

**Minutes**  
**PLANNING COMMISSION SPECIAL WORKSESSION**  
**TUESDAY, October 24, 2017 – 5:00 P.M.**  
**CITY COUNCIL CHAMBERS – NDS Conference Room**

**I. Commission Work Session**

*Beginning:* 5:00 p.m.

*Location:* City Hall, 2nd Floor, Council Chambers

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

**II. Commission Work Session (continued)**

*Beginning:* 6:00 p.m.

*Location:* City Hall, 2nd Floor, NDS Conference

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

Staff: Missy Creasy, Carolyn McCray, Lisa Robertson, Heather Newmyer, Alex Ikefuna  
Taneaia Dowell recused from this discussion and vote

Call to Order: The meeting was called to order by Chairman Green at 5:00 pm

1. ZM17-00001 – 1021, 1023 and 1025 Park Street Planned Unit Development (PUD) –

**Presented by Heather Newmyer**

1. ZM17-00001 – 1021, 1023 and 1025 Park Street Planned Unit Development (PUD) Rezoning Request–Monticello Area Community Agency (MACAA) (landowner, of 1021 and 1025 Park St) and New Millennium Senior Living Communities (NMSLC) (contract purchaser of 1023 Park St (owned by 1023 Park Street, LLC), have submitted a rezoning application to re-zone properties 1021, 1023 and 1025 Park Street (“Subject Properties”) from Low-Density Residential (R-1) to a Planned Unit Development (PUD) with proffers.

*This item is set as an action item only; a public hearing on this item was previously held on October 10, 2017 and no additional public comment will be taken.*

**Commissioner Dowell:** recused herself because she is an employee of MACAA (she then left the room)

**Questions for Clarity**

**Commissioner Keller:** asked can you clarify again the status of the existing amended SUP via the PUD.

**Ms. Newmyer:** said if this were to be approved, that would be removed and uses that are allowed would be listed specifically in the PUD development plan. The school and the senior living facility would be the only things allowed. They are memorialized from the existing SUP to maintain the closed access point on 250.

Commissioner Keller: said this educational use would shift from the existing site to the existing stone house which currently in the PUD would be limited to that site, it wouldn't flip back. It would require an amendment to the PUD if anyone wanted to have a residential school there. The SUP would go away.

Commissioner Santoski: said regarding affordable housing and also given the fact that the City's Parks & Recreation department recently acquired a piece of park land across from Azalea Park at market value which was close to a million dollars, he was wondering if MACAA and the city had ever engaged in conversation to talk about transferring all or part of the MACAA property to the city to provide a replacement of the park land that was lost when the Meadow Creek/John Warner parkway went through. It was especially considering the rock park and some of that property and the fact that this could also be a site for affordable housing that there seems to be a real need for in the city. He wondering if there were any serious efforts made by MACAA and the city to engage in that type of conversation, given some of the other things that were happening with these inquisitional park land and the issues around affordable housing.

Ms. Newmyer: said she knew from Chris Gensic, the Parks and Trail Planner, that a number of years ago there might have been a conversation between MACAA and the City. Parks and Rec might have wanted to acquire a portion of the land to include for trails or something memorializing the rock hill gardens and assuring they would be protected, but she doesn't think that clearly went through. To answer your question about a larger discussion of the city wanting to purchase the property entirely, she doesn't think that has occurred.

Commissioner Santoski: said it is something that would have benefited MACAA and would have benefited the city. As we saw from the last Planning Commission meeting there seems to be a large outcry about the lack of affordable housing and this seems to be a prime location for that to happen and yet the folks who were so upset about discussing a small piece of property in downtown Charlottesville did not seem to be concerned about a huge nursing home going up on the same property when the acquisition by the city to do such a thing or a trade between MACAA to acquire solving MACAA's financial problem and helping to resolve both park issues and everything else. It is bothersome to him that we are sitting here between a rock and a hard place, between MACAA as the organization and planning and zoning, and yet we have this dark cloud of affordable housing and trail and park acquisition hanging over us.

