

MINUTES
PLANNING COMMISSION REGULAR DOCKET
TUESDAY, October 11, 2016 – 5:30 P.M.
CITY COUNCIL CHAMBERS

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

Beginning: 4:30 p.m.

Location: City Hall, 2nd Floor, NDS Conference

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

Commissioner Keesecker outlined the process for this evening's meeting.

Commissioner Lahendro asked for clarification on whether there is a commercial component to the 1011 East Jefferson Street application. It was noted that there is not at this time.

Commissioner Keesecker noted that traffic concerns could arise if commercial was included later and discussion occurred as to whether that element could be conditioned out of the application.

Commissioner Santoski asked for clarification on the differences between the zoning of B-1 and the Land Use Designation of Neighborhood Commercial. That information was provided.

Commissioner Green noted that this is a transitional site and there is a possibility of 4 bedroom apartments by right.

Commissioner Lahendro noted that additional information concerning the size and location of trees for the Zaxby's site should be included.

Commissioner Dowell asked about affordable housing requirements for 1011 E Jefferson Street. It was noted that the site would need to comply with Section 34-12 as the FAR would be above one. The number of affordable units would be determined once the total number of units is identified.

II. Commission Regular Meeting

Beginning: 5:30 p.m.

Location: City Hall, 2nd Floor, Council Chambers

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

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

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

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

A. COMMISSIONERS' REPORTS

Commissioner Lahendro reported he attended the Parks and Recreation Advisory committee on September 21st. The entire meeting was on the Ragged Mountain Natural area proposed trails. No final decisions were made. We will be meeting on the 19th of October at 5:30 at Carver Rec Center to finish our deliberations and make a decision that will be a recommendation to Council and to the Planning Commission for comments. The Tree Commission met on October 4th. The BAR and University had provided input on the downtown mall trees condition survey. Once the city's new arborist is in place, that person will be responsible for coming up with the recommendation for treatment and replacement plan for the affected trees. Secondly, a plan to work with the Charlottesville Redevelopment Housing Authority to plant trees at Westhaven has been postponed because of a major redevelopment of Westhaven which is being considered over the next 5-7 years. Also the Route 20 Monticello Gateway project is scheduled to plant 90 trees on the 5th and 19th of November, The Tree Commission, the Charlottesville Tree Stewards, the County, Monticello and the Hallowed Ground National Heritage Trail groups are all participating in this effort and the public is welcome. Lastly the Housing Advisory committee did not meet this month.

Commissioner Keller reported she attended did not attend TJPDC this month because she represented the Planning Commission at the event at the Rotunda for the Piedmont Area Preservation Alliance and spoke very briefly about our Small Area planning process and the fact that we have toured two areas either in or adjacent to natural registered historic districts Fifeville, Tonsler and Woolen Mills. She congratulated her colleagues Mr. Hogg and Mr. Lahendro for a splendid job on the restoration of the Rotunda; a lot of effort and a very nice evening, so thank you for hosting that group which was a broad range in group and shows the breath of activity related to cultural resources in our area. She also attended the work session of the BAR, (not as a Planning Commissioner, but as an observer) as someone who has been engaged in the West Main planning process. It started up again early last year and they have been working through the summer doing a lot of ground work, and more detailed surveys. It turns out there is more side walk space than originally thought when we were just using GIS to calculate that so she was quite please of what they were presenting, and the progress that is being made. The BAR made a number of suggestions as well; she thinks with new directions that project seems to be moving along. She said being informed with things that have happened in the past in the city, in terms of design for the downtown mall and University of Virginia, they stated their design principles would be for simplicity, elegance and durability, so she thought it was very good and was happy she went and got up to date on it.

Commissioner Dowell reported she attended the Community Development Block Grant meeting on September 14th, with the 10th and Page neighborhood Task Force and they went over what was going on with the last committee, and how to move forward and what the vision is. They also met on the 5th of October to put together a SWOT analysis of the neighborhood to see what the strength and weaknesses are. It was a really good meeting, and she encourages everybody to come out and participate. The next meeting will be October 19th, location to be determined, but one of the main goals is working on how we can connect the 10th and Page neighborhood more with the rest of the city.

Commissioner Green reported that she did not attend any meetings but the Capital Improvement program will be starting their funding cycle soon.

