient transportation system that reduces single occupancy vehicle travel by prioritizing options for mode of travel while at the same time enhancing the quality of life in the City, facilitating development in priority locations, preserving valued cultural resources, reducing greenhouse gas emissions, and conserving natural resources. He believed the project did not forward any of those overarching goals.

Mr. Morgan Butler, of 201 West Main Street and of the Southern Environmental Law Center, asked that the goals of the Comprehensive Plan are not overlooked in the effort to quickly move forward on the interchange project.

Ms. Colette Hall, of 101 Robertson Lane and president of the North Downtown Neighborhood Association, stated the interchange would affect the North Downtown Neighborhood before affecting any other neighborhood. She stated she had been informed that this interchange would not be built if the Meadowcreek Parkway was not built. She expressed concern about the increase of noise with the interchange.

Mr. John Conover, of 104 West High Street and a member of the Steering Committee, stated this road should improve access.

Ms. Wendy Winkler, of 817-A Cabell Avenue, had signed up to speak but was not present.

Mr. Timothy Hulbert, of 2246 Brandywine Drive and of the Chamber of Commerce, stated he and the Chamber had been strong supporters of the Meadowcreek Parkway but were slow to support the notion of an interchange. He stated the Parkway and interchange were separate and distinct projects. He suggested the Commission recommend to City Council that it is consistent with the Comprehensive Plan.

Mr. Robert Hodous, of 1309 Lester Drive and the Chamber of Commerce representative on the Steering Committee, thanked RK&K for the wonderful work they provided to the Steering Committee. He also

thanked City Staff, particularly Angela Tucker. He stated the interchange would help improve the safety of that intersection.

With no one else wishing to speak to the matter, Mr. Lucy closed the public hearing and called for a brief recess, whereupon the meeting stood in recess at 9 p.m.

Mr. Lucy reconvened the meeting at 9:09 p.m. and called for comments from the Commissioners who had served on the Steering Committee.

Mr. Farruggio stated there has never been any consideration of destruction, paving over, or hiding of the Vietnam Memorial; instead it was important to enhance access and visibility to the Memorial. He stated studies were being done on the noise.

Ms. Lewis stated the Steering Committee had been assured the City had been in contact with caretakers of the Memorial. She reiterated the plan had been to improve visitation to the site. Ms. Lewis thanked Mr. Lynch -- the only Councilor still present at the meeting -- who had chaired the Committee. She commended the Steering Committee for working very hard in a very transparent and non-manipulative process. Ms. Lewis stated the Commission did not need detailed design drawings to make their decision. She felt the design was plainly in accord with the Comprehensive Plan.

Mr. Lucy called for comments from the Commissioners.

Mr. Lucy stated this was a large and important project. He stated there was no Staff report nor was there any guidance on whether the Commission should act on this. Mr. Lucy stated the staff report did say "significant design challenges are yet to be resolved regarding pedestrian crossings due to topography and budget limitations." He stated it seemed a lot of good work has been done but he felt it was not there yet. Mr. Lucy stated it did seem like a rush at this stage. He stated he would vote no.

Ms. Lewis asked the Chair to call the question. Mr. Farruggio stated a motion needed to be made. Ms. Lewis moved to close discussion.

Mr. Farruggio moved that the general or approximate location, character and extent of the proposed interchange is substantially in accord with the City's adopted Comprehensive Plan, or part thereof; reasons for approval are found in the 2001 Comprehensive Plan under Section chapter 10, Transportation, on pages 37, 5, and 19, as well as the Parks section, unknown page number, asking for or requesting greater access to the parks. Ms. Lewis seconded the motion. Mr. Lucy called for discussion. Ms. Lewis stated that a discussion of the merits of the Meadowcreek Parkway was certainly beyond the Commission's purview. She disagreed with comments made by the Chair that they should have been given an opportunity to review that project as it was unrelated. Mr. Lucy stated he had not said that, but Ms. Lewis could disagree with something he didn't say if she wished. Mr. Pearson stated he had not interpreted the Chair's comments to be in relation to the Meadowcreek Parkway but in relation to the interchange. He felt this was an important project and if the Commission's input was important he should be making his decision on the basis of a Staff report but all he had was a PowerPoint presentation that documented the past process. Mr. Pearson stated he shared some of Mr. Lucy's concerns. Ms. Lewis wanted to know what Mr. Pearson needed. Mr. Pearson stated he would like time to review the Staff report as he had received it at the meeting. Ms. Lewis stated she had sent an E-mail on Friday requesting a staff report in order to refine the scope of discussion. Ms. Lewis moved that

