

Minutes
PLANNING COMMISSION REGULAR DOCKET
TUESDAY, November 14, 2017– 5:30 P.M.
CITY COUNCIL CHAMBERS
NDS Conference Room

I. Commission Work Session (Agenda discussion(s))

Beginning: 4:30 p.m.

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

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

Members Absent: Taneaia Dowell

Chair Green called the meeting to order at 5pm. The Commission discussed the draft meeting procedures and determined that they would present and vote on them in the regular meeting.

Clarification of the determination to be made on the Brandon Avenue request was provided.

Commissioner Clayborne asked how hearings would be addressed this evening and it was noted that each item would be completed prior to moving to the next. Chair Green provided a potential timeline for the evening and it was determined that if Hydraulic/29 could be reviewed prior to the start of public hearings, that option would be explored.

Commissioner Lahendro asked for clarification of the zoning text amendments on the agenda. Ms. Robertson provided that noting that she has a presentation which will compare the recommendations that have been provided.

Commissioner Keller asked about the BZA item which may need input from the Planning Commission. Ms. Robertson explained the code provision and noted options which could occur.

II. Commission Regular Meeting

Beginning: 5:30 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, and John Santoski.

Members Absent: Taneaia Dowell

Staff: Missy Creasy, Carolyn McCray, Lisa Robertson, Brian Haluska

Council: Mike Signor, Bob Fenwick, Kathy Galvin, Wes Bellamy

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

A. COMMISSIONERS' REPORTS

Commissioner Lahendro: reported he attended the Tree Commission meeting on October 3rd and there was considerable discussion concerning the preparation of the next fiscal year CIP request for tree maintenance and planting. Secondly, the tree planting project plan for Westhaven is to plant 37 canopy trees. The Tree Commission and the Charlottesville Area Tree Stewards will hold demonstration projects for the residents, and we reviewed the proposed tree planting list for this fall. There will be 129 trees planted and 30% of them are to replace dead or dying trees. This coming weekend the Charlottesville Area Tree Stewards and other volunteers will be planting 30 trees at Penn Park. Lastly, the Virginia Chapter of the American Society of Landscape Architects presented an award to the Timmons Group for a guide commissioned by Charlottesville Public Works entitled "Strategies and Recommendations for street trees and sidewalks."

Commissioner Keller: reported she attended TJPDC and they accepted the report from the auditors. She said we had a very good year and had an unqualified report which is the best report you can get. We issued a resolution and our staff sent a letter in opposition to the increase in admission fees to the natural parks because of the potential adverse effect on economic development and tourism in our region. She also attended the PLACE Design Task Force meeting and a very informative presentation was given by Tim Martin the former director of Community Engagement for the City of Roanoke. He particularly was talking about their social media and how they organized social media into their City Government. It was a very good model and very informative. TJPDC and DCR will be hosting a one-day workshop on floodplain management on December 12th 9:00am to 5:00pm. The workshop is an opportunity to meet DCR staff and receive training related to floodplain management requirements. Please see the attached flyer for additional information.

Commissioner Clayborne: reported he attended the Board of Architectural Review meeting on October 17th and as usual he likes to highlight a project that might be of interest to citizens and the board. He said as development continues on West Main Street, the Quirk Hotel gave a presentation which was an interesting use of adapting the reuse of a couple of existing buildings combined with new construction. There is a restaurant component that would bring a sense of vibrancy to that area of West Main Street, so overall it was a good meeting.

Commissioner Santoski: reported he attended the Parks and Recreation meeting. He also attended the MPO Tech meeting and they talked about the revisions that the state has made on how to submit under the new Smart Scale program. A lot of the talk was also about the proposed plans that are coming forward from Albemarle County under Smart Scale and a few things about West Main Street were mentioned by the City as being a priority for Smart Scale. It was also mentioned how the time lines will have to move very quickly through their process. We also talked about universal freight where there is money you can designate to certain parts of highways that have not already been designated that carry freight around the state. The MPO is looking at designating between mile marker 99 and mile marker 130, because they can do 88.5 miles designated as this freight, so they are trying to do the whole length of I-64. Someone else will do the rural part of it from Route 81 to Afton and somebody else will do it from Zion Crossroads down to Gum Springs. He said it is fascinating because there are so many different avenues of looking at transportation in addition to what we normally see come through Smart Scale or other things that are constantly being looked at as to how to enhance transportation and moving people around the state. A lot of it is also multi-modal bike and pedestrian, all tying in together. Belmont Bridge steering committee will not be meeting until March or April of next year mainly because City Council has approved the Belmont Bridge; so at this point the next public meeting wouldn't happen until we start to see designs coming in to us for approval. Should you need additional information please look online under Belmont Bridge.

Commissioner Keesecker: reported he attended the Hydraulic/29 Steering Committee meeting and we will be looking at Hydraulic/29 later on tonight. It has been going really well and he compliments the work their team has done with the VDOT guys, it has been an enjoyable process. He attended an AIA conference in Richmond that Mr. Clayborne and his team help to organize. He went to every seminar that had to do with engagement, community space, public space, and the civic realm. He said there were about six different talks he was able to hear and each one made him more excited about the possibilities.

B. UVA REPORT:

Brian Hogg: no report

C. CHAIR'S REPORT:

Lisa Green: reported on the joint work session with City Council on October 26th. At that meeting we talked about the Planning Commission endorsing the low income housing coalition's three concerns. The Low Income Housing Coalition would assist with the selection process for a consultant with the NDS staff. We talked about Form Based Code, updated timeline, a strategy how to use height bonuses versus density bonus