Commissioner Keesecker: said the difference between a rezoning and a PUD is a plan of development, and MACAA is called out on that plan of development and his question is the maintenance of MACAA on this site. He asked is it memorialized by their name on the plan of development.

Ms. Newmyer: said if MACAA would ever go away we would have to talk with a new applicant of what they wanted to do or if there were going to be changes on the site, but if it matched the use that would be feasible. It doesn't have to be MACAA. It has to be appropriate for the use and wouldn't be changing it substantially. Staff would have to assess to see if that is a PUD amendment or not.

Commissioner Keller: said if another school wanted to come there it would not have to meet the mission of MACAA.

Ms. Creasy: said but have the same function.

Commissioner Santoski: asked would it have to meet the intergenerational part of what we see in front of us.

Ms. Newmyer: said that is the programming that goes between the current applicant and NMSLC proposed use, description for the senior living facility, and their would events.

Ms. Robertson: questioned what did the PUD plan say about the proposed use, she thought the proposed use did contain some description that there were units on site where somebody could progress through different levels of service.

Ms. Newmyer: said that is for the senior living facility separately. If someone comes in originally is invested in independent living, as they age they would need to go and move into assisted living or memory care. As far as the intergenerational campus goes this might be a good question for the applicant. They have said there would be events happening together and that's as far as she has seen in terms of the PUD development plan.

Chairman Green: said with this PUD the only use that is available from a land use standpoint will be a senior living facility and a school.

Ms. Creasy said and for office use.

Commissioner Clayborne: asked the applicant about the affordable housing provisions and how that contribution was determined.

Bruce Hedrick, of New Millennium, said he and city planner Heather Newmyer met with the city's housing coordinator, Stacy Pethia. We walked through several different scenarios of what could be there, and we settled on the elderly age-restricted model but recognized there was a need for workforce affordable housing elsewhere.

### **Planning Commission Discussion**

Commissioner Santoski: said he is struggling to separate MACAA from the zoning issues, and asked is the PUD the best thing we can do with that property. He always struggles with PUDs, and said that a very few of them have exceeded what could happen under the current zoning. He said he is going to come down on the side of saying no, I don't think this is the right use for this property at this time. He asked what has the city done to preserve the rock hill area, and connect the parks or have they made a concerted effort in the past to assure those areas were preserved and not left up to the whims of the organization to sell to a private developer. He doesn't think the PUD is the development for that property at this time.

Commissioner Keller: said when she has gone through these criteria and Ms. Newmyer's report, she has struggled with this as a PUD and perhaps with the addition of the duplexes. She has trouble supporting this as a PUD, because she doesn't see it addressing most of the criteria that we look for with the exception, and the only way she would support this is because of the environmental factors, the open space, the connectivity to the trail, and preservation of the slopes and the garden. We can't impose any conditions on that or can we ask for them, we can only point out things that are troubling, deficiencies or concerns to us. We're not really looking at an innovative arrangement of buildings. If this were an apartment building with 141 units next to a school, would we be considering that a PUD? Those are things that concern her, troubled that this could go on the open

market and be developed and the unique natural characteristics and cultural features of the site could go away and she would feel very bad.

Commissioner Lahendro: said this site is, in my mind, very unusual in that it has different characteristics depending upon where you are on the site, so, we are able to have residential-scale buildings that would front Park Street and the larger building would be in the back. It seems to me that this is responding to the unique characteristics of this site, and a PUD is an appropriate tool for that.

Commissioner Clayborne: said he can support this, and there are a lot of concerns the citizens have, for instance the affordable housing and educational piece. He feels we are headed along the right track for addressing these concerns and these items get us on track regarding public safety and access to trails. He can stand behind this the way it is.

