

Agenda
PLANNING COMMISSION REGULAR DOCKET
TUESDAY, March 14, 2017 – 5:30 P.M.
CITY COUNCIL CHAMBERS

II. Commission Regular Meeting

Beginning: 5:30 p.m.

Location: City Hall, 2nd Floor, Council Chambers

Members Present: Chairman Kurt Keesecker Vice-Chair; Lisa Green, Commissioners Genevieve Keller, Jody Lahendro, John Santoski, and Corey Clayborne;

City Council Members: Councilors Bob Fenwick, Kathy Galvin, and Mayor Mike Signor

Staff: Missy Creasy, Matt Alfele, Carrie Rainey, Mary Joy Scala, Heather Newmyer, Carolyn McCray

Call to Order: The meeting was called to order by Chairman Keesecker at 5:30 pm

A. COMMISSIONERS' REPORTS

Commissioner Lahendro reported attending the Housing Advisory Committee meeting on February 15th and the focus of discussion were concerns from the joint City and County Planning Commission meeting where the Housing Advisory Committee RCLCO Housing Study report recommendations were presented. This meeting format only allowed for a brief presentation of the major recommendations with no allowance for substantial discussion. It was a surprise to him to find out later that the Planning Commission was to make recommendations to City Council based upon this presentation. In response to that, at the February 15th meeting HAC created a sub-committee to identify the recommendations that solely required City Council actions thus expediting their implementation. He serves on the sub-committee that was created. The committee met on March 2nd to draft priority recommendations for Council and will meet again tomorrow to hopefully finalize that document. The intention is to take forward to Council the RCLCO recommendations that are outside of zoning land use issues that require Planning Commission consultation. He attended the Tree Commission meeting on March 7th. The tree planting sub-committee reported on its survey of public housing sites; identifying five sites that are particularly promising where as many as 50 new trees are possible. The committee will meet with the CRHA director and board members to gauge their interest and discuss the next step in getting the trees planted. Commission members are greatly disappointed that the City manager's proposed budget allocates only \$50,000 for maintenance and expansion of city trees instead of \$125,000 recommended by this board. We discussed strategies for increasing this allocation during Council's public hearing on the budget. He attended the Fifeville Neighborhood Association meeting last week with Matt Alfele. They were interested in the Small Area Plan. Cherry Avenue has been selected as the first Small Area Plan and he has volunteered to attend next month's meeting to give them an update of that process.

Commissioner Keller reported attending the PLACE Task Force this week and the discussion was focused on the City adding the additional position that has been referred to in the past as a city architect. We all agreed that wasn't the best title because it implied duties that that position would not necessarily take on and that the position might ultimately be filled by someone who was not an actual registered architect. There might be another design professional. We did come to consensus that there probably was a need for a person with a design background and design thinking at higher levels in city government and that position could serve a purpose and be a liaison and coordinate with other departments in the City and external bodies as well. It occurred to her after that this might be another one of those things the Planning Commission hasn't been asked

to weigh-in on and in many ways it might affect what we do as much as any other body. It might make sense for us to send some thoughts to Council and the City Manager about how that might be of benefit or not to the Planning Commission since much of what we do does relate to design and that we also sit in a design review capacity as the Entrance Corridor Review Board. That might be something we could schedule later. She was not able to attend the TJPDC meeting this month due to a conflict but she did want to bring up something else as a follow-up to our joint meeting with the County that we both endorsed the Rivanna River process that had been staffed by the Planning District which she became aware after speaking with the NDS Director, Alex Ikefuna. We didn't request any funds in the budget for starting the Rivanna River process. She wondered if we might have some correspondence with the City Manager's office and with Council for some modest funding as a kick start that would be the comprehensive mapping that Chip Boyles described to us. She thinks that should be something jointly funded by the City and County. Her proposal would be if the County was going to come up with a match, the City could do the same so that that process could get underway and the map would be a logical place to start.

Chairman Keesecker asked about the position of the City design/architect; what department would that person be sitting in, City Manager or NDS?

Commissioner Keller said that would be at the will of Council and the City Manager. If we wanted to make a recommendation, we could address that but ultimately that is their purview.

Chairman Keesecker said on the question of the funds for the river study, he recalls the evening they talked about it and there was some discussion we had about recommending in our resolution that phase one would move ahead, and a supervisor from the crowd said just ask for the whole thing (funds) and we all were kind of rambling and said let's do it. So that wasn't officially enough in that evening to do what Mr. Ikefuna asked.

Commissioner Keller said it wasn't because it wasn't in the annual request from the Planning District that they make to all of their member organizations during the year and I want to make it clear that this is of my own initiative. I have not been asked to do that but because of the result of our meeting I asked Mr. Ikefuna if it was part of the package and he said he forwarded the entire request but because it wasn't in the request and it wasn't part of that. It's considered something extra so that is why since we had as a body endorsed it that it might be appropriate for us to try to shepherd it through and not be yet another year. It might be something we want to reflect in the CIP but would like to see us move it forward.

Commissioner Green reported she did not attend the Citizen's Transportation Advisory Commission meeting on March 1, 2017 and the next meeting is May 3, 2017 at 7:00pm at the Water's Street Center.