as proposed by Form Based Code, so that we can build more affordable units on site. If this works from a legal standpoint, maybe we would have to get some legislative changes. We also discussed how important it is to have a housing need assessment here in Charlottesville. We definitely have concerns about things we need to do better in our city where it relates to affordable housing and onsite affordable housing. I attended PLACE Design Task Force meeting and we had a great report from Tim Martin, from the City of Roanoke where he was the Director of Communication and he discussed how the City of Roanoke used Facebook, Twitter and different social media aspects to do outreach to the community and not necessarily just a small portion of the community but outreach where we are not always having the best outreach. We are always looking and trying to figure out better ways for community outreach so that we get the voices from everyone and not just the few that can afford to show up in the middle of the day or evening because some people work. Some of the things that they were doing that were also important were surveys on Facebook pages where people could give us feedback or input. She is hoping we do look into that because it was a great meeting and hopes it instilled a lot of insight in some people within our organization that we move forward with something like this. She has also been attending the CIP meeting every Tuesday getting ready to come before us in December. Ms. Creasy there has been a change, the CIP committee has asked for a little more time to get ready for the work session. Upcoming is a CTAC meeting tomorrow night at the Water Street. That is the Charlottesville Transportation Advisory Commission for any of you who would like to attend and be more engaged in the transportation plans for our MPO. The agenda for tomorrow night includes an initial discussion on the Cherry Avenue Small Area Plan. They also will be discussing a kick-off meeting time frame. The final draft of the I-64 corridor plan, the bike-ped plan regional update, the transit partnership update which is a ridership report and the long range transportation plan timeline. All of these materials can be found on the TJPDC website, TJPDC.org, under the MPO program.

We have some formalized rules for public comments that we have been discussing as the Planning Commission body and we will go over those quickly and take a vote to adopt those. The rules were accepted and the motion passed.

Commissioner Santoski move to accept the new rules; Seconded by Commissioner Clayborne, motion passes 6-0.

D. DEPARTMENT OF NDS:

Missy Creasy: welcomed the members of Professor Brady's land use class that are with us for the evening to observe the activities that occur in our meetings. The Commission has just set up a new series of work sessions to work through the comprehensive plan. We just got those posted, so we have work sessions on a number of days between now and December 11th. Generally, the November 28th and 29th are 5:00-7:00 pm, and Friday, December 1st and December 8th are from 11:00 – 1:00; December 11th 5:00 -7:00 pm. These are all posted in our conference room and they are all posted online. For November 28th we would typically be scheduled to have our presentation on the CIP and they requested to come to one of our later meetings and hold the hearing in January. They requested the December 11th and we can do an easy flip-flop because we can use the time on the 28th to focus on the Comprehensive Plan work and then edge the CIP work in there once they get to that point in December. Chair Green is on that committee and has been keeping us involved at this point and time, but if there is no concern from you guys she will let them know that they may come in for the first few minutes of the discussion.

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

Mark Kavit, 400 Altamont Street: said a week ago Councilor Kathy Galvin spoke on PUD's concerning mainly MACAA but he thinks it is anything involving a PUD. He thought it would be good for y'all to read it and get familiar with it because she made some really good points. He passed out the presentation to all Planning Commission members.

1. CONSENT AGENDA

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

1. Minutes - September 12, 2017 – Pre meeting and Regular meeting
2. Site Plan – 1530 E High Street
3. Entrance Corridor Review – 1530 E High Street

Motioned by Commissioner Santoski to approve the Consent Agenda, Seconded by Commissioner Clayborne, motion passes 6-0.

II. Hydraulic/29 Small Area Plan – request for plan

Chair Green: said this is the same plan that we had at a joint work session with the County back in September and what is being asked of us is to endorse the plan in concept knowing that the transportation plan is still being worked on. They need our endorsement so that TJPDC can apply for Smart Scale funding and that is a time sensitive issue.

Commissioner Keller: asked if there was a presentation.

Commissioner Santoski: said we have had the discussion and presentation on this before on the Hydraulic/29 Small Area Plan and it is going to come back to us in early spring once it moves ahead but he thinks the endorsement part of it is important in order for the TJPDC and the MPO to move this ahead so they can put it in the queue as they move forward with the Smart Scale submission because of how tight that time frame is going to be.

Commissioner Keller moved to endorse the concept plan for the Hydraulic/29 Small Area Plan seconded by Commissioner Keesecker motion passes 6-0.

The plan will come forward as a resolution for adoption as an appendix to the 2013 Comprehensive Plan in the spring of 2018.

III. Gavel into to entrance corridor Entrance Corridor Review Board

1. 916, 920 East High Street
2. 1801 Hydraulic Road (Old Kmart site) Hillsdale Place.

Report by Mary Joy Scala:

The design is generally appropriate, with the following recommended conditions of approval:

1. Additional articulation on the Hillsdale Road façade, preferably using more brick;
2. Signage requires separate permits. All signage shall appear to be lit white at night.
3. The L-7 fixture shall not be used to outline the building, unless the light source is fully concealed, and not mounted above 20 feet height.
4. All glass must be specified as clear, with minimum 70% visible light transmittance (VLT).
5. A pedestrian walkway shall be added along the main entry drive from the Hydraulic Road City sidewalk to the building plaza area, and a City sidewalk shall be added to the south side of India Road from Route 29 to the walkway on the west side of the building.
6. No dumpsters in site of Hillsdale
7. Bus shelter for the bus stop.

Commissioner Clayborne: Is there a bus stop on the site?

Chair Green: Yes I think there is a bus that goes to K-mart. We can ask the applicant.

Commissioner Lahendro: asked Ms. Scala if the drawings we have are schematic at best. What level of deviation is allowed from these schematic drawings than the final drawings?

Ms. Scala: asked do you mean in terms of dimensions or materials?

Commissioner Lahendro: said he is particularly interested in the Hillsdale road elevation. Hillsdale road is a new passageway through the shopping center and it should be treated like a road with engagement to encourage pedestrian travel, and he would hate to see this come back with a small amount of opening. What assurance do we have that that is not going to happen?

Ms. Scala: said she always checks the building permit before it is issued to make sure it complies with what was approved for entrance corridor and if it varies a lot she would bring it back to you.

Commissioner Santoski: asked how this may or may not be impacted by or this may or may not impact the Hydraulic/29 plan.

Heather Newmyer: noted there have been discussions surrounding increased walkability in this area and enhanced access for bicyclists/pedestrians. She said staff recognizes this site will have two phases of development: the later phase to include the overall redevelopment of the site. The construction of Streets that Work will most likely make sense for the second phase of this site's redevelopment. Coordination between the developer, the City and TJPDC will be required given the Hydraulic/29 ongoing planning process.

