

MINUTES  
PLANNING COMMISSION REGULAR MEETING  
Tuesday, January 12, 2016

I. PLANNING COMMISSION PRE-MEETING (Beginning at 4:30 p.m.)

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

Members Present: Chairman John Santoski, Commissioners Lisa Green, Taneaia Dowell, Kurt Keesecker, Genevieve Keller, Jody Lahendro, Dan Rosensweig; and; UVA representative Bill Palmer

Call to Order: the meeting was called to order by Chair Santoski at 5:00 p.m.

Mr. Lahendro asked how many private clubs reside in the City? A number were named including the VFW, the Masonic Lodge and Fry's Spring Beach club. He also asked if it would be possible to have a condition limiting no dance or night club. It was noted that if the applicant outlined specific activities they would like to do, that could be made a condition of the request.

Ms. Green asked about the difference between dance hall and a facility for a private wedding. It was noted that the ordinance calls them out separately so they are considered different.

Mr. Rosensweig asked if there were any comments on the 1am to 8am timeframe proposed. He then asked about public comment received on the application. Mr. Haluska noted that five people attended the community meeting on January 5, 2016. Concerns were noted by residents of McGuffey about the potential activities on the roof and their impact on the residential area.

Adjournment: At 5:30 p.m. the Chair adjourned the meeting in order to reconvene in City Council Chambers at 5:35 to continue with the Commission's regular monthly agenda.

II. ADMINISTRATIVE AGENDA (Beginning at 5:30 p.m.)

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

Members Present: Chairman John Santoski, Commissioners Lisa Green, Kurt Keesecker, Genevieve Keller, Taneaia Dowell, Jody Lahendro, and Dan Rosensweig; and; UVA representative Bill Palmer

City Councilors – Wes Bellamy, Bob Fenwick, Mayor Mike Signor

Call to Order: the meeting was called to order by Chairman Santoski at 5:37 p.m.

A. COMMISSIONERS' REPORTS:

Commissioner Lahendro reported that he attended the Tree Commission meeting on December 9 and wished Charlottesville a Happy 10 year anniversary for being certified as a Tree City USA. The planting subcommittee has made recommendations following their review of all the entrance corridors for about 30 new trees to go into these corridors, and these are currently being bid by Parks and Recreation. There was a project with the Tree Stewards and the Tree Commission to plant 11 white oaks in the median of Route 20 north of 64 that was very successful and well attended. The Tree Commission is working with Parks and Recreation to identify ash trees for treatment against the emerald ash borer.

He also attended the Parks and Recreation meeting on December 16<sup>th</sup>. The following items were discussed: 1) The Meadow Creek Valley Park project will construct a trail from the railroad bridge to river to the future trail bridge; 2) At Tonsler Park they going to install stairs at the southwest corner between the park and 5<sup>th</sup> street next to the tennis courts. They are also presenting a new plan for the playground design for Tonsler to the community in January for comment. 3) At the skate park the cost estimate is 2.6 million and they are looking to obtain funds from the city and from donations for construction. 4) The McIntire construction has started and the YMCA site grading and utilities are going in now.

Question from Dan Rosensweig, said he is interested in the survey and the recommendation for ash borer treatment. Is that something that the city is looking to do actively on private property or provide recommendations and the actual treatment will be up to the private landowners.

Commissioner Lahendro said Parks and Recreation is going address trees on public lands. They have about \$15,000 set aside right now for that treatment. He said they can't treat every ash tree in the city but they are looking at specimen trees, trees that are in good health and that are not a part of large groves.

Commissioner Keller said that won't be limited to public land that will be trees..

Commissioner Lahendro said yes it will be limited to land.

Commissioner Keller said generally things that Parks and Recreation are doing is generally on public land.

Commissioner Lahendro said there was an insert in the utility bills this month with an educational piece about the ash borer to increase public awareness.

Commissioner Rosensweig asked if there was a way to attract funding source for to help subsidize private funding. Many of the mature ash are in the city are on private land and in our older downtown neighborhoods. There are a lot of ash trees that were part of the original farms that became subdivisions.

Commissioner Lahendro said no they have not looked at additional funding and he will bring it up at the next Tree Commission meeting.