Commissioner Santoski reported he attended the 1st meeting of the Belmont Bridge Steering Committee which was well attended. He will be forwarding items to commissioners so you will be aware of what is happening with the Steering Committee and you might have questions because it's such an interesting project with a lot of community participation. The next meeting of the steering committee is March 29th in the NDS conference room. There is a design charrett scheduled for April 17-19th. Also there is a webpage linked to the City website as well as a survey that will be online. He encourages people to read that and take the survey and participate with the people who have been hired to re-construct the Belmont Bridge. He also attended the Parks and Recreation Committee in February with a lot of updates from previous meetings. There will be another Parks and Recreation Advisory meeting tomorrow and he will be attending. There is an MPO Tech meeting schedule for March 24th and he will have more to report at the next meeting.

Commissioner Green asked about the Belmont Bridge meeting on Saturday March 11th. Several people called her and asked about the possibility of repairing the bridge, but from the after engineers standpoint the bridge is beyond repair.

Commissioner Santoski said that repair has not been 100% ruled out but because of what they have seen, they are pretty much certain. The people were pretty clear that we have X amount of dollars to do this bridge and we have to come up with a design that is going to work. The bridge was not something that was going to be repaired. They are working with the City and the large technical committee.

Commissioner Clayborne said he attended the Board of Architecture Review on February 22, 2017. He spoke on the historic restoration of a home on Park Street and adding a small addition. The designer and the builder presented plans very tastefully and he showed how to re-create certain details. It was a great example of how historic restoration should be treated in the City. The next BAR meeting is Tuesday March 21, 2017.

CHAIR'S REPORT – Kurt Keesecker said Chip Boyles from TJPDC, mentioned to us that there would be an advisory committee and he was asked to be on it to discuss the work at Hydraulic and 29th. This project will be along the same lines as some of the work that was done for the Rio interchange but this time the process is going to involve land use planning for phase one and then move into an overlap with transportation planning. This advisory committee is formed to bring together both City and County and the adjacent primary land owners. He noted how the process would work, along with TJPDC bringing a lot of community engagement. The facilitator Phillip Shuchet made it very clear that there were no pre-conceived notions of what the final answer would be in that area and that brought everybody's attention to the table to try to understand what could be best. Since that time, Missy Creasy, Councilor Galvin, and I met with representatives from the Meadows neighborhood and they expressed some concerns, hopes, and dreams about how this process could help link their neighborhood more directly to both the other side of 29 and the City proper. The advisory committee will meet every two weeks for months so it is an aggressive and active schedule.

DEPARTMENT OF NDS – Missy Creasy, extended congratulations to Corey Clayborne for receiving honors from the AIA. She said there is a budget workshop tomorrow evening and a specific discussion on the CIP for a budget work session on Thursday from 5-7 pm. The next Planning Commission work session is on March 28, 2017, and you will be reviewing the RCLCO Housing report at the work session and a de-briefing from the March 20th meeting we will have with Council on presenting the Community Engagement Plan.

MATTERS TO BE PRESENTED BY THE PUBLIC NOT ON THE FORMAL AGENDA FOR PUBLIC HEARING

Susan Elliott - 2712 Jefferson Park Ave, **Climate Protection Coordinator** introduced a solar friendly community status that is recognized by achieving designation through a program called SolSmart. SolSmart is a program funded by the US Department of Energy, and it aims to increase installation of solar PV by helping local governments enact policies and procedures that lower the soft costs of solar PV projects. SolSmart provides a roadmap of 'solar-supportive' best practices and policies from which localities can choose actions to complete. All the actions pertain to local government activities such as permitting, planning/zoning, inspection, community outreach, and community partnerships. Each completed action has a number of points associated with it; localities earn different tiers of designation – Bronze, Silver, Gold – based on the total number of points they earn. The City's SolSmart participation supports the Streets That Work, Code Audit, responds to recommendations from the Smart Growth America assessment, and is consistent with the cooperative MOU for Collaboration between the City and County Regarding the Environment. The City submitted a joint application with the County requesting technical assistance to assist both localities to become SolSmart designated. We have been successful and have been awarded an on-site consultant for a period of up to 6 months. She said they will likely pursue a Zoning Text Amendment to address the recommendations from SGA, and to contribute to the STW Code Audit, and to help the city achieve the SolSmart Silver designation.

Rebecca Quinn, 104 4th Street said she recently watched one of the meetings on Channel 10 and she suggested to commissioner members to please use the microphones. Mr. Chair needs to remind the speakers on the floor to use the microphones as well. She asked if some property owners try to avoid steep slopes. She wanted to know from staff if the applicants respond to suggestions to modify their proposals to avoid steep slopes or have we fallen into a pattern of always granting waivers. She also asked have you ever tried to track down an SUP because according to her experience you can't do it. It is not included in the NDS permit system. She said an NDS Planner said sometimes they had to go to the clerk's office to find an approved SUP. She said Neighborhood Associations are unable to have access to it so how can they check whether those conditions are being complied with. She is asking NDS to make SUP's available on their online searchable property address tool.

Missy Creasy commented on the effort made by NDS to have the SUP information on the website. It is not live yet but we are getting close so in the future you go on our GIS system and click on a property which will note SUP and conditions, dates, and information associated with that SUP that can take you to more specific documents. We realize that record keeping is very important and we are trying to do better with it.