the question be called. Ms. Creasy called the roll. **The motion passed, 3-1-1; Mr. Lucy voted against and Mr. Pearson abstained.**

V. REGULAR MEETING ITEMS (Continued)

H. SITE PLAN

1. 1707 Jefferson Park Avenue

Ms. Walden gave the staff report. The applicant, Trackside Properties, LLC has submitted an application for approval of a preliminary site plan for a four story, 13,364 square foot and ten unit apartment building at 1707 Jefferson Park Avenue which is currently vacant. The proposal includes lower level parking and a covered bridge to a handicapped accessible space. The property is zoned R-3, Multi-family, with an Entrance Corridor Overlay. City Council approved the Special Use Permit on 21 May, 2007. The application was reduced from the original request of 42 dwelling units per acre. As a condition of the Special Use Permit, the applicant was required to submit a tree conservation checklist and arborist recommended measures to ensure the health of the trees during construction; this has been submitted. The application meets the zoning district requirements. Final approval is contingent upon verification that the needed fire flow is available as well as an E and S plan and a lighting plan as well as further review of the stormwater system design. Staff recommends approval with the conditions: detail and dimensions of the rooftop canopy over the stairs;

Adequately addressing the three remaining planning comments -- revision of the JPA setback line, clarification that the 25 percent of the recreational space is required to be indoors, and putting the conservation checklist on the site plan.

Mr. Lucy recognized the applicant.

Mr. Robbie Knowles, one of the owners and developers of the property, clarified the changes made per request of City Council and the Neighborhood Association.

Mr. Lucy called for questions and comments from the Commissioners.

Mr. Pearson moved for approval of the preliminary site plan for 1707 Jefferson Park Avenue with the following conditions: detail and dimensions of the rooftop canopy over the stairs to make sure it meets appurtenance requirements; and adequately addressing the three remaining planning comments highlighted by Staff including the setback line shift as described, clarification of 25 percent of recreation space indoors, and the conservation checklist being on the site plan itself. Ms. Lewis seconded the motion. The motion carried unanimously.

2. Holiday Inn -- 1901 Emmet Street

Mr. Haluska gave the staff report. This site is subject to Entrance Corridor Review. The applicant proposes a 7-story addition to the existing hotel at 1901 Emmet Street along the front of the building. Staff's remaining concerns regard the placement of handicapped spaces and pedestrian access and circulation system. Staff recommends approval with conditions.

Ms. Lewis wanted clarification of the open space calculation since it was not to include asphalt surfaces. Mr. Haluska suggested asking the applicant.

Mr. Lucy recognized the applicant.

Mr. Matt Wentland was present on behalf of Roudabush, Gale & Associates. He stated the 33 percent figure was all unpaved space; the parking lot and building were not considered in the calculation.

Ms. Lewis moved to approve the preliminary site plan for the Holiday Inn expansion located at 1901 Emmet Street with the following conditions: placement of the handicapped parking spaces in an area where movement will not be restricted by the structural columns, and submission of staff approval for ped. access and circulation. Mr. Mitchell seconded the motion. The motion carried unanimously.