Commissioner Keesecker: said he is undecided about using the PUD to allow a four-story building. Are PUDs the tool we are going to use to put big buildings next to our neighborhoods? He said a PUD is not the best solution for the property. He said anytime you are on a sensitive site and your answer is parking with landscape buffer, it is not the best solution. There is either too much parking or it is not in the right place. The adjacencies are buffered on two sides with parking lots. That can't be good in a PUD situation. PUDs are probably asking for things that we've never seen before or the answers to difficult sites. The school for all of its promise for intergenerational education also has a tremendous opportunity that is not being taking advantage of for the access to the natural areas that are on the site. At the moment access from the school to the better parts of the site is across parking lots again which; the playground is adjacent to the school but divided from everything else by a road and a parking lot. In terms of scoring on that criteria for creativity, speak to not being able to call it creative. The efficiency of the internal program of the operations of the senior living facility are what appear to be less flexible. There is an operational efficiency that is demanded by the project type that doesn't allow for as much flexibility in the neatness of the site that we might see in a PUD so he is asking himself is a PUD the tool that we ask the community to accept large buildings being placed on or adjacent to our residential neighborhoods. Is that the tool we are going to use to put big buildings next to our neighborhoods? He does not think that is the intention of PUDs. He said PUDs are probably asking for things that we've never seen before for answers to difficult sites and there is a higher level of answer that could be provided here that might achieve some of the program needs but not as such a high level of operational efficiency for the program. He said it would be an incredible place to live and look out and see the trees and all of the activities that are going by. There are some things that are positive in a land use way but he is unresolved that the solution that we have in front of us is the premium solution that we desire with our PUD process.

Chairman Green: said on top of the PUD requirements is this consistent with the land use plan that we have now? Is this what we envisioned when this land use was adopted? She said that land is low density. Is the PUD the right tool? It does meet a lot of the criteria of the objectives of 34-490, there are a couple that she agree with you all. She said she agrees with Ms. Keller on the housing types. The housing types are something that should be looked at holistically: with the property, not just within a building. She also agreed with how we are buffering our site with parking and that too is a concern she has had.

Commissioner Keller: said we have a unique site that is an anomaly. It is very frustrating and very sad at the same time.

Commissioner Santoski: said he gives Ms. Newmyer credit for giving us more detail than we usually see in a PUD, very tentative sketched out. He said staff has really done a good job over the years at trying to flush out more and more as we all have struggled with it. On the PUD, if it is not specifically spelled out somebody always comes back and burns us with something we have not thought about or thought through. There is a different solution for this piece of property than a PUD. It just doesn't rise to the level of giving us a creative land use for what is an important piece of property that is in the current land use that is supposed to be low density.

Ms. Creasy: said the Planning Commission recommendation would move onto City Council and City Council would make a determination to approve or to not approve. If approved, then there will be site plan requirements and then return to the Planning Commission.

Commissioner Clayborne move to recommend the approval of this application to rezone the properties located On Tax Map 47, Parcels 7.1, 8, 11 from R-1, and SUP for Community Education Center; On Tax Map 47, Parcel 7.1 to PUD, on the basis that the proposal would serve the Interests of the general public welfare and good zoning practice; and PUD with the proffers the applicant has put forth Seconded by Commissioner Lahendro, motion failed, 3:3; (Chairman Green, Commissioners Keller and Santoski voted no)

Second Motion: the tie was broken by Commissioner Keller changing her vote to yes.

Commissioner Clayborne move to recommend the approval of this application to rezone the properties located On Tax Map 47, Parcels 7.1, 8, 11 from R-1, and SUP for Community Education Center; On Tax Map 47, Parcel 7.1 to PUD, on the basis that the proposal would serve the Interests of the general public welfare and good zoning practice; and PUD with the proffers the applicant has put forth Seconded by Commissioner Lahendro, motion passes, 4:2; (Chairman Green and Commissioner Santoski voted no)

2. SP17-00002-901 River Road SUP Request-Robert High Development, LLC,

**Presented by Heather Newmyer**

Robert High Development, LLC, contract purchaser, and landowner River Road Plaza, LLC, have submitted an application seeking approval of a Special Use Permit (SUP) request for the property located at 901 River Road with road frontage on River Road and Belleview Avenue. The proposal requests to allow for a self-storage company, pursuant to City Code Section 34-480.