Kevin Lyon, Lead Architect, gave a brief presentation on the design and key points:

- Creating a better pedestrian experience.
- Have some building mounts to add to the lighting. Dark sky will not be an issue.
- Creating a focal point, typical 15 feet of sidewalk, green elements, special place.

Ms. Scala: said she feels comfortable to approve it tonight.

Commissioner Santoski: said the project looks good to him and he likes Mr. Lahendro's idea of putting an entrance on this side of Hillsdale. The other side is probably going to get the most foot traffic considering that the hotels are right behind there on Hillsdale so most people would be walking into the shopping center coming down that walkway.

Commissioner Lahendro: said it does comply with the guidelines under which we are reviewing this which is to improve the pedestrian experience around the building and create connections with the other parts of the site. He said an entrance on this side would greatly improve that.

Commissioner Keller: said one of the things years ago when we reviewed Whole Foods on Brandywine Drive and some people scoffed at the time that nobody is going to walk, but she observed quite a bit of foot traffic there so she thinks the sidewalk addition is very good in keeping with the policy we have established for several years now.

Chair Green: said just for clarity, we are voting on entrance corridor only for the existing building. All of the future out buildings are not part of this entrance corridor application.

George Hassler, architect: said the additional entrance on Hillsdale drive is not feasible, and there are several reasons why that will not work. 1) Internal working at the store: that is where all of the shelves and dressing rooms are right behind where it says outdoors outfitters; it simply is not going to work in the plan. 2) The parking that is planned to service this entrance is all around the side in order to enhance pedestrian use from Hydraulic Road and also from the parking lot. We really want to channel customers through the main entrance and we don't want them to go into a side entrance which is not going to have check outs or security; you would have to have signage within the entrance also. This is planned to be single tenant on this corner, multiple entrances will be very difficult for this tenant to handle.

Commissioner Keesecker: said when we were talking about the entrance on this façade was it the intention of the Commission to suggest that it had to go where the brown area was? We didn't necessarily have a specified preference on where we thought it would open for the possibility in the future for some kind of change of use of the building that benefits from an entrance on this side of the building.

Chair Green: said with everything we have been discussing with the Small Area Plan, this entire area which this is in large part about walkability and pedestrians. She said in her opinion, in order to vote yes on something that is auto-centric which is something that we have discussed is not something we wanted in this Small Area Plan.

Commissioner Lahendro: said so under provision of the Entrance Corridor design guidelines, #3 says "encourage compact walkable developments, design pedestrian connections from sidewalks and car to buildings, between buildings, between corridor properties, and adjacent residential areas. He thinks we are losing that opportunity.

Commissioner Keller: said she thinks we should carry on the same attitude that we have for downtown and West Main and other commercial areas that are more walkable now in particular for an establishment that is adjacent to a roadway. We want to have those entrances available, and how a tenant or owner chooses to use them, actually how they allow access or not, is outside of our purview. However, we want to do everything we can to encourage that walkability, for users to feel that it is comfortable and engaging so they will walk.

Commissioner Keesecker: asked in the future to give Ms. Scala guidance and thoughts on the matter, if she were asked to judge the future permit drawings to this schematic design and the deviation was that one of the sills of one of those bays was where the door was, where the whole thing went down to the slab and a door found its way into one of those openings, would we consider that a major deviation that would not comply with what we are talking about in terms of our preference for an entrance on that façade. He said if it occurred within the glass opening that's okay.

Commissioner Clayborne: said he would encourage you to let the architect do pedestrian engagement in a different way than a door. He said that is the beauty of design; you can engage in design on Hillsdale Drive whether you have a door or not, let them do what they do. He said he would not consider this a reason to shut it down.

Commissioner Keller: said could we have a motion tonight and ask that the Hillsdale portion come back for administrative review or come back here because they should be able to come back with this project.

Commissioner Keller moved for approval with staff's recommended conditions the Entrance Corridor Certificate of Appropriateness application for Hillsdale Place at 1801 Hydraulic Road

Conditions include:

1. Dumpsters and utilities be screened from Hillsdale
2. Add a bus stop and shelter (to be reviewed administratively)
3. The Hillsdale Pedestrian Engagement is a pedestrian walkway to be added along the main entry drive from the Hydraulic Road City sidewalk to the building plaza area, and a City sidewalk shall be added to the south side of India Road from Route 29 to the walkway on the west side of the building; to come back for review either by staff or the Entrance Corridor Review Board; referencing the drawings dated 11.3.2017; Additional articulation on the Hillsdale Road façade, preferably using more brick; should come back for administrative review; Seconded by Commissioner Santoski, motion passes 6-0.

The Entrance Corridor Review Board approved an entrance corridor certificate for the building off Hydraulic Road. It will turn the old space into Hillsdale Place. The commercial project will have retail and restaurants.

Chair Green: Gavel out of Entrance Corridor

III. 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

SP17-00005 – 604 Cynthianna Avenue (Pampered Pets) – EFB-JSB, Inc. representing Landowner Ronald Lee Rhodes has submitted a special use permit for an outdoor dog run at 604 Cynthianna Avenue. The permit would allow the applicant to operate a 2,220 square foot outdoor dog run on property located at 604 Cynthianna Avenue, adjacent to an existing dog run at 601 Concord Avenue- also known as Pampered Pets - which EFB-JSB, Inc. owns. The property is further identified on City Real Property Tax Map 35 Parcel 113. The site is zoned IC (Industrial Corridor District). The property impacted by the special use permit is approximately 2,220 square feet, or 0.05 acres. The applicant proposes that the proposed outdoor dog run at 604 Cynthianna Avenue be subject to the conditions of the special use permit SP-13-07-18 currently in place for 601 Concord. The Comprehensive Plan designates the land use of the Subject Property as Business and Technology. Information pertaining to the request may be viewed online at <http://www.charlottesville.org/departments-and-services/departments-h-z/neighborhood-development-services> or obtained from the Department of Neighborhood Development Services, 2nd Floor of City Hall, 610 East Main Street. Persons interested in this SUP application may contact NDS Planner Brian Haluska by e-mail (haluska@charlottesville.org) or by telephone (434-970- 3186).

