

CITY OF CHARLOTTESVILLE
PLANNING COMMISSION
TUESDAY, NOVEMBER 15, 2005 -- 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. Craig Barton
Mr. Michael Farruggio
Ms. Cheri Lewis, Acting Chair
Mr. Bill Lucy
Mr. Kevin O'Halloran

Commissioners Not Present:
Ms. Karen Firehock, Chairman
Mr. Jon Fink, Vice-Chairman
Mr. David Neuman, Ex-Officio, UVA Office of the Architect

City Council Members Present:
Mr. David Brown, Mayor
Mr. Kevin Lynch, Vice Mayor
Mr. Blake Caravati
Ms. Kendra Hamilton
Mr. Rob Schilling

Staff Present:
Mr. Jim Tolbert, AICP, Director of NDS
Mr. Ron Higgins, AICP, Planning Manager
Mr. Brian Haluska, Neighborhood Planner
Ms. Mary Joy Scala, Preservation & Design Planner
Ms. Lisa Kelley, Deputy City Attorney

I. REGULAR MEETING

Ms. Lewis, Acting Chair, convened the meeting at 6:34 p.m.

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

Ms. Lewis called for matters from the public.

Ms. Adriane Fowler, of 805 Raymond Road, stated the Ridge Street Neighborhood had been trying to work with Southern Development about the Brookwood Townhouses and, while some concerns had been addressed, the Neighborhood still had some concerns: the townhouses were not in keeping with the character of the rest of the street; the height and density of the buildings; treatment of the large slope near Fifth Street; and the dirt cut from the site would be dumped on the Cherry/Ridge site the developer owns.

Ms. Antoinette Roades, of 406 Oak Street, stated she was appalled with Brookwood Townhouses. She also expressed concern about the treatment of a 19th century family cemetery which documents place on the Cherry/Ridge site.

Mr. Lee Scouten, of 406 Oak Street, expressed concern about the Brookwood and Ridge/Cherry developments.

There were no further matters from the public.

B. MINUTES

1. October 11, 2005

Ms. Lewis asked that the bottom of page 3 reflect that they had said goodbye to two former commissioners. She also asked that her comments on page 4 be amended to include that they had had a great opportunity to work with the new Architect of the University, David Neuman; that they had reorganized the minutes to make sure they took care of regular agenda items first, and that they improved the agenda thanks to Mr. Tolbert being included in that; that the agenda made the meetings a lot more accessible for the public. Ms. Lewis asked that "caliber" on page 8 be corrected to "caliper." Ms. Lewis sought clarification from Mr. Tolbert as to the comment he had made about the Estes Street project; Mr. Tolbert stated he could not remember the comment he had made, but the intent of his comment was that when the transition zone was developed, he thought they made a mistake in encouraging commercial development on that street where it did not have commercial traffic and something like a coffee shop probably would not work because there wasn't enough development to support it. Ms. Lewis also felt that Mr. Farrugio had expressed concern about the lighting; she felt that was a good addition to all the other comments made on page 9.

Mr. Barton moved to adopt the minutes as amended. Mr. Lucy seconded the motion. The motion carried unanimously.

C. LIST OF SITE PLANS AND SUBDIVISIONS APPROVED ADMINISTRATIVELY

Mr. Barton sought clarification that the Best Buy plan was on the list due to a monument sign. Mr. Higgins concurred.

Mr. Barton moved to accept the site plans and subdivisions that were deferred – approved during the period 9/1 to 10/1. Mr. Lucy seconded the motion which carried unanimously.

List of Site Plans and Subdivisions Deferred from the October, 2005 Meeting Approved 9/1/05 to 10/1/05

Site Plan

- | | | | |
|----|-------------------------|---|-----------------------------|
| 2. | File No.
T-04-000035 | Veliky 15 th Street Apartments | 15 th Street, NW |
|----|-------------------------|---|-----------------------------|

This minor amendment was for the adjustment of the sanitary sewer and correction of the sewer profile drawing.

Subdivision

- | | | |
|----|--|---|
| 4. | Consolidation Plat to combine
TM 9-94, 110, 112-115
15 th Street, NW
File No. 1356 | No new lots
Pavilion LLC & Veliky LC &
Development Management Too, LLC
Preliminary & Final |
|----|--|---|

This plat was for the required consolidation of the parcels on which the "Grandmarc Apartments" are to be constructed. This plat was signed September 27, 2005 prior to the Planning Commission Work Session by Vice Chair O'Halloran since it was not clear whether the Chair would attend due to her interview with City Council that evening.