Kendall Young - 2512 Woodland Drive noted she and her brother are in support of the steep slope waiver for Baylor Lane. We understand it has been a recent change that all of the other homes did not fall under this particular waiver and some change has been made in the last year. We are in support of the waiver of the steep slope. It is adjacent to some land on Hartman Mills Road that she and her brother plan to donate to the City to expand Jordan Park so they would like to see this happen.

Mark Kavit 400 Altamont Street commented on the commissioner's speaking into the microphone because watching from the television he has no idea what is going on. He said on Franklin Street there is dumping taking place on some land that backs up to the marsh land. He said there is a state law that if land is wet a certain number of months and you are not allowed to fill in the area.

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

1. Minutes – February 14, 2017 – Pre Meeting and Regular meeting

Commissioner Keller motion to approve the consent agenda, seconded by Commissioner Clayborne, motion passes 6-0.

JOINT MEETING OF COMMISSION/ COUNCIL

Beginning: 6:00 p.m. Continuing: until all public hearings are completed

Format: (i) Staff Report, (ii) Applicant, (iii) Hearing

1. Community Development Block Grant (CDBG) and HOME Funding— 5th Year Action Plan, FY 17-18: The Planning Commission and City Council are considering projects to be undertaken in the 5th Year Action Plan of the multi-year Consolidated Plan utilizing CDBG & HOME funds for the City of Charlottesville. In Fiscal Year 17-18 it is expected that the City of Charlottesville will receive about \$371,309 in Community Development Block Grant funds and about \$58,520 in HOME funds from the Department of Housing and Urban Development HUD. CDBG funds will be used in the City to conduct pedestrian improvements in 10th and Page, Economic Development activities, and several public service projects that benefit low and moderate income citizens. HOME funds will be used to support the housing needs of low and moderate income citizens through down payment assistance. Report prepared by Tierra Howard, Grants Coordinator.

The CDBG program total has an estimated \$371,309 for the 2017-2018 program year. The CDBG grand total reflects the \$371,309 Entitlement (EN) Grant, \$42,268.31 in Reprogramming,

and \$0 in previous years' entitlement available after program income has been applied. The HOME total consists of an estimated \$58,520 which is the City's portion of the Consortium's appropriation, in addition to \$14,630 for the City's 25% required match, \$0 in Reprogramming and \$20,000 in program income. Minutes from the meetings are attached which outline the recommendations made. It is important to note that all projects went through an extensive review by the CDBG/HOME Task Force as a result of an RFP process.

Commissioner Keller commented on the City owned lot at 8th and Page; a few years ago we recommended a sidewalk waiver to facilitate the City of Promise moving in and trying to keep on schedule and be able to have their program in the right neighborhood. She has been at that intersection and she's glad we did it to get the City of Promise in but she feels a bit guilty knowing that there are children and families traversing in that area and she was wondering if any of the funding would be available for pedestrian amenities and improvements at that intersection or would it all be for site beautification. She also noted the sewer line that impeded that.

Ms. Howard said we just had a meeting with Parks and Recreation to talk about what can be done at this initial stage but assured us it will be part of the discussion. Ms. Howard said she would make note of the sewer line as well.

Open the Public Hearing

Closed the Public Hearing (no speakers)

Commissioner Santoski said in his role with Arc of the Piedmont we owned a home that was purchased (years ago) using HUD dollars and continue to operate under HUD requirements. Recently we were recipient of some CDBG money which helped us to renovate a home that four women with severe intellectual and physical disabilities live in and without those types of programs these are people who would not be able to afford to live in the city of Charlottesville and it would make it very difficult for an organization like ourselves to keep up with all of these properties and homes. It has been real critical to us and disheartening to hear that there will be a cut back, reduction or an elimination of all of these funds because in many ways every dollar that the community gets allows people who can't afford to be in the city, helps us meet goals for affordable housing and allows for more diversity within our community. It's really disheartened to see things going in this direction and he hopes there are other alternatives in the future.

Ms. Creasy said Council will hear this at next Monday's hearing, a resolution concerning funding changes going on at the federal level. As to the details, Tierra will provide a report. We do have some idea about how things can be addressed and feel we are in a better position than most counties because our community puts a lot of resources into housing activities.

Commissioner Green asks when we will know the status of funding.

Ms. Howard said HUD does not know.

Commissioner Keller moved to approve fiscal year 2017/2018 CDBG & HOME Budget Allocations as recommended by the CDBG Task Force and Strategic Action Team as outlined in the Planning Commission Packet for March 14, 2017, Seconded by Commissioner Santoski with the following conditions:

- The City adjust for actual CDBG entitlement amounts as received from HUD in which funding allocations will be increased/reduced at the same pro-rated percentage actual entitlement to be estimated and no agency will increase more than their initial funding request.
- For HOME, if less funding is available, funding is to be deducted from PHA's funding allocation and if more funding is available, that it be added to PHA's funding allocation (so that Habitat is fully funded), motion passes 6-0.

2. ZT-17-01-01 - (Historic Conservation District Ordinance Amendments) – Proposed amendment to the text of the City’s Zoning Ordinance, Sections 34-340 through 34-349 of the Code of the City of Charlottesville, 1990, as amended (Conservation Districts), relating to the requirements for review and approval of a certificate of appropriateness (COA) for certain construction within a Historic Conservation Overlay District. The amendments clarify when accessory buildings, fences and walls, and rear building additions require BAR review; which types of demolitions require review; clarify that a COA is required prior to painting unpainted brick, eliminates review of paint colors; and codifies a process for administrative approval of certain changes. The text of the proposed zoning ordinance amendments and related materials are available for inspection at the Charlottesville Dept. of Neighborhood Development Services, 610 East Market Street, Charlottesville, 22902.