Staff Report by Brian Haluska

Jim Brown, the owner of Pamper Pets said he appreciated the Commission’s time to look at this opportunity. We are a large employer of youth and seniors in Charlottesville. We operate with 40-45 employees and we would appreciate the continued support of this small business in Charlottesville.

Questions for clarity:

Commissioner Santoski: asked about the number in the outdoor run and sees 25 dogs from 5:00 pm until dusk. What happens after dusk?

Mr. Brown: said effectively all the dogs are up by 5:30, there are some of our very good customers that come and use the play area and so we wanted to make a restriction there but that’s been minimal since we’ve had the existing end.

Chair Green: said to Mr. Haluska, you mentioned that this could not be used as a dog run independently on this property since the SUP runs with the land. She asked what if Pampered Pets were to go out of business and another dog or pet operation moved in.

Mr. Haluska: said in that case they would be able to avail themselves to this area so they would have use of the back yard of 604 Cynthiana Ave until whatever agreement with the current landowner, and with Mr. Brown in this specific area.

Open the Public Hearing:

Ashley Davies, 1000 Locust Ave spoke in favor of Pampered Pets, stating Mr. Brown offers a really wonderful service to our community that is much needed and he is a lover of animals and a wonderful neighbor. She hopes you will approve his Special Use Permit.

Closed the Public Hearing

Commissioner Santoski moved to recommend approval of a special use permit as requested in SP17-00005, amendment to the one use because I find that approval of this request is required for the public necessity, convenience, general welfare or good zoning practice, seconded by Commissioner Clayborne, motion passes 6-0.

SP17-00006 – 517 Park Street (STARS) - – Weber Property Management, LLC, landowner has submitted a special use permit for a residential treatment facility with greater than 8 residents at 517 Park Street. The permit would allow the applicant to operate a residential treatment facility serving up to 16 residents on property located at 517 Park Street. The property is further identified on City Real Property Tax Map 53 Parcel 9. The site is zoned R-3H (Multifamily Residential with Architectural Design Control District Overlay.) The property impacted by the special use permit is approximately 10,193.04 square feet, or 0.234 acres. The Comprehensive Plan designates the land use of the Subject Property as High Density Residential. Information pertaining to the request may be viewed online at <http://www.charlottesville.org/departments-and-services/departments-h-z/neighborhood-development-services> or obtained from the Department of Neighborhood Development Services, 2nd Floor of City Hall, 610 East Main Street. Persons interested in this SUP application may contact NDS Planner Brian Haluska by e-mail (haluska@charlottesville.org) or by telephone (434-970-3186).

Brian Haluska: The chief concern of staff regarding the request is the potential impact of increased parking demand on the surrounding properties. The applicant states in correspondence with staff that a number of factors will lead to less demand on the parking if the SUP is approved. Currently the facility at 517 Park Street houses 8 residents as well as STARS administrative functions. The administrative staff creates part of the demand for parking, along with the fact that the STARS program brings residents from other homes in the community to the facility at 517 during the day. The applicant indicates that if the special use permit is approved, the overall number of residents served by the STARS program will be reduced by 4, which will lessen the demand at 517 Park Street. Additionally, the STARS program intends to move its administrative staff off-site, which will also lessen the demand. The applicant indicates that the current maximum amount of administrative staff on-site during the day is 9 staff members, and if the special use permit is approved, that will be reduced to 4 staff members.

Kara Gloeckner, applicant said she started the Structured Therapeutic Adolescent Residential Service (STARS) program in Charlottesville. Five years in, she moved some of the STARS operation into its current location at 517 Park St., where the organization's administrative offices are housed and eight girls rest their heads each night.

She said the house was built in 1984 and was originally designed to house 16 mentally disabled adults so allowing that many girls to live there would be fulfilling its intended use. She said replacing the offices with bedrooms would make for a more home-like environment and alleviate parking stress. She said she is aware of the community's concern. When she first asked for the permit in 2001, because neighbors were worried about increasing the number of girls in the home, she withdrew the application. We just felt like time would help them understand what the experience of being our neighbor would be like. Fifteen years later, I feel like we've been a really great neighbor.

Questions for clarity:

Commissioner Clayborne: asked what is the actual parking demand you need?

Ms. Gloeckner: said we have the road side permit parking for our STARS vehicles that transport children. We have 4 spaces but sometimes it's only 3. We have an overflow section for staff personnel. The other spaces are just for people who visit during the day.

Commissioner Clayborne: said you have leased 4 spaces. What is the backup plan if that lease fell through?

Ms. Gloeckner: said we would have the opportunity to have our parking at the church.

Commissioner Keesecker: the packet shows you have 3 bedrooms on the lower level on the bottom floor, and you have 3 bedrooms on the second floor.

Ms. Gloeckner: said we use those bedrooms as offices. We have 3 bedrooms and an office on the first and second floors.

Commissioner Keesecker: asked if the residents had cars?

Ms. Gloeckner: said she would never house a youth with a car.

Ms. Creasy: said the rule pertaining to the number of residents allowed has to do with licensure and it will remain for that as long as it meets a certain criteria. That is a requirement under the state code for Residential Treatment facilities.

Ms. Gloeckner: said her license has always been through The Department of Social Services but now she is transitioning to The Department of Behavioral Health which holds us to a better level of care.

Chair Green: asked Brian, she knows this is a high density zoning district, with this addition would it increase the density past what is allowed in this zoning district?

Mr. Haluska: said not from a zoning perspective. Residential treatment facilities are treated like a single unit under state law. Any Residential treatment facility of 8 or fewer residents must be treated like a single family detached house in our zoning ordinance.

Commissioner Keesecker: asked if the office uses in R3 zoning district to some percentage are larger than or beyond ancillary, or not.

Mr. Haluska: said he doesn't know that it is in this case because it is all part of the same operation of the residential treatment facility. You could see where someone might try to use that as a loop hole to try to operate an office that is not permitted in that zone. He said it still differentiates between a commercial office and a nonprofit office and they are called out as separate uses. He said that was a big issue with Common Hall back in the day where there was talk about transitioning, and people trying to sell it as a

commercial office because there were many uses as a nonprofit. He said that is where the defining line for R-3 zoning comes into play.