I. ENTRANCE CORRIDOR REVIEW

1. 1707 Jefferson Park Avenue

Ms. Scala gave the staff report. The building is proposed to be contemporary in style. The windows have been changed from casement to double-hung, fiberglass rather than aluminum, clad wood window with two over one simulated divided lights permanently affixed to the exterior, and a dark bronze finish. The basement and first floor walls are stone veneer. The landscape plan is recommended, with a two American Beech trees and two London Plane trees on JPA. Although this building looks different than many of the nearby, older buildings on JPA, it has been designed to be an attractive addition to the entrance corridor. It has been designed to be compatible in mass, scale and materials with other buildings on the corridor. The roof design and window designs are sympathetic to the surrounding traditional architecture. The stone, wood, cement, and metal materials are preferred. Public concerns regarding the compatibility of the building include height, setback, and materials. Staff recommends approval.

Mr. Fred Wolf, of Wolf Ackerman, gave a brief presentation on the changes made since this was last before the Commission.

Mr. Lucy called for questions.

Mr. Farruggio wanted to know what concerns there were about the metal tracks. Mr. Wolf stated the track would be protected with a piece of flashing so the track and its mechanism would not rust.

Mr. Lucy called for comments.

Ms. Lewis commended the applicant but did want the applicant to bring materials for the bridge back to staff.

Mr. Farruggio moved to approve the Entrance Corridor certificate of appropriateness application for the 1707 JPA apartment building as submitted. Ms. Lewis seconded the motion and offered a friendly amendment that the materials for the bridge will be brought back and approved by Staff. Mr. Farruggio accepted the friendly amendment. The motion carried unanimously.

2. Holiday Inn -- 1901 Emmet Street

Ms. Scala gave the staff report. The applicant is requesting a certificate of appropriateness for a seven-story addition for the Holiday Inn with 30 suite units. The lower level consists of enclosed parking and a drive-through to access the lower surface parking lot on site. The sign that is shown in the submittal is higher than permitted; any new signage must comply with the zoning regulations and requires a

separate sign permit. The brick is a very good addition to the proposed building addition that helps to make it compatible with the corridor and the existing building. In terms of massing, height and materials, the building is compatible. In terms of style, a simpler design would be more compatible with the older modernist hotel. The addition would look better if it had more brick on the east side. The applicant has been asked for a materials board which has not been submitted, as well as details on the windows and elevation drawings with all materials indicated. Staff recommends large shade trees in lieu of Japanese Maples. Staff also recommends that the design of the building be simplified.

Mr. Robert Greenberg, of Gordon Greenberg Architects, was present with Mr. Hal Hepner representing the owners. Mr. Greenberg provided the Commission with some large scale renderings. The applicant gave a brief presentation and provided material samples.

Mr. Lucy called for questions.

Mr. Farruggio sought the applicant's opinion of having only one level of EIFS. The applicant thought it could work, but he felt two levels gave more interest to the building.

Mr. Lucy called for comments.

Mr. Farruggio stated he relied a lot on staff recommendations and agreed with them especially that the design be simplified.

Mr. Pearson stated that the last time they had looked at this, they had concerns on simplifying the design. He felt progress had been made since last time, but still didn't think it was quite there yet.

Ms. Lewis stated she shared Mr. Pearson's hesitation in endorsing this. She felt the materials were acceptable and stated she was not bothered by two floors of EIFS. She thought the building was far improved from the last meeting and that the applicant had responded to the guidelines and the Commission's suggestions. Ms. Lewis suggested the applicant meet with Staff about designing the north front.

Mr. Lucy stated he would be amenable to simplifying the design by the removal of the medallions.

Ms. Lewis moved to approve the Entrance Corridor certificate of appropriateness application for the Holiday Inn Addition at 1901 Hydraulic Road with the following modifications: that details on windows be brought back to Staff; and that the applicant participate with Staff in redesigning the north side of the addition. Mr. Pearson seconded the motion and offered a friendly amendment to work with Staff in simplification of the design as appropriate. Mr. Mitchell offered a friendly amendment to replace the small shade trees with large shade trees. Mr. Farruggio offered a friendly amendment that the applicant work with staff to simplify the east wall as well as the north wall. Ms. Lewis stated she would prefer some detail on a windowless wall. The friendly amendments were accepted. The motion carried unanimously.