Commissioner Keller reported she met with the West Main Street Steering Committee earlier this month and the consultants came to town to address concerns and issues that had been identified by Council. The committee will meet again on Thursday morning and the PLACE Task Force will meet later that day. The TJPDC will not meet this month because the jurisdictions are organizing themselves after the elections and it is likely that there will be no commissioners from several of the jurisdictions. She announced that the School of Architecture Vortex V is scheduled for next week and the students work will focus on issues related to Preston Ave. The visiting guest architect is Professor Hrvoje Njiric from Zagreb, Croatia. He will give his lecture at 6 pm on Tuesday, January 19<sup>th</sup>, at Cabell Hall and there will be a public presentation of student work at Carver Recreation Center on January 24<sup>th</sup> from 11 am - 4 pm and an exhibition will follow for the next month at City Space.

Commissioner Green asked what section of Preston?

Commissioner Keller said it is primarily on the corridor and its connections.

Commissioner Green wanted an explanation of the West Main Street Steering Committee.

Commissioner Keller said it primarily works with the streetscape plan.

Commissioner Dowell reported the Community Development Block Grant Task Force will be meeting tomorrow morning in the NDS conference room at 10:00 a.m. to recommend appropriation of the grant funds for the upcoming fiscal year.

Commissioner Keesecker reported the BAR met on December 15 and there are a couple of projects that are of interest to the Planning Commission; 1) the review of the plans (there was some discrepancy between what was built and what was originally approved) for the Violet Crown Theater downtown and the applicant brought back some solutions for a variety of different short comings. All were approved but two. One was the darker glass was requested to be made clear per the original application, and the other was further explanation of materials around the entry areas that had previously been approved for ceramic tile but is now hardi panels and they are going to look at some different ways to apply glossy paint. 2) William Taylor Plaza was approved for a certificate of appropriateness with the request that landscaping details return. Those details were approved in December. 3) A project led by Mr. Atwood at 425, 501, 503 West Main, near Eloise, integrated the two older houses and to his credit he is working very hard to find a design that preserves those structures on West Main. As submitted it, it was approved for massing only on December 15<sup>th</sup> with a split vote of the BAR so new plans will be coming forward with more details.

Commissioner Lahendro said he noticed a markup at the grocery store down the hill on Cherry Avenue. Is that mark-up for the William Taylor Plaza?

Commissioner Keesecker said he doesn't know, at least there was nothing for the BAR to look at. The materials that were presented in the BAR package were on boards in front of the BAR in this room.

Commissioner Rosensweig reported he did not attend the Housing Advisory Committee meeting last month but the committee did meet to review an excellent draft of a new resource produced by NDS and a local consultant who walks people through the accessory dwelling unit ordinance.

It is an outstanding piece of work, visually, helpful and it talks about everything including what you should think about before you apply for a permit. Contact Kathy McHugh, the Housing Specialist in NDS to look at it.

He announced that this is his last meeting with the Planning Commission. He has served the end of a term and the better part of two full terms and been here for a full 8 years. He said he has a nine and five year old and needs to spend some time at home, and it is time for him to step aside and allow someone else to have the opportunity to serve the community in this capacity. He thanked City Council for having faith in him to serve the community; it has really been an honor. He thanked Missy Creasy, Brian Haluska and the NDS staff for 8 years of incredible professional support of the commission. It is a hard job staying calm and patient with us as most of us go through a pretty long learning curve for what is a standard review; you all have always handled things with incredible poise. You give a lot of your time in the evening away from your family and I appreciate your service. He thanked his colleagues on the dias both past and current. Thank you for your service and partnership, I have learned a lot from each and every one of you all. He said he has grown from the experience. He thanked the commission for their future contributions for keeping things positive and professional and bringing in the assumption of good faith when we have been at our best over the last eight years is when we have seen relationships that emerged in this room as less oppositional and more of a partnership, more of an opportunity for dialogue and in advancing common interest. When we bring good faith to the dias, we do everybody a good service and thank you in advance for bringing assumption to good faith. He thanked the commission for keeping a balance between regulation and public investment. For those of you who travel the country know that for small towns like ours high regulations or low public investment cities tend to die, but we care a lot about the character of Charlottesville so we are not going to be a low regulation community at any given time. He encourages the commission to continue to push for public funding for things like public spaces, sidewalks and parks at a magnitude that we have not committed to yet as a city but it is something that he hopes you will continue to push toward. The latest CIP conversation was an example of this body being committed to that. Thanks to people for continued support for affordable housing and as many of you know this is my life-long pursuit and is something he will dedicate the rest of his life to as he sees it as the new civil rights. He said he has gotten to know so many families in this community for whom housing is the first thing and everything else is downstream and so we talk about everything about the achievement gap, to good jobs, to upward mobility and it all starts with housing so he has had an opportunity to advocate for stronger housing policies as a member of this commission and advocate for funding. He hopes they will carry on the mantel when he is gone. Thank you all for all of the work you have done in our car culture. He said we all recognize that urban and walkable is our future and has to be our future and he is asking you to continue to dig in and lean in hard to things like the code audit so we can finally align the communities vision with laws and policies that under-pin what is possible. He said don't let anyone tell you that current common practice is all that we can aspire to. He said there is an opportunity to do things differently than we have done in the past. He also thanked everyone for thinking regionally because we can do better because this is a new era. We have a new fire chief who is open to dialogue; thinking regionally, not just a county issue, the things we value, clean water to channel growth to the city as well as the county, thank you for continuing to serve.