Open the Public Hearing

Mark Rylander 607 Lexington Ave., said you were copied on a letter from John McLaren, the Martha Jefferson Neighborhood Association President regarding approval by the BAR of a project in our neighborhood under this ordinance. He said the MJNA was surprised and disappointed that the overlay district did not afford the neighborhood more protection regarding mass, scale, and context for new construction than the existing city wide zoning ordinances. From our perspective the project failed those tests. He would like to suggest that even though the proposed amendment seems to be a reasonable clarification about when a project requires a COA, it does not address a fundamental lack of coordination with the zoning ordinance, especially with respect to sections on accessory apartments and specifically section 34-3421 which says the review will determine whether the form, height, scale, mass, and placement of the proposed construction are visually and architecturally compatible. He said those terms lose meaning in the face of the mathematics from the zoning ordinance that deal with percentages for lot area and what is allowed to be built. Looking toward the future we are asking you to discuss how zoning might be addressed to avoid mega-mansions syndrome that is affecting many major cities. Thirty percent of back yards is the maximum size of an accessory structure; so if you have a big backyard you can have an enormous accessory structure. If you have a small back yard you are at a disadvantage. So conversely, the accessory apartment section is confusing to the public. An accessory apartment can be 40% of the footprint of the main house, but if you have a small house you can’t have a reasonably sized accessory apartment and those owners may need them the most. The Neighborhood Association hopes they may be included and copied on applications. Currently neighborhoods and adjacent neighbors feel the neighborhood associations should be added to that list.

Mark Kavitt commented that he agreed with everything Mr. Rylander said. He said he found out about this item on the agenda about 3:30 today. He said this item should be postponed. Last month a letter was given to City Council in which there were some items not being addressed regarding this and form based code. A meeting has been set up with Maurice Jones and Economic Development to discuss these concerns. He feels this item needs to be postponed until after that meeting takes place. Quite a few of the neighborhood leaders will be attending. He is concerned about the lack of notification to neighborhood leaders concerning this particular item as well as other items in general. As for this item, I just had a chance to briefly look at it. Some items under administrative review concern me because they should be tightened regarding what will be allowed and what not will be allowed. He said there should be more detail on painting. He said if someone wants to paint their house hot pink they should be able to do so and put polka dots on it if they want too. He said fences need to be addressed so appropriate types of fences fit the neighborhoods. He said he opposes putting houses in specific neighborhoods that don’t belong there.

Eric Hurt 1502 E. Market Street, said he is speaking about the Woolen Mills District poll that was sent out and how it confused a lot of people. Fast forward to 6 months ago, several folks in the neighborhood really started to turn people off, instead of a poll, a house to house petition, still trying to track down folk in the district that are home at least agrees, received the paper work from the Council members. Very confusing fences, various

things, two questions, alter in the Woolen Mill district, not to approve the proposed district, house to house, neighbor to neighbor. They don't want to put rules on their neighbors.

Barry Berger 1710 E. Market said he agrees with everything Eric Hurt said and it is very important to speak in person and explain some of the ramifications of what may happen. The compromise solution, on one hand may, seems like it would not stop work for everybody, but on the other hand there is an arbitrary overlay in the first place and many places are not on it. The two houses beside me and two houses behind me are almost identical houses; two of them are in and two of them are out. The logic behind a lot of it I can't see. An opt out would still give people the right to have control of their properties.

Rebecca Quinn 104 4th Street, said Ms. Scala indicated that the ordinance is primarily related to demolition, she agrees with Mr. Kavit about types of fences, she understands the exemptions from the COA but there are no guidelines on colors. She gave an example of a Pink House where she once lived. She said no oversight of colors; she doesn't know about polka dots but definitely shocking pink has been done. She asked if the Planning Commission would consider paint color and wondered if someone could chose within a palette because we do need to protect the character of our neighborhoods.

Bill Emory 1604 E. Market Street, stated since the first application, October 2010 for the Martha Jefferson neighborhood, the conservation district ordinance has been administered in a manner consistent with its purpose and intent. The ordinance has helped historic neighborhoods through a required review of proposed demolition and new construction. The review is achieved without imposing an undo financial or design restraint on residents remodeling existing houses or building new homes or structures. The Historic Conservation District Overlay is currently the only zoning tool available to moderate the pace of the tear downs and construction of appropriately sized new buildings in humble historic neighborhoods. He deeply appreciates the work by staff and BAR refining the language for the conservation district and response to community input.