Commissioner Keesecker: asked wouldn't an ancillary use be by-right in a situation that serves the residents on premises but an office use serving residents that are not on premises seems to be burdening this location with more office use than the residential treatment facility itself would deserve. It is serving an office use that is beyond just the people who live here.

Mr. Haluska: said we would have to look up the definition to what an office is to determine how that works. Certainly there is no commercial activity going on. It is a question ultimately for the zoning administrator as to whether that office can do certain ancillary activities. Within it those activities are related to the residential treatment facility of some sort and there are no more than 8 residents on the site.

Chair Green: said this is a residential zoning district and if she moved there with 12 kids and what you just said is this is an SUP to house people on site. How is that different than if some family moved in with 12 kids?

Mr. Haluska: said because of how the state code is written, we have to allow a residential treatment facility anywhere we allow single family detached residents.

Open the Public Hearing:

Lisa Brush: She came down from Fairfax, VA, and she was in the STARS care when she was 15 and didn't complete the program. She said she wanted to be grown, and while at the group home she made lasting relationships and they were the only family she had. The staff gives us a home and Kara is a mother figure. She said denying to increase the girls beds would be harming to those at risk because there are not many facilities that provide these services. Now, I am an accountant and married with two children.

LaTasha Adam: said she moved from the Chesapeake area and there was a lack of foster homes and was in detention centers. In the STARS program she went to Charlottesville High School where she was a cheerleader and on the step team. She worked at KFC and Subway. She said definitely being in that program changed her life and the STARS staff are genuine people that care. She supports the request.

Debbie Frances: said she has an adopted daughter who stayed at the STARS program for almost 5 years. Kara and all her staff were magnificent in raising her. She had many issues and they were wonderful and her daughter finished high school at CHS and nursing school at PVCC. I don't know where she would be today without this program. She hopes you will support their request.

Cheri Lewis, 809 2nd Street, NE: said she was on the planning commission when they reviewed the first application for this. She wishes the applicant had given this commission a reason to grant this SUP for increased density. She fears that is not the case by any means. Some concerns are relevant, noise, police called at midnight, how it impacts the neighbors, and the parking. She begs to differ that this is not just about the number of people laying their heads at night. It's about a treatment facility for youth and those youth are at risk girls. She said this is what has upset the parking situation - for instance, the visitors and friends that come. The business aspect served the onsite residents but it also served two and three other facilities located in the city.

Jackie Lichtman, 336 Parkway Street: said she has lived there 17 years, and she and her husband have never opposed that house being there. She thinks the fact that these girls are being helped is wonderful. Right now she has other homes, serving 16 girls. The girls they are serving are not from Charlottesville. From January to September the police have been called 41 times. She feels that increasing the number of girls in one house is going to cause more arguments and more disruptions. The question is: is this the best thing to have so many girls in one house.

Kelly Speasmaker: said some of the concerns from the community meeting were why in Charlottesville and why on Park Street. It is a strain on our community. They should not be sent here by their localities. The Virginia Department of Social Services reports that 4,913 youth were in foster care in 2016. Charlottesville is a great place to serve these girls. It is a wealthy community with a multitude of services. We feel that we are bringing money to the community resources, and further strengthening our community service offerings. These youth have been failed by their own communities but there are many success stories as you have heard.

Bud Treakle, 611 Park Street: said we are talking about a SUP that will change the zoning of this property. If you allow this and some other use comes in that is not the same type of use, not what Kara Glocekner is running, you could have 10-12 cars there every day. The state law allows a home of this type to be in a residential community with 8 residents. You shouldn't increase the number, because the density would be too much based on what could happen in the future.

Rhonda Bulliba: said she thinks it's a great spot, and it is much needed in the community and every community. She is in support of having this pass tonight and hope you all will be also.

Sherry Kent: said she has been an employee for STARS programs for 15 years and works with a wonderful team where I am proud to work there. She said please consider what we are here for.

Mr. James Kent: said he supports Kara and has known her for a very long time. It is a successful business because she truly cares for these girls and boys. She really helps these kids, but she is not going to do it if it doesn't work.

Chris Speasmaker: said he is a local real estate agent. He strongly supports the mission of the STARS program and remains focused on serving the kids. Once we heard the concerns from our neighbor, we decided that it would to our best interest to reduce it to 12.

Jennifer Ferguson: said she honors the work that is being done at this facility. But with more girls, there is more negative energy for them to feed off of. Ms. Ferguson said the proposed expansion is harmful to a group of girls who need undivided, individualized and committed attention even more than the average teenage girl. She is opposed to this request to add 8 more girls.

Steve Bolton, 332 Parkway Street: said we support the idea of the facility; we are just concerned about adding more individuals to it. We think there will be more possibilities for incidents so that is our concern from that standpoint. We are opposed to expanding the number of individuals.

Carol Green: said she has been Kara's friend for over 10 years and she trusts her judgment in running her business very well. She supports her getting the SUP and the STARS is a great asset to this community.

Jim Dunnivan: said he respects the fact that Kara has decided to move on for SUP reduced from 16 down to 12. This has a great impact on the neighborhood. There were 51 police calls in 6 months and six of them were for violence. These people are taught to restrain these young girls. Remember SUP goes with the land. We don't have 8 troubled men, or treatment facility, category people in other categories.

Samantha Brandle: said it is extremely scary, a lot of our police calls are for the safety of these girls. When the police come they don't use sirens or have their lights flashing, they come up and ask what is wrong. We clearly explain that we have a girl missing and we are concerned about her. Most of the time, they come back on their own. They were out being a teenager; they were out having fun. If one of the girls makes a poor decision, she will be asked to leave our program. Sometimes fights do happen at the house, and a kid might have to be restrained. She thinks it is ridiculous that we need to decrease from 16 to 12 because we are taking away 4 girls that might be a great candidate because you are worried about parking.

Mark Kavit, 400 Altamont Street: said he is a board member of NDRA but cannot speak on the behalf of NDRA because we did not get organized to address this specific subject. In 2001, we did express concerns about this potential increase. He said he realized that your decision is based on parking, traffic and zoning. He said recently the applicant got a divorce and she got two houses and he got two houses. It sounds like she is trying to find some way to increase her revenue without increasing her overhead, but it should not have an impact on the neighborhood. He took a tour of the house and doesn't think it is necessary to take these two offices out.