Commissioner Green reported that at Citizens Transportation Advisory meeting last Wednesday night one thing was of interest to our city because we always have a lot of people who want to be involved. We have three open positions for citizens to be on this committee so they can have their voices heard, speak their mind about the transportation. This is not about just transportation in the city; it is regional transportation because it is part of the MPO, so out there in TV land get in touch with the TJPDC and fill out an application to be on the C-Tech Transportation Advisory Committee. TJPDC has just put together a strategic plan and it mentions the MPO, but the MPO is a separate entity. The next C-Tech meeting will be on, March 16<sup>th</sup> at 7:00 pm at the Water Street Center.

UNIVERSITY REPORT: Mr. Bill Palmer reported the University has been on break for the last month and classes should start up next week with the Vortex and general classes start up as well.

Chairman's Report – Commissioner Santoski the MPO Tech meeting is coming up. He has nothing else to report.

DEPARTMENT OF NDS: Missy Creasy, Planning Manager reported Tuesday, January 26, 2016 – 5:00 PM the planning commission has a work session and will plan to talk about Small Area Planning. City Council will be having a retreat prior to that to inform the Council's work which will also inform the Commission. We will also have the opportunity to talk through a number of pending issues. She said commissioners have voted for the planning awards and we will have the Planners Award Ceremony in February. She also attended the Rivanna River Renaissance meeting, the PDC group will be talking to the Board of Supervisors and City Council concerning different paths forward for having a regional approach for looking at the Rivanna. They are hoping to get that organized so they can speak to both the Board of Supervisors and City Council at a joint meeting they are planning for February. She said hopefully we will have some additional guidance at that point in time.

#### C. MATTERS TO BE PRESENTED BY THE PUBLIC NOT ON THE FORMAL

Bill Emory: 1604 W. Market Street thanked Mr. Rosensweig for his comments about the character of the city and about the car culture he made tonight and what he has done throughout his tenure as a planning commissioner.

Form affects function and which affects quality of life. Quality of life will affect all residents of the City of Charlottesville. The physical forms of the commons, of streets, of light fixtures, of curbs, sidewalks, light poles, multi-use trails, of meter boxes, of landscape planting and gutters, of cul-de-sacs of bus stops, how the commons is designed, all these prescriptive details in the City of Charlottesville are to be found in the Standards and Design manual. Last May I requested that you make public the process for amending the standards and design manual. What is the process for revoking and reordaining the standards and design manual? How are items added to the SADM? How are they removed? How are items judged for linkage with the Council vision, how are items judged for their positive quality in promoting the goals of the Comprehensive Plan. I wish that you, working with Ms. Robertson, would put together a white paper, a road map, about the Standards and Design Manual, this critical document. How does it get changed? What is it? Who is in charge? The Standards and Design Manual is the how-to manual for city development, but time and time again we hear, when citizens and developers

come forward with thoughtful ideas we hear “you can’t do that, it is not in the standards and design manual.” Now, in particular, with the Streets that Work, SAP and Code Audit Initiative, a thorough understanding of the Standards and Design Manual is necessary.