John Frazee 1404 E Market Street, said he appreciates the effort of the Planning Commission, Mary Joy, BAR, and City Council for undertaking this and especially to the commission being responsive to the voices in the neighborhood who looked for increased clarity in the ordinance. The Neighborhood Association has held numerous public meetings and invited the entire neighborhood. The first meeting took place with Mary Joy present, and she explained the ordinance at that time and many of the neighbors had a strong interest in it. Other neighbors with, very keen eyes (lawyers), found the ordinance had some irregularities and needed clarification. We had another meeting with Mary Joy, BAR, and members of the Planning Commission. The meeting was a constructive exchange of questions and ideas. He was glad that Mary Joy, BAR, and the Planning Commission worked on making changes to address people's questions about the regulations. He felt comfortable in having some type of protection from new construction and demolition and an understanding of how changes planned or proposed to their homes would be effected. People opposed to the Overlay clearly do not want more regulations on their houses and that is totally understandable. As far as the Neighborhood Association is concerned, we are very interested in having a neighborhood that retains its unique character and still gives homeowners the ability to make the kinds of changes to their houses that are harmonious to the neighborhood as a whole. He appreciates all of your efforts and is waiting to see how all of this turns out.

Closed the Public Hearing

Commissioner Keller commented that she is concerned about proposals for any kind of opt out because it speaks to our ordinance as a whole and an overlay district is just another form of zoning. She would be hesitant for the Planning Commission to be moving down a road where they would be thinking of opt out zoning and voluntary zoning. This is an issue that comes up occasionally, statewide in terms of enabling legislation. She wanted to make this point before Council left.

Commissioner Green said a polka dotted house has happened in North Dakota.

Councilor Galvin said she wanted to acknowledge the referenced to the fact that we are looking at the underlining zoning as a problem, and having multiple layers of overlay districts will not work if the underlining zoning ordinance is not dealing with the community's needs. She appreciates the comments that were made that the under-lying zoning is something we must fundamentally deal with. The code audit is moving in that direction and she appreciates everyone's comments.

Commissioner Keller asked do we have the authority for you or a person in your position, to be able to make administrative decisions about certain things?

Ms. Scala said the idea is if something is significant, you want the public body to review it rather than have it reviewed administratively. If BAR has already reviewed it and some questions or clarification comes up later she can circulate that by email. She said she would not want to take responsibility for approving any major change and would prefer it goes through the public process.

Ms. Scala said guidelines regarding bright pink would only be appropriate in certain situations but really there are no requirements in the ordinance to review paint colors. The only time BAR reviews paint colors now is for new buildings. We want to make sure buildings are preserved and we want to make sure new buildings meet the scale and character of the area as much as possible. She said paint color is very minor.

Commissioner Keller said if it doesn't require a building permit, like paint and some type of fences it would fall under administrative review, other things could be added later. In general if it is something significantly BAR would review.

Ms. Scala said no, a fence does not require a building permit. There is no requirement in the ordinance to review paint colors. Even in the ADC district the homeowner is allowed to pick paint colors.

Commissioner Keller said the ordinance could theoretically be amended for administratively approval so people would not have to wait for a review process so other things could be added to that.

Commissioner Santoski said as one of the people was talking about demolition, construction, and remodeling, he became curious. In the very beginning the talk was about demolition and new construction and not imposing requirements on current residents who want to remodel their homes. But in 34-336(4), it says a COA must be approved in accordance with alteration or improvements as follows. You are telling people that it is just for demolition and new construction and we are not going to put excessive requirements on them, but you have to get a COA if you want to do alterations and alterations could be almost anything.

Chairman Keesecker said alterations that require a building permit.

Lisa Robertson, City attorney said additions can be an alteration of an existing building. It says as follows. The language that is in the general paragraph that proceeds paragraph A comes out of enabling legislation. This is where you are allowed to regulate. It lists the following types of alterations, construction, etc. that are regulated. That is how it evolved in terms of the language.

Commissioner Lahendro said we heard in the public hearing from people who wanted more regulation than what the conservation district is proposing. We have heard some people wanting new regulations which tell them that this is right, and we are not going to please everyone. This is an architectural design control district on training wheels. This is just basically making sure the fundamental character of a historic district doesn't

change and we don't start tearing down existing houses and putting back huge houses on the same lot and start to create anomalies within a block. He attended the Woolen Mills session with Mary Joy and heard the comments there and understood how Mary Joy got to the point of believing this needed to be tightened up. This does a great job and he is all for this and supports it.

Commissioner Santoski said he thought it was interesting that two different conversations were going on during the public hearing. One was the zoning text amendment, and the other was whether Woolen Mills should be designation as a conservation district. He feels that it is entirely up to the neighborhood to figure out and present that to City Council.

Commissioner Lahendro said a lot of what is happening in Woolen Mills is them disagreeing with each other about the process not necessarily the conservation code but the process that the neighborhood association took it through.

Commissioner Santoski stated that he agreed that this has almost everything right and there are things that some of us disagree about. The issue about the painting makes me stop but I wouldn't want to go so far as to say no you couldn't paint your house pink if you wanted too. He said you are right it is historic district on training wheels and sometimes you have to give people a certain amount of training wheels. He said Mary Joy expressed that very well.

Commissioner Lahendro Mary Joy presented was in general a consensus to her credit over the years of administrating these ordinances really well through her good judgment and should be memorialized into the ordinance in some way.

Commissioner Keller said maybe this is for Ms. Creasy or Ms. Robertson to answer: what is it within our purview to make suggestions for language changes that were with the original ordinance that are not underlined or stricken through here

Ms. Creasy said if you want to present something, it could be considered.

Commissioner Keller said yes, it's just for our discussion that works with the noticing that happened.