Jonathan Hornsby: said he lives about 2 blocks from the STARS house. He said some of the neighbors' concerns are valid. One of the neighbors said the frequent police calls create just a general sense of fear in the back of their minds which is natural when you see a lot of police cars. The effect on the girls of having increase density, there is no magic number for the proper density for a house of at-risk youth. It seems that smaller is better. These kids are already traumatized, so to increase the density would be more harmful to them. He said 8 is a lot to put into one house and it just seems that 16 would be harmful to the girls there.

Closed the Public Hearing

Commissioner Lahendro: asked if a condition of 5 employees was part of the motion, how would it be policed?

Mr. Haluska: answered that is a difficult thing to police, but there would be some enforcement in terms of if the public feels that is being exceeded that, our zoning people would have to go over there to make a call to the applicant and say remember this is what is going on. If we have been able to collect enough evidence of that whether we are monitoring the parking out there seeing people potentially coming in and out and how that is working. If we feel that we have enough documentation that they have exceeded that condition, at that point we would probably bring it back to the Planning Commission or City Council for potential ramification of that. That would go with any other conditions that you might add.

Commissioner Lahendro: said it essentially depends upon the neighbors observing and making a complaint.

Mr. Haluska: said or calling Neighborhood Development Services to say this is going on and we would appreciate you looking into that further.

Commissioner Santoski: said the Arc of the Piedmont is two doors down from STARS and he has been there 6 years and the STARS have been fairly good neighbors. The two buildings that we own are 515 and 509. We sold them a few years ago and we now lease them back. The new owners we lease from, and he doesn't know the relationship they have tonight, but he does know with Brian Webber that there was a constant feud over parking spots and they were constantly in the parking lot tagging cars since he didn't have to tag the spots. It is a very limited amount of parking. We need to be really careful like with the MACAA conversation to keep separate what is going on with a certain program and how we feel about it emotionally and what is going on with the land use and what is going on with zoning. What is the SUP going to do in the future and what happens if STARS leave the site; how does that impact what we have to do. These are very difficult conversations to have because you have to separate all of these things out. We can parade all sorts of people who are for and against what the program is. We go back to the very thing. This is about land use and zoning and the impact it is having on us and does it meet the criteria we set for ourselves.

Commissioner Clayborne: commented that he doesn't question the intent or the goodwill of the program. The part that I'm struggling with is when we're assessing the impacts, whether it's parking or whether it's noise, we've heard the public testimonies that have come before us and have read multiple emails and documents, and I'm really struggling to see how this benefits the public necessity.

Commissioner Keller: move to recommend denial of this application for a special use permit; second Commissioner Clayborne: motion passes 6-0.

Recess 9:00

SP17-00001 - 201 West Water Street – Landowner Black Bear Properties, LLC has submitted an application seeking approval of a Special Use Permit (SUP) request to allow for increased height and increased residential density per City Code Section 34-162(a) at 201 West Water Street with frontage on West Water Street and 2nd Street SW. A residential density of 101 units per acre is proposed (up to 240 DUA by SUP can be requested) for a total of 7 units and additional height of about 24.5 feet is proposed for a total height of about 95 feet (up to 101 feet can be requested by SUP). The property is further identified on City Real Property Tax Map 28 Parcel 2. The site is zoned DE (Downtown Corridor Mixed Use District) with Architectural Design Control and Urban Corridor Parking Zone Overlays. The property is approximately 0.0690 acres. The Land Use Plan calls for Mixed Use. The Comprehensive Plan specifies density greater than 15 units per acre. Information pertaining to request may be viewed online at <http://www.charlottesville.org/departments-and-services/departments-h-z/neighborhood-development-services> or obtained from the Department of Neighborhood Development Services, 2nd Floor of City Hall, 610 East Main Street. Persons interested in this SUP application may contact NDS Planner Brian Haluska by e-mail (Haluska@charlottesville.org) or by telephone (434-970- 3186).

Staff report by Brian Haluska said the Planning Commission should focus on the nature of the zoning as a mixed use zone and you can't do a purely residential building in this zone. The applicant has provided a small office space on the second floor. The BAR expressed concerns for how the street frontage of this building plays into the activity on the street - how it activates the streets. He said the BAR felt it was going to be a dead zone: a residential lobby and a parking entrance. The BAR recommended moving parking from the project completely to better activate 2nd Street frontage.

Jim Grigg, applicant: said the design for this site features seven luxury apartments on all but one of the eight floors and a small commercial office space on the second floor. We are seeking a special use permit to build an additional two floors over the 70 foot building height that's allowed by right.

Questions for clarity

Commissioner Clayborne: asked is there a certain ratio of retail versus residential mixed use; are we saying mixed used because of the office on the second floor?

Ms. Creasy: said that is not clear, but there is no ratio in this classification.

Commissioner Keller: asked is there any public benefit to this project? As an applicant, you are asking for a lot of concessions and you have been very critical of the regulations that we have and why they don't work for this particular site. She asked, you want us to work with you and give you something that you don't have by right, so what is the benefit for the public if we make that concession.

Mr. Griggs: said you have a small parcel in a desirable location in the city and an owner who is interested in developing a property that will generate 20 times as much revenue for the city as the parcel generates currently and if he can find a compelling way to do that he will. He said there is no negative impact to the adjacent properties from this building being 7 units versus 5 units for example.

Open the Public Hearing:

Carl Schwarz, 700 Anderson Street: added clarification to something the applicant had said. Mr. Schwarz said when he added that comment (at the BAR meeting), his intent was the applicant presented a certain level of quality, - high quality materials, high quality design - and it was not that the building should mimic or look exactly like it was presented to us at first, but it should still maintain that level of quality if it is going to be worthy of an extra 2 stories in the downtown ADC district.

Closed the Public Hearing

Commissioner Clayborne:, mentioned parking on the ground floor and there are alleys that connect to the Downtown Mall, retail, restaurants, and people walking up and down there. He thinks it is a shame to vote this for vehicular parking storage on a very prominent corner, so that part gives him some heartburn. The fact that we are calling this mixed use, we can't do that with a little office tucked in the back. The third part is the back drop behind the Violet Crown Theater. The theater would have a seven story building towering behind it and that would not do the theater any justice. He cannot support the SUP how it is presented at this time.