Nancy Carpenter- 921 Henry Ave – Came to talk about homelessness and affordable housing. She presented a report from the US Conference of Mayors by their task force talking about a hunger and homeless survey and they talk about 22 cities in this survey and none of these data points should be used as a national conversation but it shows how important affordable housing is. She said they did a survey in Norfolk, in the executive summary it talks about how lack of affordable housing affects homelessness among individuals, families, the need for permanent support of housing for people with disabilities. She also found it interesting they have a city profile about what causes hunger and what causes homelessness and every city has affordable housing as one of the reasons for homelessness. All of them are facing increasing cost whether it is the cost for homes for sale or rental housing. They look at efforts that they can use to make sure that affordable housing is available on all levels whether you are talking work force or whether you are talking low income or whether you are talking high end.

Something New Orleans is doing this year because they are still struggling with poverty as it relates to post-Katrina; they are looking at something called affordable housing impact statements. When you look at a land use change or a re-zoning change in the course of re-development you look at how that affects the possibility for affordable housing because you want your native population to be able to live and work in the same community and by having an impact statement for housing can also perhaps put the fire under developers intentions and also at the government level to make sure that these issues are addressed and looked at. At the Federal level, although it is not well used in the Clinton administration they required a housing impact statement when it was development on federal land. She said maybe even if it is not a public policy perhaps it could be a tick point or an item bullet point in the back of somebodys mind that when a development comes for re-zoning you can look at what impact that will have on and what it takes away from affordable housing.

Commissioner Kurt Keesecker said he has enjoyed serving with Dan Rosensweig. He said he got interested in the Planning Commission before he got to serve on the Planning Commission and his world view of the Planning Commission is with Dan within three seats of the center line of this room. It is a strange thing to imagine that we are going to have some of these weighty conversation without you but your leadership especially during the last couple of years when you were the Chairman and we tackled some colossally large issues for the city and you should be appreciated and is, as we think about what we had to go through to get to where we are today. He said thanks to Dan and how he appreciates how Dan can break down very complex problems and we can tackle them in a logical and professional way as a group. Individual arguments will show but sometimes complex problems will require complex solutions but through your way of being able to approach a problem we have done a better job as a planning commission.

#### D. CONSENT AGENDA

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

1. Minutes - December 8, 2015 – Pre meeting
2. Minutes - December 8, 2015 – Regular meeting

Commissioner Keller moved to approve the Consent Agenda, seconded by Commissioner Green motion passes 7-0.

### III. JOINT PUBLIC HEARINGS (Beginning at 6:00 P.M.)

#### G. JOINT PUBLIC HEARINGS

1. SP15-00004 - 206 W Market Street – Pete Caramanis of Royer, Caramanis & McDonough; agent for Biarritz LLC has submitted a Special Use Permit request for property located at 206 West Market Street, Tax Map33, Parcel 270. The request is to authorize the specific land use of a private club for the property. The property is zoned Downtown Corridor with Architectural Design Control District and Parking Modified Zone Overlays. The parcel is approximately 0.103 acres or 4487 square feet. The Comprehensive Plan designates the land use of the property as Mixed-Use. **Report prepared by Brian Haluska, Principal Planner.**

This special use permit application seeks to allow the use of "Club, private" for that property located at 206 W. Main St. in downtown Charlottesville. The type of "club" proposed at the location will be called "Common House" and will be a social club where individual members can meet to dine together or simply for personal connection sometimes lost in the days of online social media. Interestingly, the property at 206 W. Main St. was originally built as "Mentor Lodge," a thriving social club serving the then largely African-American neighborhood of Vinegar Hill and providing a venue for dances, political meetings and music concerts for more than six decades.

Common House will be a members-only club and will have rules and regulations internally called the "Common Law," which, among other things, require members to be good neighbors by "(1) being quiet when leaving the House or when in the surrounding neighborhood, (2) minimizing noise when outside or on any terrace, and (3) avoiding honking, loud music or excessive engine or vehicle noise while arriving or departing the Club." The Club will not be a "club" in the "nightclub" or "dance club" sense, and, therefore, will not present some of the noise and other concerns that the word "club" may bring to mind.