Ms. Lewis asked if there was a motion to approve the list of site plans and subdivisions approved administratively, October 1st through November 1st of '05. Mr. Barton so moved. Mr. Lucy seconded the motion. The motion carried unanimously.

LIST OF SITE PLANS APPROVED ADMINISTRATIVELY
10/1/05 to 11/1/05

- | | | | |
|----|-------------------------|--|----------------------|
| 1. | File No.
T-03-000004 | Cost Plus/Best Buy Site
Comprehensive Signage plan
to consolidate entry signs. | 1613 N. Emmet Street |
| 2. | File No.
T-05-000017 | Kroger Site – ABC
Store Addition | 1904 Emmet Street |

LIST OF SUBDIVISIONS APPROVED ADMINISTRATIVELY
10/1/05 TO 11/1/05

- | | | |
|----|---|--|
| 1. | Harris Street Commercial Center
Redivision of TM 34, 90A, 90B & 90.1
Harris Street
File No. 1358 | No new lots
Allied/Harris Land Trust

Preliminary & Final |
|----|---|--|

Final Signed: 10/11/05

D. COMMISSIONERS' REPORTS

Mr. Barton had no report as he had not been able to attend the PACC Tech Committee meeting.

Mr. O'Halloran stated he had been unable to attend the Board of Zoning Appeals meeting and had no report.

Ms. Lewis attended the Thomas Jefferson Planning District Commission meeting. She had also attended the Route 250 Interchange Committee's first meeting.

Mr. Lucy stated the Board of Architectural Review had received a request for demolition of a property at an exit corner of Ridge/McIntire and Main. This had disclosed the fact that three blocks on the north side of Main and two blocks on the south side were in the Downtown historic district. All the buildings in the Downtown district are treated as contributing even though there are no surveys about any of the buildings. Buildings in the West Main District are treated as contributing or noncontributing. Mr. Lucy felt it was unfortunate not to have reports about individual buildings along that portion of West Main. He suggested the consultant who was working on other neighborhoods survey this area as well.

Mr. Farruggio, not having been given a committee assignment, did not have a report.

E. CHAIR'S REPORT

In the absence of a Chair, Ms. Lewis bypassed this report.

Ms. Lewis asked that they skip to item I.

I. DEPARTMENT OF NDS/STAFF REPORTS

Mr. Tolbert stated there would be two meetings in December -- the 13th and 15th. Mr. Tolbert had draft agendas for the work session on the 29th and the retreat on 11 December. He stated the Water Protection Ordinance had no enforcement mechanism; one had been drafted to be presented to City Council. A revised Critical Slopes Ordinance would be coming before the Commission in December. Mr. Tolbert provided the Commissioners with an outline and reservation form for the Planning Commissioner Training provided by the state; Ms. Lewis recommended the training to Mr. Farruggio.

Mr. Higgins provided the Commissioners with the Affordable Housing strategy.

Mr. Tolbert apologized to the Commission and explained that nine public hearings had been dropped from the proposed agenda because the publication which must be run within a certain timeframe had not been published on time by the Daily Progress. The paper would pay for the notice which would be sent out as well as the new ads.

In the absence of a quorum of Councilors, Ms. Lewis called for a brief recess whereupon the meeting stood in recess at 7:03 p.m.

Ms. Lewis reconvened the meeting at 7:10 p.m.

II. JOINT PUBLIC HEARINGS

F. JOINT PUBLIC HEARINGS

1. Downtown Mall Street Crossing: Discussion of alternatives for an additional Downtown Mall vehicular crossing at either Fourth or Fifth Streets, east.