3. Carver at Preston -- 701 Preston Avenue

Ms. Scala gave the staff report. Preliminary discussions were held in the April and May meetings. The site plan is not yet before the Commission. There is now a main pedestrian entrance on Preston Avenue with vehicular access on Dale Avenue. The architects should be commended for creating a main entrance on Preston Avenue as suggested. The exterior living spaces are an appropriate way to add

interest to the building and to the street. The material palette is very appropriate. Parking is enclosed, and all mechanical units are screened. The final landscaping proposal has not been specified, but should include large shade trees to help create a pleasant, pedestrian-friendly corridor. Staff recommends approval as submitted.

Mr. Neil Bhatt, of nbj Architecture of 11537-B Nuckols Road, Glen Allen, was present with Mr. Floyd Sobolski. Mr. Bhatt stated they had made an honest attempt to incorporate all the comments from the previous meetings.

Ms. Lewis moved to approve the certificate of appropriateness application for the Carver at Preston Condominiums as submitted. Mr. Farruggio seconded the motion. Mr. Lucy called for discussion. Mr. Farruggio commended the applicants, stating this would be a landmark building. Mr. Pearson agreed with Mr. Farruggio's comment. **The motion carried unanimously.** The Commission commended the applicant on the revisions made to the design.

J. STEEP SLOPE WAIVER

1. 400 Block of Harris Road

Mr. Haluska gave the staff report. The stream on the property has been classified by the City's Environmental Enforcement Office as a perennial stream. The result of the steep slope waiver will most likely affect the design of the subdivision. Critical slopes make up 0.34 acres of the 2.56 acre development site. Section 34-1120(b)(5) of the Zoning Ordinance states that, "The Planning Commission may grant a modification or waiver, upon making one or more of the following findings: that a strict application of requirements would not forward the purposes and intent of these critical slopes provisions; that the alternative proposed by the developer would satisfy the purposes and intent of these critical slopes provisions to at least an equivalent degree; that due to unusual size, topography, shape, location or other unusual physical conditions of a property one or more of these critical slopes provisions would effectively prohibit or unreasonably restrict the use of such property or would result in significant degradation of the site, or adjacent properties; or that granting the proposed modification or waiver would serve a public purpose of greater import than would be served by a strict application of the requirements of these critical slopes provisions." Staff finds the strict application of requirements will forward the purposes and intent of the critical slopes provisions and that the alternatives proposed by the developer will not satisfy the purposes and intent of these critical slopes provisions at an equivalent degree. Staff's opinion is that this application does not meet any of the four items under which the Planning Commission has the ability to grant a waiver of this section and therefore must recommend that the request of waiver be denied.

Mr. Lucy recognized the applicant.

Mr. Dustin Greene was present on behalf of the applicant. He stated they would be disturbing about half of the critical slopes on the property. Allowing the waiver would allow the owner to create two more lots thus reducing the overall costs per house. Denying the waiver will deny the owner of 22,000 square feet of available land. He stated the perennial stream was the result of poor drainage through the property. Mr. Green stated the perennial stream was not on a USGS topographic map and was curious how the Charlottesville Environmental Department came up with its determination.

Mr. Haluska stated he was not involved in that effort and did not know what criteria was used.

Ms. Lewis wanted to know how the applicant's proposed biofilter factored into Staff's recommendation. Mr. Haluska explained addressing stormwater issues would be required regardless of the outcome of the waiver.

Mr. Farruggio wanted to know if it would make a difference in Staff's recommendation if the stream was not perennial. Mr. Haluska did not think it would.

Mr. Farruggio sought clarification of where the stream went. Mr. Haluska did not know. Mr. Greene stated it enters from one culvert and exits through another culvert. Mr. Farruggio wanted clarification that the applicant did not consider this a stream. Mr. Greene confirmed his belief that this was not a perennial stream.

Mr. Lucy called for comments from the Commissioners.

Mr. Farruggio would support deferral as there were some unanswered technical questions; however, even if the questions were answered, there was still a recommendation of denial from Staff.