Common House, as planned, will include a banquet hall, lounge, tea room, library, bridge room, billiard room, bars, kitchen, office, rooftop terrace and restrooms. It is intended to welcome its members for social interaction, food service and the occasional private function. Attached to this application are the following documents which provide further information on the proposed operations of the Club:

- An introduction letter from the club to prospective members;
- A booklet with information about the Club and its member benefits;
- A "Common Law" booklet setting forth the Rules and Regulations of the Club; and
- Excerpts from the Club's prospectus

Common House would be a welcome addition to the historic downtown, reviving the spirit of the social club first established at its proposed location and providing an opportunity for valuable and vibrant social interaction within the City. We believe there will be little concern related to this proposed use, but the Applicant would be willing to accept an approval condition that requires it to always maintain the "Respecting Neighbors" part of its rules and regulations and to restrict its hours to those listed on the attached "Common Law" booklet. The Applicant respectfully requests that the Planning Commission and City Council approve the special use permit allowing a private club use at 206 W. Market St.

Commissioner Keesecker asked about the impact of the lighting design and if it conflicts with the guidelines for downtown.

Ms. Robertson, Deputy City Attorney said you are reviewing things like lighting fixtures and anyone can go to Lowes and buy string lights and plug them in. If they are offering that part of the BAR design concept for the lighting of the roof but she is not sure the BAR has the ability to prohibit people from using the strings of lights in historic districts.

Commissioner Keller said we don't have a specific definition of a private club, and could someone expand on the uses for the future.

Mr. Haluska said he would base the definition on the conditions that we have.

Lisa Robertson, City Attorney provided the definition in the ordinance. She said what you are approving is a use. If the SUP limits the use by a group of conditions then any attempt to expand the use beyond the perimeters of those conditions would require an amendment of the SUP.

Wes Bellamy, City Councilor spoke regarding the specific use of what the club may be used for. He said it was stated that this club was once used as an African American mentoring program or something of that nature. He said he finds somewhat troubling, is in regards to how this was once an African American mentoring club or a facility used for mentoring in several other things. This private club, he is very anxious to hear how the same African American community and those who are under-represented in this community will have access to utilize this facility with it being a private club.

Pete Caramanis said this is a modern social club, the idea of a country club, with limited certain class of society. It will have a bar and tea room, a billiard, a common space, a library, a place for people to congregate, and a membership type of venue. Who is this open to? There are no restrictions as to who can join. We are hoping to have a very diverse group of people. We have around 60 people committed if this should go through. The goal is to have between 200-300 members. Something we hope will be a good cross section of society. This is not a large dance function. It is not a gentleman's club and there are really no restrictions as to who can participate and join. The goal is to bring the community together here.

Mr. Pfinsgraff said the membership will cost \$150 a month, though there will be some free memberships. He said we want to make sure if you can't afford the monthly dues and we think you're an incredible member of this community... that's definitely built into our model. He also



said what we're looking for out of the applicants are people who are creative in arts and commerce. We want members who are contributing to the community and are active in business or the arts.

### Opening the Public Hearing

William Stephens 209 A 2<sup>nd</sup> Street N.W. - said Mr. Haluska's report recommended no audible noise beyond the confines of the building be allowed between 1 and 8 a.m. He is worried about the bothersome noise originated from the roof top at other times of the day. He said the primary activities would take place on the second floor and the roof which is the third floor. A stairway will be built to the roof along with a roof deck, cabana, a bar, restaurant service and two bathrooms. He is concerned that loud music emanating from the roof deck will be a problem for the community. The public policy from the City of Charlottesville states that Council hereby finds that excessive sound to be a serious hazard to public health, welfare, peace, and safety and the quality of life that the people have a right to be insured of an environment free from the excessive sound that may jeopardize the public health, welfare, peace, safety or degrade the quality of life. It is the policy of the city to prevent such excessive sound. The roof deck is 35 feet off the ground and the higher the sound source the further the sound is going to carry. Amplified sound and live music on the roof deck would carry like sound from a loud speaker on top of a 35 foot pole if this is permitted without restrictions and would invade the peace and quiet neighborhood in the historic district. The club is located in the downtown business district on Market Street which is the northern boundary of the business district. Across and up the street from the club is the historic district which is the city's proud heritage and the most important feature is defining the character of the city and the historic district in the surrounding neighborhood should be protected from bothersome sound. There are two churches within two blocks, parks, residence, private schools and professional offices for example Hill and Wood funeral home is one block from the club, imagine going to a memorial service being confronted with music blasting from the roof of a club one block away.