Mr. Tolbert gave the staff report. During the summer, the Downtown Business Association had submitted a petition asking City Council to consider opening another crossing of the Downtown Mall to replace what was lost when Seventh Street was closed for the construction of the Amphitheater and Transit Center. Also, interest had been expressed about another opening during public meetings held by the steering committee for the Transit Center. The steering committee had asked that this be considered after the Transit Center was completed to see what the impacts were. There had been four options. Using Fourth or Fifth Streets south to north would necessitate left-hand turns when using the Second Street crossing; for that reason it was recommended that Second Street remain south to north and any crossing at Fourth or Fifth would run north to south. The firm of RK&K has stated Fourth or Fifth would work; they recommended Fifth Street over Fourth Street. They suggest a 14 foot lane width. The proposal was taken to the Downtown Advisory Committee; their recommendation to the Charlottesville Planning Commission was the opening of Fifth Street in a southbound direction. Mr. Tolbert had concerns about opening another crossing as there was a lot of pedestrian activity in that area. He would not recommend this personally because his concern was they had a very successful pedestrian mall; on a planning level, he suggested Fifth Street rather than Fourth with the reversal of the alley between Fourth and Fifth due to the turning geometries. An access crossing would help with circulation around downtown. Some type of signage would need to be considered for the parking garage.

Ms. Lewis called for any questions of Mr. Tolbert.

Mr. Farruggio wanted to know if there was any data on loss of business. Mr. Tolbert stated there was not. Mr. Farruggio also asked for any official data on pedestrian counts. Mr. Tolbert stated Mr. Lucy had done a comparison of his 2001 PEW Foundation work with some recent counts, but there were no pedestrian counts done otherwise.

Mr. Lucy sought clarification of the wayfinding program and signage. Mr. Tolbert stated some interns had looked into a wayfinding program for traffic entering the region and directing it into the Downtown area and other centers in the community. The program had been presented to the BAR and was being refined based on their comments. The goal was to have it complete by summer to help the flow of traffic. Mr. Farruggio asked if a circulation plan had been attempted. Mr. Tolbert stated there had but only as related to parking.

Ms. Lewis asked if there were any accident or fatality reports for the area; Mr. Tolbert was not aware of any. Ms. Lewis felt this fact should be highlighted. Ms. Lewis also expressed a difference of opinion with statements in the staff report that stated there was only one location for a crossing and that the Seventh Street crossing was at the end of the Mall and limited to access.

Ms. Lewis asked if any other pedestrian malls with vehicular crossings had been researched. There had not. Ms. Lewis suggested the pedestrian mall on the Duke of Gloucester Street in Colonial Williamsburg be studied.

Mr. Barton asked for a brief status report on the Transit Center. Mr. Tolbert stated the footings had been poured and it was slated to open in September, 2006.

Mr. O'Halloran sought clarification that the recommendation was to open Fifth Street and it be done after the Transit Center opened. Mr. Tolbert concurred.

Ms. Lewis opened the public hearing.

Mr. Peter Kleeman, of 407 Hedge Street, felt there was no consideration of where the traffic crosses through the Mall in the study by RK&K. The data was collected during non-peak pedestrian time. He felt there should be more study on the peak pedestrian time and what influence vehicles entering into that traffic stream would have on safety and on issues of noise. He had been opposed to the closing of the Seventh Street crossing.

Mr. Derek Vanderlinde, of 713-A Palatine Avenue, stated that due to the destruction and pork barrel project on the east end of the Mall there was no longer access across the Mall. Since City Council voted monies to funding bathrooms, there were no funds for roads. Mr. Vanderlinde wanted to know who was going to pay for putting these roads across the Mall and he suggested the Downtown Businesses fund the crossovers.

Mr. Richard Drumm, of Second Street Northwest, stated cars did not stop for Second Street pedestrian traffic. He felt there would be a fatality there at some point. He wanted the Second Street crossing closed.

Mr. Bob Stroh, of 1412 Kenwood Lane and co-chair of the Downtown Business Association, stated the original petition drive in May had resulted in 165 signatures, 117 of which were Downtown businesses. The success of the businesses was the success of the Mall. He stated they were not asking for a new crossing of the Mall, but were asking for a replacement crossing. Mr. Stroh stated his support for the RK&K and the Downtown Advisory Group recommendations for the Fifth Street crossing.

Mr. Jock Yellott, of 311 East Market Street, expressed a preference for a crossing at Fifth Street rather than Fourth Street.

Ms. Amy Lemley, of 1410 Hazel Street, spoke in favor of a Fifth Street crossing.

Ms. Colette Hall, of 101 Robertson Lane, expressed concern about opening any streets on the Mall.