Mr. Pearson stated that based on the standards of review, regardless of the outcome of the technical issue, he would still vote for denial.

Ms. Lewis wanted to know if the applicant had been given an opportunity to revise the narrow lots that are affected by the critical slope in order to reconfigure it to a single lot. Mr. Haluska stated Staff had been generating comments with the initial submittal and indicated they were not in favor of the waiver at that point.

Mr. Pearson moved to deny the steep slope waiver for Tax Map 21A, Parcel 100, 400 Harris Road. Mr. Mitchell seconded the motion. The motion passed, 4-1; Ms. Lewis voted against.

K. PRELIMINARY DISCUSSION

1. Rialto Beach PUD -- 18 single family units

Mr. Haluska gave the staff report. This had been before the Commission previously. The application calls for 19 units.

Ms. Lewis expressed concern that the Charlottesville Police Department Foundation did not necessarily intend to develop these properties to be resided in by police officers.

Mr. Farruggio expressed concern that the design should curbs which could prove difficult for handicapped access.

Mr. Lucy recognized the applicant.

Mr. Andy McGinty was present on behalf of the applicant. He stated the intent was to proffer to donate four houses to the Policeman's Housing Fund. He stated he would make sure that was fixed by July. Mr. McGinty explained they had consulted with the Virginia Fish and Game Department to improve the stream banks.

Mr. Farruggio expressed concern about the possible number of vehicle trips per day which could be generated with this PUD. He suggested the applicant look at the sidewalk network leading to Avon Street.

III. CONSENT AGENDA (Continued)

F. CONSENT AGENDA

2. Subdivision -- Cleveland Naylor -- Preliminary and Final -- 2 Residential Lots and a road extension

Mr. Lucy called Item 2 of the Consent Agenda which had been pulled at the request of Mr. Farruggio.

Mr. Farruggio expressed concern with item B of the Staff Checklist on the Staff report, Compliance with Street Standards for Subdivisions, the section reading: "A sidewalk waiver has been granted for this property. Sidewalk and/or curbs at the end of Cleveland Avenue would result in a drainage issue for this area. It would require costly storm water structures for the two homes. This waiver was also granted because there are not any sidewalks on Cleveland Avenue and the proposed lots are at the end of Cleveland Avenue where it would not be possible to extend the street or sidewalks beyond the proposed lots." Mr. Farruggio stated there were sidewalks on this stretch of road in front of at least four houses. He did not think waiving sidewalks for this was a proper thing to do. He stated he would be willing to defer this for discussion at a later time due to the lateness of the hour. Ms. Creasy stated the sidewalk waiver had already been granted. Ms. Walden stated the waiver had been granted due to an Engineering Department comment that the sidewalks were patchy in that area and these sidewalks would only go in front of these houses. Mr. Farruggio felt this was a very bad precedent. Mr. Tolbert stated the waiver was usually granted because it was not feasible to do it for an engineering reason and there are connectivity issues. Mr. Farruggio stated that putting houses in without sidewalks that would contribute to the connectivity that would be wanted in the future was going in the wrong direction. Mr. Tolbert stated he would research the record and get the Commission the information on why the waiver was granted. Mr. Farruggio felt it was worthy of a discussion at a better hour.

Mr. Farruggio moved to defer Cleveland Naylor Subdivision Preliminary and Final for two residential lots to the next meeting. Mr. Pearson seconded the motion. The motion passed, 4-0-1; Mr. Mitchell abstained from voting.

F. 1. List of site plans and subdivisions approved administratively: Eleventh Street

Ms. Lewis sought clarification as to why this was not brought before the Commission and was given administrative approval. Mr. Haluska explained it was a minor subdivision plat in which the applicant went from five lots to four through a boundary line adjustment.

Ms. Lewis moved approval of the subdivision of tax map parcel 10, et cetera, on West Main, that were approved administratively in the month of May. Mr. Pearson seconded the motion. The motion carried unanimously.

Ms. Lewis moved to adjourn until the second Tuesday of July. There was no second. The meeting ended at 11:55 p.m.