Ms. Creasy said the noticing is the general areas that are being addressed.

Commissioner Keller said 1) is the notability of individual buildings and it uses the word "renowned architect" and she wondered if "significant" might be a more easily understood term because significant is something that has some standing in the preservation world. It is in section 34-336, item 4: Whether the buildings, structures or areas are associated with an historic person or event or with a renowned architect or master craftsman, or have special public value because of notable features relating to the cultural or artistic heritage of the Charlottesville community; 2) She was confused about why we have a five year review of the guidelines and a fifteen year review of what is a contributing building or structure, contributing and non-contributing. If it is being reviewed every five years shouldn't the contributing and non-contributing be reviewed on the same cycle.

Ms. Scala said the guidelines are reviewed fairly often because for instance you get new techniques, materials like synthetic materials that you may or may not want to include. So the guidelines tend to need more updates. She said reviewing the entire district will require hiring a consultant and is a much bigger deal.

Commissioner Keller said it is section 34-339, Before an area is designated as a conservation district, each structure shall be determined to be either "contributing" or "non-contributing." Thereafter, at least once every fifteen (15) years, this determination shall be reconfirmed.

Ms. Scala said she doesn't know why the exact number was picked but she thinks it was thought of as a big deal instead of something we could do in house.

Commissioner Green said because she does not see the non-crazy stuff during the day, she said eventually we are going to have something and we should have added paint to this.

Mr. Santoski said he supports Ms. Keller on her comment about opting out and said we can't stress that to Council that either we adopt the ordinance to include a neighborhood or someone in a historic conservation area or we don't. There shouldn't be an opportunity for people to choose when to opt in or opt out then we will see it all over the City any time we want any type of zoning change.

Commissioner Lahendro moved to recommend to City Council that it should amend the text of Sections 34-340 through 34-349 of the zoning ordinance, to clarify and adjust the ordinance language as presented, changing renowned to significant and add masonry to the brick, I find that this amendment is required by the public necessity, convenience, general welfare or good zoning practice, seconded by Commissioner Clayborne, motion passes 6-0.

IV. COMMISSION'S ACTION ITEMS

Beginning: upon conclusion of all joint public hearings

Continuing: until all action items are concluded

1. Critical Slope Waiver

a. 162 Baylor Lane – Carrie Rainey

The City of Charlottesville Parks and Recreation Department is requesting a waiver from Section 34-1120(b) of the City Code (Critical Slope Ordinance) to allow for the establishment of a buildable lot for a single family residence in compliance with the covenants of the Carter's View Subdivision.

The applicable definition of "critical slope" is as follows: Any slope whose grade is 25% or greater, and (a) a portion of the slope has a horizontal run of greater than 20 feet, and its total area is 6,000 SF or greater, and (b) a portion of the slope is within 200 feet of a waterway.

Critical slopes cover 0.7 acres or 50.3% of the project site. The waiver request specifies 0.01 acres will be disturbed, which is 7.1% of the site area.

Improvement areas where critical slopes would be impacted should the waiver be approved are shown on the Critical Slope Exhibit (Attachment B) and include a single family residence.

Staff recommends approval with conditions.

Commissioner Green move to recommend approval of the critical slope waiver for Tax Map 26, Parcel 45.001 based on a finding that the public benefits of allowing the disturbance outweigh the benefits afforded by the existing undisturbed critical slope, per City Code 34-1120(b)(6)(d.i) with the following conditions:

1. The builder obtains an Agreement in Lieu of an Erosion and Sediment Control Plan even if the site does not exceed 6,000 square feet of land disturbance.
2. Roof drains are piped into the existing stormwater system unless otherwise directed by the engineering department.

3. Land disturbing activities shall be limited to the front 2/3 of the site and only disturb the minimal critical slopes necessary to build the single family residence.
4. A pedestrian access easement be preserved in the same location as the platted public drainage easement on the 10 foot portion of the easement. These easements will be concurrent. Seconded by Commissioner Clayborne, motion passes 6-0.

BREAK 7:33

b. **Seminole Square Shopping Center – David Mitchell**, Great Eastern Management Scott Collins, Collins Engineering. Report by Heather Newmyer, Staff Planner

Staff would only recommend approval if approved with following conditions (detailed staff conditions found on p. 8-9 of staff report):

- Existing stormwater easement created in 1985 is vacated
- Detailed survey by licensed professional be provided following construction to capture any deviation from approved plans, where stormwater routing analysis is verified using as-built data.
- The improvements on Concept Plan shall be incorporated in the site plan amendment submitted for future redevelopment of the site and reflect staff's recommended modifications (mentioned earlier) prior to site plan approval
- Construction begins after Hillsdale Road extension is complete.

Commissioner Lahendro said both of these projects (Seminole and Pepsi) intrude upon what is an existing 100 foot wide forested stream that has sloped sides and runs to meadow creek to the east. Meadow Creek Brook is paralleled by the Rivanna Trails circumferential trail system around the City of Charlottesville which also connects with the residential areas to the east of Seminole Square. He sees this as an incredibly sad lost opportunity to create a pedestrian walkway that would be a very pleasant experience between the residential areas. We should be including this in the planning for Seminole Square and the new Hillsdale Drive which is going to cross this stream bed and is going to be planted with trees and become a greener more inviting pedestrian friendly place. He said this is really poor planning. He said politically and ownership wise the City doesn't own all of the property and any one owner doesn't own all of the property but he thinks this is really bad planning and he can't vote for it just because he knows it is going to further reduce and further damage the opportunity of that ever happening.