Ms. Christine Mann, owner of a business on Fourth Street Northeast, spoke in support of the street crossing and stated her choice would be for the easiest, cheapest one and the one which could be done as soon as possible.

Mr. W. Rod Gentry, representative of Union Bank and Trust, echoed the Downtown Business Association's support of a crossing and expressed a preference for Fourth Street.

Mr. Robert Hodous, of 1309 Lester Drive, spoke in favor of the proposal and expressed a preference for Fourth Street.

Ms. Mary Lou Staviny, representing the Charlottesville Regional Chamber of Commerce, read a prepared statement supporting the crossing.

Mr. David Repass, of 227 East Jefferson Street, wanted to know if there had been a study why the west end of the Mall was so vibrant and full of pedestrian traffic while the east end was quite the opposite. He also queried if any study had been done to see if the Second Street crossing had resulted in people finding the Mall. He felt the vitality of the west end was due to the theater, the ice rink and the hotel, all of which brought people to the Mall.

Ms. Lisa Harvey, of 1457 Garth Road and owner of a downtown business, stated the Downtown Mall was the heart of Charlottesville. She felt the Mall lacked fluidity as far as the way things worked.

Ms. Morgan McKenzie Perkins, of 314 Eastbrook Drive and co-owner of Sage Moon, spoke in favor of the proposal.

Mr. Robert M. Brook, Jr., of 701 East High Street, spoke in favor of the proposal.

Ms. Joan Fenton, of 214 East Main Street and co-chair of the Downtown Business Association, reiterated they felt this was a replacement Mall crossing and they were not asking for something they had not had. Ms. Fenton thought Fifth Street made more sense for the crossing.

Mr. Neil Williamson, of 292 Carodon Drive, Ruckersville, and of the Free Enterprise Forum at 550 Hillsdale Drive, was encouraged by the conversation and the concerns of City Council and the Commission and thought the crossing could be developed in a safe manner and most likely increase business.

Mr. Jon Bright, of 109 Altamont Circle, asked that the Commission look at what it was trying to accomplish whether it be pedestrians or tourism. He asked that if there was a crossing, it be made a street.

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

Mr. Lucy sought clarification as to what action was expected of the Commission. Mr. Tolbert stated it was before them for a recommendation to City Council.

Mr. Lucy wanted to know if there was any evidence that: there was more pedestrian traffic on the west end of the Mall than the east -- no pedestrian counts had been done to document that; that Second Street West was used by tourists -- Mr. Tolbert could not answer that; that Second Street West was used for drop offs or pick ups -- Mr. Tolbert stated that was not quantified.

Mr. Barton noted that there was no longer a quorum of Councilors. Mr. O'Halloran stated a quorum was no longer needed as Ms. Lewis had closed the public hearing. Mr. Lynch was the only Councilor remaining. Ms. Lewis asked Mr. Lynch for any questions or comments he had.

Mr. Lynch wanted it made sure that if the Avon Street Bridge was closed during repairs, they would not want to have a Mall crossing serving as the alternative route. Whatever was done would have to be carefully considered with the Avon Street Bridge. Mr. Lynch also expressed concern about spending \$900,000 for a crossing, even to fix the Second Street crossing. He also felt they should focus on the signage of the side streets so people knew they were on the Mall.

Ms. Lewis again called for comments from the Commissioners.

Mr. Farruggio stated he was left with more questions. This was an important decision that would impact a lot of peoples' lives. He wanted to know: what evidence there was that there was less foot traffic on the east end than the west end; if there was a way to circle through the Mall, would that increase the crossover traffic at both streets; what evidence is there that businesses are not being able to make it. Mr. Farruggio felt a need for more information to make a decision. He agreed it was difficult to circle around the Mall; signage could provide a beneficial solution. Mr. Farruggio agreed that increasing visibility was a problem. Without additional information, he felt compelled not to vote at this time.

Mr. O'Halloran was generally in favor of allowing another crossing on the east side of the Mall; his question was which was the better street. He was concerned about the cost. He,

like Mr. Farruggio, had some unanswered questions and was not prepared to make a decision.

Mr. Barton suspected the difficulty of accessing the businesses at the east end of the Mall had a lot to do with the loss of surface parking. He felt they should look at increasing convenience parking. Mr. Barton stated he was not prepared to discuss the crossover until he saw the wayfinding system because they were parts of the same problem. He was not adverse to a vehicular crossing on the Mall. He suggested they needed to look at all the critical data.