Mr. Grigg: agreed that no, it is not an ideal situation, but if you are parking under the building you can do a three point turn and furthermore these people will not be using their cars very much.

City Councilor Galvin: said she had similar concerns as expressed by Commissioner Clayborne. She said there is no specific percentage required for mixed use and that seems very strange because other mixed use districts have percentages.

Mr. Griggs: said most of the time when people spend a million dollars for a home they like to have a place to put their car in their property.

Chair Green: asked what are your thoughts about providing affordable housing units.

Mr. Griggs: said not in this property; because he knows a lot about what it costs to build this type of building. He said you could build housing units in here and subsidize them and make them affordable. You can't build them at a price point that is affordable; it is impossible.

Commissioner Santoski: said he agreed that the plan for the garage is not ideal, but disagreed with the suggestion that the Commission should be making decisions based on the wealth of potential clients or

residents. He is not supporting it because of what is happening on that first floor, not because it's a multi-million dollar apartment building.

Commissioner Lahendro said he seconds all of the comments made. He said the biggest disappointment for him is the lack of vitality on the street that a parking garage provides as well as the entrances and exits across a very busy street. Even though you can back in and out often enough to be able to pull out, he thinks the temptation to most residents is to back out because it is going to be easier. He worries about what that does to pedestrian traffic.

Commissioner Lahendro moved to recommend denial of this application for a special use permit; Seconded by Commissioner Keller motion passes 6-0.

CP17-00003 – Closing of Brandon Avenue and a Portion of Monroe Lane/15th Street - The Planning Commission and City Council will jointly conduct a public hearing on a request from the University of Virginia to consider a proposal by the University of Virginia and the University of Virginia Foundation requesting the City to vacate Brandon Avenue and a portion of Monroe Lane/15th Street to accommodate a redevelopment project to construct a model green student community.

Staff Recommendation, regarding Utilities Issues: If no agreement between the City and UVA is reached prior to the public hearing, as to whether the City will remain the water and wastewater service provider in the redevelopment area, then the Utility Department and the City Attorney's Office recommend that easements be reserved for all existing City utilities, and that the vacation(s) be conditioned upon the City continuing as the service provider for water and wastewater unless and until a written agreement between the City and UVA establishes otherwise. Additional public hearings would be required in the future in order to abandon any public easements reserved as part of the street vacations requested by this petition.

Mr. Lahendro and Mr. Hogg recused themselves.

Alice Raucher, Architect at the University – Presentation

The redevelopment will transform the Brandon area into a model green community where students will live and learn in a distinctive student experience. Building street fronts will include teaching and academic spaces, student wellness facilities and housing. The redeveloped street will incorporate:

- A landscaped bio-retention area which will be the centerpiece of a multi-functional green space
- A system of enhanced pedestrian connections to South Lawn, the Academics Village, the Health System, and adjacent neighborhoods.
- A mix of uses to include student wellness, academics, and housing all curated to activate the street and foster a heightened student experience.

Aligned with the City zoning code and Streets That Work program, the redevelopment vision includes a distribution of academic, research, and residential uses.

The City Attorney's Office recommends that the City vacate the rights-of-way by one or more recordable Deeds of Vacation, with any conditions on the vacation being put into the deed(s). The deed completing the vacation of Brandon Avenue should include a reference plat showing the width and location of all easements to be reserved granted or abandoned (including those for utilities and bicycle/ pedestrian connections). The deed should not be executed by the City until the locations of all easements can be defined and depicted on the reference plat.

Open the Public Hearing: No speakers

Closed the Public Hearing

Councilor Bellamy: asked how many units will be built on this site?

Ms. Raucher: said we only have plans for 300 units for upper class housing currently, but there is a potential for another 250 units.

Councilor Bellamy: said potentially 550 units that will be coming into the community and essentially all for student housing.

Ms. Raucher: said it is a replacement for our upper class housing where now there is a deficit.

Commissioner Clayborne made a motion to certify that the street closing application as presented to redevelopment Brandon Avenue as a green street in according with the narrative associated with the application is consistent with the City's 2013 Comprehensive Plan, and that there be some onsite indication that this was once part of the development pattern in the City of Charlottesville, seconded by Commissioner Keesecker, motion passes 6-0.

Mr. Lahendro and Mr. Hogg rejoined the meeting.

ZT-17-10-03: Building regulations - A proposed amendment to the text of the City's Zoning Ordinance, Sections 34-558, 34-1100, 34-1146, 34-1147 and 34-1200 of the Code of the City of Charlottesville (1990), as amended to in reference to the following: (1) amendment of City Code 34-1200, to delete the definition of "building height"; (2) amendment of 34-1100 to incorporate a methodology for measurement of building height, specifying different approaches for buildings close to a public street and for buildings more than 15 feet away from a public street; (3) amendment of 34-1200, to change the definition of "grade" from "average level of the ground adjacent to the exterior walls of the building" (current) to "the level of the ground measured at an adjacent public sidewalk"; (4) modification of the Downtown Mixed Use Zoning District regulations, in City Code 34-558(a), to clarify that streetwall and setback requirements do not apply to the portion of a building façade that fronts on Water Street, but do apply to all other portions of that building's façade; and (5) amendment of City Code 34-1146 and 34-1147, to allow a limited exception from restrictions on expansion of a nonconforming structure, for nonconforming structures which are "contributing structures" within a design control district with BAR approval.

Staff report

Lisa Robertson, Deputy City Attorney: said it's been an important issue for a long time but it's only becoming more urgent as more and more people want to actually pursue larger developments in the city. Right now, we have a height measurement emergency, and I am offering a couple of recommendations for your consideration in the interim. In one, height is defined as "the distance measured from grade level to the highest point" of a building. She said another section states that height is to be calculated by measuring separately the average height of each building wall, then averaging them together. The latter conflicts with the first and can result in buildings that are higher than the limits specified for individual zoning districts. She said what she is recommending are changes that would specify very directly that buildings have to comply with the minimum and maximum height regulations in the zoning district.