Bruce Abby 205 A. McGuffey Hill - we have the pleasure of having our bedroom face directly across Market Street toward the propose use of the club at the same level of the roof terrace that is proposed. He said their concerns are quite similar to what Bill Stephens has said. His concern is if the club is approved, it will be able to use the terrace until 1 a.m. in the morning which seems a little late if it's fronting a residential neighborhood. He proposed a 10 p.m. curfew on the terrace itself. He said another zoning issue is that intersection at Market and 2<sup>nd</sup> Street is the tightest in the city and actually narrows down. One of the uses proposed by the club is a wedding reception which involves masses of people coming and leaving an event. He said he can image the traffic situation at that corner could get pretty dicey under certain uses and it might be something the Planning Commission might want to consider

### Closed the Public Hearing

Commissioner Green said it's a huge impact that we completely overlookin planning and she found it disingenuous to try to make this particular use fit into the history of that building. It is not going to be an African-American social club.

### First Motion

Commissioner Rosensweig moved to recommend approval of the proposed special use permit as requested in SP15- 00004, subject to conditions, because I find that approval of this request is required for the public necessity, convenience, general welfare or good zoning practice. The motion includes a recommendation for the following condition:

1. There shall be no audible noise, detectable vibration or odor beyond the confines of the building in which the club is located, including transmittal through vertical or horizontal party walls, between the hours of 1:00 a.m. and 8:00 a.m. and that would not allow any noise to be heard from outside the structure between 1 and 8 a.m. and that would not allow outdoor amplified music after 11 p.m.

Motioned seconded by Commissioner Keesecker, motion fails 3-4, Commissioners Keller, Dowell, Green and Santoski voting no.

### Second Motion

Commissioner Keller move to recommend approval of the proposed special use permit as requested in SP15- 00004, subject to conditions, because I find that approval of this request is required for the public necessity, convenience, general welfare or good zoning practice. The motion includes a recommendation for the following conditions:

1. There shall be no audible noise, detectable vibration or odor beyond the confines of the building in which the club is located, including transmittal through vertical or horizontal party walls, between the hours of 1:00 a.m. and 8:00 a.m. and that would not allow any noise to be heard from outside the structure between 1 and 8 a.m. and that would not allow outdoor amplified music after 11 p.m.
2. The uses shall be those in the general range described in the application.

Motioned seconded by Commissioner Rosensweig, motion passes 5-2, Commissioners Dowell and Green voting no.

Commissioner Dowell said that she can see where this endeavor could be helpful to the community but based on the information in the packet that was given to us, other than it is located downtown and walkable as far as accessibility she has a difficult time seeing how this fits into the Comprehensive Plan.

Commissioner Rosensweig said there were two excellent public comments today 1) a method for reviewing, revoking, renewing the Standard and Design Manual, 2) the notion for affordable housing impact study He said that is an incredibility creative idea that he would love to see us as a city investigate.

Commissioner Keller asked if the Commission could join in on with Mr. Keesecker' s congratulatory statement by Acclamation to Commissioner Rosensweig, motioned by Commissioner Keller, seconded by Commissioner Green, motion passes 7-0.

Commissioner Keller asked if a letter of thanks and good wishes could be sent to a colleague, Cal Morris from the county who did not re-apply to serve on the county planning commission. She would like for the city planning commission to know his service to our greater community and asked Ms. Creasy to draft a letter we all can sign onto.

Mr. Ikefuna, Director of Neighborhood and Development Services welcomed the Planning Commission back from the holidays. He expressed on behalf of NDS appreciation to Dan Rosensweig for his self-less service to the City of Charlottesville. We really appreciate your service. Mr. Ikefuna suggested that he would like to plan for a meeting with the county and city planning commissions, which was agreed.

**Ms. Keller motion to adjourn at 7:33 until the seconded Tuesday in February, motion passes 7-0.**