*This item is set as an action item only; a public hearing on this item was previously held on October 10, 2017 and no additional public comment will be taken.*

**Questions for clarity**

Commissioner Santoski: asked what else could go under the present zoning right now.

Ms. Newmyer: said it could be something similar to a tractor supply or a fence shop and believes a restaurant could go in this location. The main difference from what we saw was that the by right uses provide bigger traffic impact and that was a major difference. In terms of during the peak hours and during the day this is a very low impact use. Some of the reasons were to move the building back to preserve the oak tree back from the front of the site; the parking was propose to face

Bellevue so they increase their landscaping so the parking is behind Bellevue and they wanted something more mixed use and hope for retail in the front.

Chairman Green: asked about the onsite infiltration system, they wanted to work with engineering to buy credits for run off.

Ms. Newmyer: said our engineers wanted them to provide a soil testing so the infiltration system would actually work and hypothetically if that was to come back, it would not be a viable option then the engineer staff wanted an onsite treatment and the applicant was saying in case that wasn't feasible could they buy offsite credits. She would be supportive of altering the condition to say something like if the soil test showed the infiltration system doesn't work, the applicant would work with the engineer staff to work out some portion of the stormwater being treated on site. If it was by right they would be able to buy off site credits.

Commissioner Dowell: asked about mixed used, how was the reference of go to mixed use used or referenced when there was no mixed use.

Ms. Newmyer: she was including that as one of the goals that were not necessarily met because there wasn't mixed use provided but then there is another goal under mixed use that talks about connectivity that portion they do need because it providing connectivity to Rivanna Trail in terms of the actual mixed use.

Chairman Green: asked if there was a by right use going in there would we be able to require that transportation improvements.

Ms. Newmyer: said the sidewalk on Bellevue they would have to provide, they would not necessarily have to provide enough room for on street parking which is very critical there and then for the River Road side, they would not have to do the curb buffer, they would have to maintain the existing sidewalk there.

Commissioner Keesecker: said in our original conversation a few weeks ago, the applicant told us that there would be building mounted lighting as part of the final design. The site plan package doesn't include any kind of photometric plan that tells us what those light levels would be, but what are the general rules for lighting of a property like this assume that there is no spill over to the adjacent properties, but is there any limit on the intensities of lighting for the property proper as long as it doesn't spill over.

Ms. Newmyer: said the spill over regulations only accounts for low density residential so the back portion would be applicable to that and in commercial or industrial, we really don't have a say in that. They would have to meet the dark sky and for intensity the only thing we require is once it goes above 3,000 lumens, that is when they have to start meeting the dark sky and the height limitations in terms of how high the wall packs are and the light poles.

Commissioner Keesecker: said so it has to be mounted below a certain height on the building.

Ms. Newmyer: said it is 20 feet.

Chairman Green said is that something we should look at on the site plan or consider on the SUP.

Ms. Newmyer: said that will be a part of the site plan but if there was something you felt needed to be more stringent. In the back because they are adjacent to residential, we would require them to be 12 feet instead of 20 feet.

Commissioner Santoski: said he remembers that these are the same folks that built the self-storage up on Hydraulic Road and he remembers having a conversation with them about lighting and how it was going to affect the neighborhood and they were actually sitting up higher and coming down and this is sitting lower in the back and going up.

Commissioner Keesecker: said that one was by right use and we just had entrance corridor review. He was asking that because he was trying to figure out where the ends of conditions are and the beginning of normal stuff that is required. Is it basic regulation that all mechanical units are screened from view even if they are on the roof?

Commissioner Keesecker: asked how many people will be working in this building?

Applicant: said we are open from 9-6 Mon –Sat, we have two employees full time, you could generating, neighborhood friendly.