She said her recommendation would be a good short-term measure until the full review of city development guidelines is completed. It may not be the place you want to stay for another decade if you want to promote different types of development in different types of conditions, and we've got to work through it and somehow make it more user-friendly because this is stuff that staff has to interpret and the city attorney's office has to be able to figure it out.

Open the Public Hearing:

Ashley Davies, a planner with law firm Williams Mullen and a member of CADRe: said we all want to come up with a resolution that works for the building height issue. That has been under review for several months and we have been working with staff to make sure the building we design is very context-sensitive and is actually meeting the current definition of building height, and we don't want to be caught in a situation where the building height definition changes mid-stream for our project.

Valerie Long, Attorney with Williams Mullen, who is also working on the project: said the grade of Water Street drops 19 feet along the span of the proposed building, making it potentially difficult to establish a height under the proposed change. She said averaging the height provides for flexibility in a hilly city. The averaging enables that building to be context-sensitive and account for that dramatic change in grade. She is concerned that this definition, by not taking averaging or differences in grade into account, will result in a significant impact on the height of that building.

Carl Schwarz: said for the ADC District text you might swap the words "protected property" and "contributing building," because a protected property is not within an ADC District. He said he agrees with Commissioner Lahendro, that if you can have an 18 foot tall parapet you have added a story and a half to a building. He said an easy solution is to just go with option one as an interim solution. He does not believe it is a great solution but a very easy one though and fairly closely matching the building code. To reiterate some of the change of the language that CADRe has suggested, the reason for striking all that text was in regard to the minimums. It doesn't make sense that a building can't have any portion below a minimum height when they aren't required to take up their whole site. He believes CADRe and PLACE worked really hard on that revised definition and he thinks it is really close and he thinks it could actually be beneficial and it encourages stepping and it encourages buildings to follow topography and it makes them relate to the street. The height is defined by the public realm, but he is fearful that it does not work in 3-D. He questioned, if you have two opposing frontages, where do you draw the line as to where a building has to step down to meet the opposing frontage. So something needs to happen to make that work. The faster we can get to a good definition the better because he thinks it would create better forms in our city and closer to what we desire.

Councilor Galvin: asked have we thought about looking back at the original recommendation that was done by Code Studio with West Main Street. It did have a very clear graphic representation as well as a definition of height, and it had the bulk plane to deal with adjacencies and behind. You found your primary street and you could have a secondary street. It is a possibility that we could run this by the Form Base Code Institute that is currently working on a project to see how this is handled in other parts of the country.

Ms. Robertson: said she doesn't remember exactly what Code Studio recommended, but what we did in West Main Street because of the very issue with the averaging provision we are trying to get rid of. For everyone else, we moved to a simpler definition that said you measure height from the elevation of West Main Street to the top of the building. That was easy because it is a relatively small district and everything was trying to be oriented to one street. In a district where you have more than one and you are trying to deal with multiple frontages and you care about multiple frontages it is a little more difficult, but she suggests that the interim easy solution option one is about as close to what you have on West Main Street as she can get because for most of the areas in which built conditions exist outside of places like Greenbrier, the buildings are closer than 15 feet to the street and you are measuring from the adjacent sidewalk.

Closed the Public Hearing

Chairman Green: said is the general public going to understand this or are we going to have to hire one of these professionals every time we do something?

Commissioner Keesecker: said he has never been in a 'height measurement emergency' before so he doesn't exactly know what the safety protocols are and we have been talking about height for a long time. It feels like the emergency has come on because of one application at the ice park. Commissioner Keesecker voted against the recommendation because he felt the Charlottesville Technology Center shouldn't be held to a different standard than recent construction projects and he wanted to delay implementation of the new rules.

Ms. Robertson: said her concerns about the discrepancies in the zoning code predate the application of the Charlottesville Technology Center and that the emergency is due to a sense that there are vulnerabilities in the code. We keep not taking action and the next application comes in and the next one comes in, and we've been living with some really terrible ordinance provisions for close to two decades now.

Commissioner Santoski: said we have let everybody and their brother look at this: PLACE, CADRe and anybody else who wants to comment on height. We keep kicking the can down the road to let somebody else look at this. At some point, we do have to make a decision.

Commissioner Lahendro moved to recommend approval of the amendment to 34-1100; (1) eliminate the averaging for height, (2) if the building has frontage on Waters Street and any other street, only the façade on Waters Street is exempt; (3) if the non-conforming structure proposed to be expanded is also a protected property or a contributing structure within an architectural designed district, and a clarification; Motion seconded by Commissioner Keller, passes 5-1 (Commissioner Keesecker voting no)

Mr. Keesecker said there were some comments from the public that should be applied; He asked Ms. Robertson is there are ever a time when the building code gets updated and is there a time where the new code is in effect and the new code changes occur. Also, is there a window where the new one is going to be mandatory by June 1st, but between now and June 1st; could I preempted myself into the new code where I could still stay under the old one. Does that ever happen in zoning stuff?

Ms. Robertson say no it's not that complicated; she said on an occasion, City Council has had development applications that were submitted and were under review by a certain date but will not be subject to these changes and can continue under the ordinance that they were submitted under.

Commissioner Keesecker said people have told him that the confusion of not knowing how these issues are going to fall out has made it difficult to make any moves toward making a project happen, so either there is a rush to get something in or there is the wait and see to what comes out of it. He recommends that it take effect February 1st, and have three months to get it in the door.

Chair Green said she did not want to stop because here is one application and we have been talking about this for a whole year. As the Planning Commission we have to continue moving forward, we can't stop something because of one project.

Commissioner Keller said we should acknowledge and say thank you to CADRe, PLACE and Mike Stoneking for his leadership, BAR, SELC and others who contributed to this process and that work is not going away out of good comments in letters.

Ms. Robertson said the other list of interim things that you approved for at least further public discussion. The future amendments we will be looking at will include things such as interim provisions for dealing with the lack of definition of mixed use.

Commissioner Keller and Chair Green agreed that the next amendment to look at is mixed use.

Vice Chair Clayborne motion to Adjourn: 11:10