Chairman Keesecker asked do you have a sense of where Hillsdale Drive traverses this stream bed and how far above one's head that crossing will be.

Mr. Collins said it is about 35 to 40 feet from the bottom of the stream up to the road surface.

Mr. Lahendro said he sees what is being proposed as damaging to an amenity. It is a forested stream that is actually very attractive.

Commissioner Keller said she is inclined to agree with Mr. Lahendro. This is an environmental trade-off in a very 20th century kind of way and we are trying to move toward 21st century goals. We just approved a slope waiver because it would create access to more Park land. The City was doing hand stands to get the trail connection behind Emmet Street and that pales to the kind of natural area and potential amenity we have here. There is a potential for connectivity and the only benefit approving the waiver is for parking. She does not see this waiver forwarding any of the City's goal. She said she does not see the same degree of merit in either of these two proposals at the present time.

Commissioner Green said we had a discussion about trees, landscaping, and the addition, but there is no timeline for that to actually happen.

Commissioner Santoski said he thought it was interesting that staff felt it was all about parking. The owners want to restore parking back to pre-Hillsdale conditions. What it really comes down to is they just want additional parking and he agrees with Ms. Green that there is no timetable to tell us when that would happen. He said what is going to be given up by the critical slopes waiver for additional parking spots is an interesting trade off.

Commissioner Clayborne asked why these additional parking spaces are needed if the existing capacity already exceeds the City requirements.

David Mitchell, Great Management said we are asking to get back to where we were before, but there are two things you have to understand about the physical characteristics of our parking. We don't have enough parking relative to the square footage of the north wing. We have a plethora of parking in front of Big Lots, etc. The problem is parking is not in the right spot. Hillsdale took away the parking in front of the north wing and that is why we are asking to have parking put back there. The buildings that are shown are to be built in the future and will take up more parking and do what the City wants, which is new construction up on the road. We will add buildings along the front of the parking lots and it will end up looking like Barracks Road. We need to replace the parking after Hillsdale especially for the restaurants and bounce and play. The retail shops are not an immediate problem and that is why we need it over there.

Commissioner Lahendro move to recommend denial of the steep slope waiver for Tax Map 41C, Parcel 3.1 Seminole Square Shopping Center, and Seconded by Commissioner Green motion passes 4-2 for denial Commissioners Santoski and Chairman Keesecker voted no.

c. Pepsi Bottling – Scott Collins

Staff Recommendation: Because Engineering staff confirmed the retaining wall will not adversely impact the functionality of the stormwater management facility AND that the applicant is providing additional erosion and sediment control measures to protect the stream, staff is able to consider whether there is a public benefit in Finding #1. Staff believes the following factors present a stronger argument for a public benefit in Finding #1 than the original submission in January 2013:

- Vacation of the existing stormwater management easement would serve as a public benefit to the City by taking the maintenance burden of a private facility off of the public tax dollar
- The applicant proposes to modify the stormwater management's existing outlet structure which will provide improved stormwater detention

Staff would only recommend approval if approved with following conditions (detailed staff conditions found on p. 8-9 of staff report):

- Existing stormwater easement created in 1985 is vacated
- Detailed survey by licensed professional be provided following construction to capture any deviation from approved plans, where stormwater routing analysis is verified using as-built data
- Construction begins after Hillsdale Road extension is complete

Commissioner Lahendro moved to recommend denial of the critical slope waiver for Tax Map 41C, Parcel 3, Pepsi Bottling Plant, Seconded by Commissioner Green, motion passes 4-2. Commissioners Santoski and Chairman Keesecker voted no.

Chair Keesecker Gaveled out of Planning Commission to the Entrance Corridor Review Board

A. Entrance Corridor Review – 1170 Emmet Street –CVS – Rebkee Co, Ashley Davies, Williams Mullen
Report by Mary Joy Scala

Commissioner Green stated her appreciation to Williams-Mullen for all they have done.
Commissioner Clayborne said great job!

Staff Recommendations

The ERB may have additional comments on the design, which is generally appropriate. The following conditions of approval are recommended:

1. All lighting should be mounted at 12' maximum height and pole lights mounted horizontally to conform with the City's dark-sky requirements;
2. The signage may be red during the day but it should be perforated type design that appear lit white at night;
3. The rooftop screening should be installed so that all rooftop mechanical equipment is screened from all streets;
4. The ERB should confirm that the color of the proposed brick in a larger sample is appropriate.

Commissioner Keller move to approve with staff's recommended conditions the Entrance Corridor Certificate of Appropriateness application for the new CVS pharmacy at 1170 Emmet Street, seconded by Commissioner Clayborne, motion passes 6-0.

Gaveled out of Entrance Corridor Review

1. **Preliminary Discussion - King Street Rezoning** - Oliver Platts-Mill and Jason Roberson with Atlas Projects, LLC have submitted a rezoning application to rezone lots 910 – 916 King Street from the existing residential use (R-1S) to Cherry Avenue Mixed Use Corridor (CH).