Mr. Lucy stated that his 2001 study of the Mall had begun with counts of diners for the time periods of lunch, evening, and weekends; the dining counts were higher for nights and weekends. The Downtown is a success because it is a pedestrian environment. He felt it was crucial to maintain the dominance of the pedestrian atmosphere. Mr. Lucy had also done pedestrian counts at Second Street; there had been 880 people per hour versus 67 vehicles. He had also done pedestrian counts at the east end during lunch hour and there was more pedestrian traffic at that end -- 1060 at Fifth Street. Mr. Lucy again conducted counts during the recent construction phase. The east end pedestrian count was 1600; Second Street pedestrian traffic counted at 720 per hour with a vehicular count of 55. Mr. Lucy felt the key to increasing awareness of shops was signage. He thought they should wait until the Transit Center was built to see its impact.

Ms. Lewis thought the east end was a difficult study. Recent pedestrian and vehicle counts don't always tell the whole story, nor does information about retailers gross revenues going down. Ms. Lewis was not surprised at an increase in pedestrian counts since the Mall became more popular year after year. After hearing the comments, Ms. Lewis was in favor of a crossing. She did agree they should move ahead with caution. Ms. Lewis felt they should do this for connectivity. She agreed with the other Commissioners that additional information was required. She felt they should look at the model provided by Colonial Williamsburg.

Mr. Barton stated there seemed to be some consensus for deferral based on incomplete information. He thought they could direct staff to provide them with specific information. He felt they should also look at a mall that has failed because of the addition of vehicular crossings. He reiterated his interest in understanding the crossing as part of the question of wayfinding. Mr. Barton wanted to see the existing wayfinding system and the available convenience parking that existed on Water Street.

Mr. O'Halloran felt they needed additional information on the larger connectivity issues for whichever street was chosen.

Mr. Barton moved that they defer this issue, sensing a consensus of colleagues that more information and more conversation or discussion were warranted and the two colleagues who weren't able to join them had important points of view to add to the conversation. Mr. Lucy seconded the motion. The motion carried unanimously.

III. REGULAR MEETING ITEMS (Continued)

G. SITE PLANS AND/OR SUBDIVISIONS

1. Brookwood Townhouses -- end of Brookwood Drive, between Fifth Street and Raymond Road -- 64 townhouse units.

Mr. Tolbert suggested this item be heard in conjunction with Item H1, the Entrance Corridor Design Review. Mr. Haluska gave the staff report. The preliminary site plan had been received at the June meeting. The only change to the site plan since that time is a lowering in the number of units from 95 to 67. Staff recommends approval with the condition that the applicant comply with all staff comments.

Mr. Farruggio sought clarification of how the applicant would get 200 units into the remaining portion of the site. Mr. Haluska stated 267 units were allowed by right and the applicant was reserving the right to those units without limiting themselves to a lower number of units.

Mr. Farruggio wanted to know the highest density that the site could accommodate. Mr. Haluska stated they could do a condo or apartment-type building on the site subject to the zoning envelope. With setbacks and other regulations, they would be limited well below 200 units.

Mr. Barton sought clarification of what was described in the project literature as "the great wall." Mr. Haluska stated the applicant had lowered the amount of retaining wall needed by taking out several units that allowed them to grade that section of the development. The retaining wall would now be one 35 foot long retaining wall. Mr. Barton was not prepared to approve the site plan with that element in place.

Mr. Barton asked if site plans should identify trees above a certain caliper. Mr. Tolbert concurred that they should be.

Ms. Lewis sought clarification as to what criteria they should be looking at in the Code as the staff report said it was 34-831. Ms. Kelley stated it was 34-827. Ms. Lewis also queried what regulations should be considered for subdivision.

Ms. Kelley stated those were found in City Code 29-118. Mr. Tolbert stated they were only considering the site plan at this time and not the subdivision since it had only been filed on November 14th.

Mr. Lucy asked if a tree survey was needed. Mr. Tolbert stated it was. Mr. O'Halloran stated would make the current site plan incomplete.