### **Discussion**

Commissioner Keller: said she doesn't find this consistent with our future land use plan nor the conversations we have been having about our future future land use plan. She had no problem supporting the application a few weeks ago on River Road for the auto dealership because she felt like that was a temporary use and probably upgrade the property visually and provide some animation and revenues. That was a really good temporary use before we got to where we really wanted to be with the future land use plan. Everything she reads about this and the nearby property owners have written to us, that that is really not the case and she doesn't see this as a use that is going to enhance the livability or the functionality of the vision for this area. She said because it only has two employees and it will generate a lot of traffic in and out; it is not necessarily supportive of anything that is nearby, so she is not prepared to support this.

Commissioner Santoski: said aren't we suppose to base this on our current zoning and land uses, not our future, what our land uses are going to be.

Commissioner Santoski: So what does our current zoning and land use say?

Chairman Green: said mixed used.

Commissioner Keller: said our future land use plan says business and technology and it seems like the nature of this business generates a lot of traffic.

Commissioner Santoski: questioned more than the tractor supply store down the street does?

Commissioner Keller: said maybe and maybe not, but at odd times. People can be coming at any hour of the day or night.

Commissioner Lahendro: said that is something he agrees with because it conforms to current uses that are adjacent and next to it but it doesn't agree with our desires or how we would like to see this area develop in the future as in our future land use plan. Unfortunately they are building a structure

that is purpose built for one purpose only and it can't be adapted so that if we wanted to change this building from storage to a restaurant or to offices, we can't do it. There is a huge barrier to that we would have to tear it down to change it to what it wants to be in the future.

Commissioner Dowell: said she doesn't see how it is bringing any vitality to the neighborhood. Even with our current Comprehensive Plan and also, with all of the hard work we have been doing for 2018 Comprehensive Plan update, it doesn't seem like it is compatible. It encourages no small group interactions, no job opportunities and it is not interchangeable, it is a permanent fixture. Traffic is not going to be like the tractor supply business that is open from 8-5. Most of the traffic for storage units are not in the day; people are coming after they get off.

Commissioner Clayborne: said he certainly agrees with everything he has heard tonight.

Commissioner Santoski said he is definitely on the wrong side tonight. He said the zoning does allow for this to happen and it is a SUP, the plans look good to what is there. He said anything else could go in there under the by-right.

Commissioner Keesecker: said he would like to see vitality, more jobs, business and technology. The present Comp Plan asked for that kind of investment in that area and that is not what he sees here. It doesn't seem to conform to current land use in his mind.

Commissioner Keller move to recommend denial of SP-1700002, the motion seconded Commissioner Dowell, motion passes 1-5, (Commissioner Santoski voting yes, all others voted no)

The Commission moved to the NDS conference room and discussed meeting procedures. The following noted resulted

- It is up to you to determine what the agenda is for Planning Commission
  - There is no requirement to allow people to speak at your meetings while you conduct your business.
  - Consistently apply the rules to everyone (for instance the 3 minute rule).
  - Have written procedures in place before you go into that meeting and be willing to enforce it.
  - When in a public hearing it is okay to say your comments have to be limited to the application.
  - The Chairman can call a recess at anytime
  - The matter by the public has to pertain to planning and zoning
  - If you have loss control of the room, someone in authority has to decide the meeting should be ended. At that point adjourn and not proceed.
1. 2018 Comprehensive Plan Development
- They are going into the political arenas, but not to Council, but not lose your, to the HAC but not to PLACE. All of our meetings are available.
  - Be so cautious, we will work part of November on the CIP, and part on the review committee.
  - When there is a new Council we could provide an orientation to where we are on the Comp Plan.
  - Meet and greet with some of the candidates



- The new Council, a lot of things are different and focusing on what those key differences are; 4 or 5 things that are different.
- Potential for a commercial type use, higher density into the lower density areas. See would like to have something that is up to date \so we can continue to have a breather to having two to three meeting a week.
- We need to have some good bones on paper right now some of the issues are density and heights.
- Those are the two that is outstanding from the last work session and the questions that are pending which is our jumping off point.
- We have had some thoughts to what makes sense when we were thinking in September and now we are in October, maybe is different now.

Adjourn: 8:00 pm