This rezoning is being requested to accommodate a proposed higher density mixed use development on the parcels that would not be permitted under the current zoning. The properties are further identified on City Real Property Tax Map 30, Parcels 124, 125, 126, & 127. The sites are zoned Single-family (R-1S) with road frontage on King Street. The parcels are a total of .56 acres or 24,393 square feet.

The City of Charlottesville has yet to begin a small-area plan for Cherry Avenue, but one developer is seeking a rezoning to help turn the street into more than just a way to get to the University of Virginia Medical Center.

Oliver Platts-Mill with Atlas Projects said this area is calling out for small apartments to meet the needs of the hospital staff, such as nurses and technicians. There is a massive demand for housing in our neighborhood.

Atlas Projects is seeking a rezoning for four properties on King Street from single-family residential to the city's Cherry Avenue zoning district.

Mr. Alfele said there is a single-family home on one of the parcels, and the other three are vacant. He stated the applicant is proposing to combine the four parcels and build a mixed-use development with residential units, commercial, and office space, as well as an accessible green space. Under the existing zoning, Atlas Projects could build four single-family homes and four accessory dwelling units. He said if rezoned to Cherry Avenue Corridor, the dwelling units per acre would be 21 DUA by-right and 43 DUA through a special-use permit. Mr. Alfele said Atlas has submitted an application but has not yet held its mandated meeting with the community. They sought initial comments from the Planning Commission before doing so.

Mr. Platts-Mill and his wife, Natasha Sienitsky, are residents of the Fifeville neighborhood. Ms. Sienitsky served on the Planning Commission from 2011 to 2014. We've been attending Fifeville Neighborhood Association meetings for the past 12 years, and the neighborhood would desperately like to see more activity developed in the corridor. Rezoning would allow for both sides to be the same zoning. According to them, the neighborhood association has asked for the city to conduct a small-area plan to guide redevelopment of a road that has several vacant parcels. The Planning Commission has endorsed the idea, but City Council has not yet determined where the city's next study area will be. The council has set aside \$50,000 in the current fiscal year to conduct such a plan, and another \$250,000 is anticipated to be entered into the fund over the next five years.

Mr. Platts-Mill said the neighborhood also is concerned by the lack of affordable living choices as well as a shifting identity. He said there's concern about the preservation of Fifeville's identity as a residential neighborhood and about outside pressure and that's been seen in the development of the William Taylor Plaza as a hotel which people view as not part of the neighborhood.

Commissioner Santoski said he found Platts-Mill's project interesting. Mr. Santoski said the fear he has is that development along Cherry Avenue is something that is going to start happening that we don't know what it will be; but this seemed to be something that fits in really nicely. It worries him more what the university is going to do with their property.

Mr. Platts-Mill said the rezoning would make it more likely for more affordable housing to be built near the medical center. He said that without the zoning, he would likely be able to build four houses and sell them for more than \$400,000 each. That's not affordable housing but he said the apartments would likely rent at a cost that could be afforded by people making between 80 and 120 percent of the area's annual median income.

Commissioner Keller asked if there would be effort to save the existing structure and noted it was included in the application for the neighborhood's historic district.

Mr. Platts-Mill said when Roosevelt Brown was built through this area and then subsequently the neighborhood was put up for a historic district, we counted 14 houses that were taken down over 20 years, and this is the last house left and has been vacant for several years and has not received any improvements for much longer than that and is in very poor shape. We would certainly preserve any materials that we are able to salvage from the house and reuse them as we could.

Mr. Platts-Mill said we're not really contemplating having weekend use and Airbnb, but we do know there is a lot of demand at the hospital for traveling nurses who come for three months. We're seeing a lot of people who want to lease close to the hospital. They don't necessarily have cars. Most apartments would be one-bedroom units, but some could have two bedrooms. It really has to do with the demand. We've been renting apartments in this area, and if you have something that is affordable for one person to live in, you get a lot of calls.

RE: Comprehensive Plan Survey

As a part of the proposed community engagement strategy for the upcoming revision to the City Comprehensive Plan, the Planning Commission has included the possibility of completing a survey of residents of the City.

Nearing the end of the very late meeting only four commissioners remained and a short discussion was held on the surveys.

Ms. Creasy said we can go through Monday with that high estimate in there and if they say yes, then we go forward to our next step and that will be to define what this is. We need further clarification from the Commission on the content and intent of the survey in order to refine the cost of such an effort.

Commissioner Santoski said if they give us \$50,000 then so be it.

1. What content does the commission need public input via the survey?
2. What is the form of the desire survey?
3. Professional Assistance

Commissioner Lahendro asked where do you think density and growth should happen for commercial, residential, and office.

Chair Keesecker said one of the questions should be do you live in Charlottesville and what keeps you here.

Commissioner Keller said we have the demographics to see who is not participating and who is participating.

Chair Keesecker said he was trying to look into a visual to capture the many meetings, and all the work around the proposed conversation from all of the meetings, and combined the two or three things Ms. Creasy had already prepared. Pictures he thought might be a little easier to put on the wall.

Commissioner Santoski asked when Kurt is presenting this, is Council signing off on something similar to this but might it be subject to change depending on what further information we gather.

Ms. Creasy said Council will accept this plan as is or provide the direction and if it is veering in another direction to provide us with time to be able to develop that because we are working off the time frame they gave us, which is tight.

Adjourn at 11:12 pm