Mr. O'Halloran moved that they defer consideration of this subdivision and site plan to a future meeting. Mr. Barton seconded the motion. Ms. Kelley asked if they had the 60 days. Mr. Tolbert thought the Commission needed to deny it and the applicant could resubmit the completed plan. Ms. Lewis explained to the applicant that the Commission had to act on the application within 60 days; a deferral kept the time ticking. Mr. Higgins asked if the applicant could request a deferral to stop the time. The applicant requested a deferral. Mr.

O'Halloran withdrew his motion. In light of the withdrawal, the Commission would hear the Entrance Corridor Design Review report and comment, but not act, on it.

H. ENTRANCE CORRIDOR DESIGN REVIEWS

1. Brookwood Townhouses -- end of Brookwood Drive, between Fifth Street and Raymond Road.

Ms. Scala gave the staff report. The applicant seeks a Certificate of Appropriateness for a townhouse development containing 67 units in Phases One and Two. These units are mostly not visible from the Fifth Street corridor. The entrance drives, two of the several large retaining walls, and one of two stormwater ponds would be visible. Twelve units on the south side of the entrance road would be most visible and have not yet been submitted. Approvals for Phases One and Two should be compatible with featured approvals that would be more visible. The traditional townhouse design is compatible with the entrance corridor. The building materials, specifically the vinyl siding, are not consistent with the entrance corridor. The scale and visual impact of the retaining wall should be mitigated by terracing the walls into maximum 10 foot height increments. The largest wall at the end of Ridge Street should be landscaped on the terraces to help break up the large expanses that will be visible. Staff suggests a metal guard rail rather than wood. The following items must come back to the Commission for approval: the design of 12 units, the retaining wall behind them, and the terrace design and landscaping for the retaining wall at the end of Ridge Street.

Staff recommends the following changes: all retaining walls should be terraced with a maximum ten foot high increments; the largest wall at the end of Ridge Street should be landscaped on the terraces to break up the large expanses; a metal guardrail-type railing not a wood fence should be required on top of all walls over 30 inches in height; large species street trees along the Fifth Street frontage; whether street lights are required in addition to or in lieu of the proposed post lights; the vinyl siding should be replaced with painted wood.

The applicant stated they wanted to use Crane Board to help with the insulation of the house and help with meeting affordability needs.

Mr. O'Halloran stated he would have no problem with the use of Crane Board in the nonvisible area.

Mr. Barton wanted to know if the storm water retention pond would be dry. Mr. Baliff stated it was a dry pond.

Mr. O'Halloran reiterated he would be happy to make a distinction between the level of review used for the buildings that are visible from the corridor and those that are not. He stated he had concerns about the 35 foot retaining wall that would be visible and would like to see some solution that allowed the builder not to have that be part of the plan.

Mr. Farruggio also expressed concern about the 35 foot wall.

Ms. Lewis stated the Entrance Corridor Review staff report had been very thorough. Mr. Farruggio also commended the staff report.

G. SITE PLANS AND/OR SUBDIVISIONS

2. "Moore's Creek PUD" -- Palatine Avenue southeast of Avon Street -- 21 single-family units/lots.

Mr. Haluska gave the staff report. The PUD was rezoned and passed by Council 3 January 2005. The site plan adheres to the concept plan for the PUD. The buildable area of lots 7, 8, 13, and 14 are completely within the floodplain. The buildable area of lots 9, 10, 11, and 12 are partially in the floodplain. The only storm water management features are shown in the floodway and the open space is more than mentioned in the PUD approval.

Mr. Barton sought clarification of the storm water management feature. Mr. Haluska said he believed they had a biofilter.

Ms. Lewis asked where to find the outdoor lighting information. Mr. Haluska stated the lighting was not on this preliminary site plan; it had not been submitted at this time. The applicant's representative stated this was a final site plan. Ms. Lewis expressed concern that the staff report did not state the plan was conditioned on receiving a lighting plan. Ms. Lewis cited 34-828(d)(9) which required outdoor lighting information and (d)(7) For all parking and loading areas, indicate: size, angle of stalls; width of aisles and specific number of spaces... and whether it is paved or graveled areas.

Mr. Tolbert stated the City Attorney opined that if that were the only issue the Commission had, they could grant preliminary approval to this subject to the lighting plan and any other factors being dealt with.

Ms. Lewis was unsure if preliminary site plan approval had been granted.

Mr. Barton stated he was tired of looking at incomplete staff reports. Mr. O'Halloran concurred.

Mr. Barton asked if there would be a covenant to make maintenance of the biofilter part of the Homeowners Association's responsibility. Mr. Fendig did not have that information.

Mr. Tolbert stated there was no lighting required for this development.

Ms. Lewis stated she would entertain a motion to defer. Mr. Higgins asked if there was anything inherently wrong with the arrangement and layout of the plan that it could not be approved subject to conditions being met. Ms. Lewis stated she had not heard an analysis of any of the criteria in those sections of the Code which serve as the sole basis upon which they could make a discussion and not be appealed from. She stated the only basis upon which they could approve a site plan was under the criteria of 34-827 for preliminary site plan and 34-828 for a final. Ms. Lewis further stated there had been no discussion in the staff report and had there been no discussion on the Commission.

Mr. O'Halloran felt bad for the applicant but agreed that they did not have enough information to make a proper decision.

Mr. O'Halloran made a motion to defer this matter. Mr. Farruggio seconded the motion. The motion carried unanimously.

Ms. Lewis asked that from now on staff make sure that every application is reviewed very carefully and completely. She stated there had been an endeavor for three members of the Commission to meet with Mr. Tolbert because there was a sense that applications were coming before them that were not complete and not well reviewed. Ms. Lewis stated for the record that two of the evening's applicants were very much prejudiced by the lack of senior review. She stated this was a farce. Ms. Lewis also stated the last two applicants should not have just gone through what they did. She felt bad for staff, she felt bad for the applicants, and she felt bad for the Commissioners. Ms. Lewis stated Mr. Tolbert needed to share his brilliant intelligence and guidance and mentoring with the other people working on his staff.

H. ENTRANCE CORRIDOR DESIGN REVIEWS

2. Chipotle Restaurant -- Emmet Street at Barracks Road Shopping Center just north of Arlington Boulevard (near Wachovia Bank branch and McDonald's).

Ms. Scala gave the staff report. Chipotle Mexican Grill was requesting a Certificate of Appropriateness to build a new restaurant on Emmet Street. The location of the building is dictated by the easements for sanitary sewer and a large box culvert. The building has a large glass storefront with a brick base; there is a patio area to the south. A horizontal steel beam above the storefront is painted dark red. An aluminum band is above that along the roof. A perforated metal panel sign tower is attached to the building; the sign is white channel letters that are internally lit. The administrative approval of the site plan amendment is pending and is being handled by Ashley Cooper. Staff has requested a pedestrian connection from the site to the Emmet Street sidewalk and this should be handicapped accessible if at all possible. The design is generally compatible with all the other properties along 29. Staff believed the proposal would meet the design principles. Staff recommends approval subject to administrative approval of the final site plan amendment with handicapped accessible connection if possible.

Mr. Farruggio thanked Ms. Scala for a good report; it left him with very few questions and afforded a lot of confidence in what he was looking at. He stated he had been concerned about the red end cap which had been removed.

Mr. O'Halloran felt this was a nice design and commended the applicant.

Ms. Lewis asked if there were any suggestions on achieving handicapped accessibility. Ms. Scala thought it might meet the slope requirements. Matt Lattin, an owner representative for Barracks Road shopping center, stated there was a four percent slope in the road.

Mr. Farruggio made a motion to approve the Entrance Corridor Certificate of Appropriateness as shown and subject to administrative approval of the final site plan amendment with handicapped accessible connection. Mr. O'Halloran seconded the motion. Mr. Barton offered a friendly amendment commending the applicant and the staff member for a complete presentation that allowed them to understand the complexity of the project and move through this expeditiously. Mr. Farruggio accepted the amendment as did Mr. O'Halloran. Ms. Lewis called the question. The motion carried unanimously.

I. DEPARTMENT OF NDS/STAFF REPORTS

The report was given earlier in the meeting.

Ms. Lewis asked if there was a motion to adjourn until the 13 December meeting. Mr. O'Halloran so moved. Ms. Lewis seconded the motion. The motion carried unanimously whereupon the meeting was adjourned at 11:00 p.m.

Respectfully submitted:

Mr. Jim Tolbert, Secretary

Approved:

Ms. Cheri Lewis, Acting Chair