Commissioner Santoski no report

Commissioner Clayborne no report

B. UNIVERSITY REPORT –Brian Hogg reported that the University will be presenting the landscape framework plan for the Ivy corridor and the Brandon Avenue Master plan at the next PACC meeting and look forward to working with the city to integrate the Ivy corridor and the Smart Scale project on Emmet Street as those two move forward. Yes the Rotunda did re-open and they had almost 7500 people the first week which was a pretty exciting number.

C. CHAIR'S REPORT – Kurt Keesecker attended the BAR meeting on the 20th of September. We discussed the project behind the Blue Moon diner on West Main and gave some comments to the applicant. We also discussed phase two of the William Taylor Plaza project and it had some design revisions that came back to us; and it is moving in a positive direction as well. He attended the Master Planning Council meeting at the University and saw the plans that had been revealed for the Brandon Avenue work and Ivy corridor and it is very exciting work. The Ivy corridor work relates to our conversations about Small Area Plans and the city's ability to relate to those adjacent efforts from the University; afterwards there was a brief discussion (very informal) about other opportunities that could be exciting in that way. There seems to be a kind of energy at the University level in terms of their various planning departments and Office of the Architect to find more opportunities for that kind of engagement with both the city and the county. He said as we move forward with our Small Area Plan discussions in the future, there is an opportunity we can look at and maybe reach out particularly to the Office of Architect to find out where those efforts are going on their end.

D. DEPARTMENT OF NDS – Missy Creasy said Tuesday, October 25, 2016 – 5:00 pm there is a Work Session Joint City/County Planning Commission Meeting and it will be a discussion of the re-development site for Woolen Mills. We will bring you up to speed on what is being proposed and provide an opportunity for both of the commissions to comment as the application goes forward. The site is in the county so there won't be a vote on the city side but it was important to include us in the discussion. Our next meeting is on November 8th, and we are working towards a joint work session date at the end of November for the regulatory framework discussion. Staff has been involved in trying to get together background work for the work session. There is also a lot of activity going on with the work group for West Main.

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

1. **Laurie Sweller 123 E. Main Street**, I urge you to approve the variation of the road grade for Harmony Ridge proposed by Habitat for Humanity on your agenda tonight. The city's and the Habitat's goals are aligned to enhance the sense of space throughout Charlottesville. The plan that Habitat is proposing has a sense of space. It is beautifully designed; and all of the homes are intended to be ADA compliant with no grade between access and into the core living spaces. The main road into the development would allow active development to the west, and in order to do that your approval of a variation of this road from an 8% grade to 10% grade which is permitted in the ordinance needs to occur. There is no safety concern because VDOT's standard sub-division grade is 10% and the area where a car would stop to the entrance to 5th street is level. There is plenty of visibility there so there are no concerns about visibility. She asked why we would want to sacrifice our commonly held goals, a sense of place, connectivity, multi-modal connectivity, and good design just for the difference between 8% and 10% in road grade that has been shown to be safe, so you need not sacrifice anything and she requests your approval for this variation.

2. **Tim Sims** serves on the Board for Habitat for Humanity and being a life-long resident of Charlottesville and Albemarle County, the mission of Habitat for Humanity of Greater Charlottesville and the need for good urban design are near and dear to my heart. Therefore I am strongly supportive of Habitat request for a very minor road grade waiver. My understanding is that city staff can administratively grant up to a 10% waiver. It is also my understanding that the job of Planning Commissioners is to ensure the goals and visions of the Comprehensive Plan are met and to interpret those rules as well. I strongly urge you to grant the waiver for the following reasons: 1) waiving the 8% road grade will help build affordable and sustainable housing in our community. 2) It will also make it possible to build single level entry homes which will enable our partner families to be able to grow old in their homes. 3) It will also allow for better urban design, better place making, and most importantly create community spaces for our children to play. Please consider a waiver that will allow for a community that is accommodating to a span of generations. He asked if anyone here who is in favor of good urban design and affordable housing to please stand with him. Please stand with him.

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

Commissioners noted concerns with the CVS discussion in the September 13, 2016 minutes and asked for those to be reviewed, updated and placed on a future agenda.

The Work Session minutes from August 23, 2016 remained on consent and were approved.

G. 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

SP16-00001- 1011 E. Jefferson Street -Jefferson Medical Building Limited Partners, by its General Partner Great Eastern Management Company, has submitted an application seeking approval of a Special Use Permit (SUP) to allow residential density up to 87 dwelling units per acre (DUA) at 1011 E Jefferson Street, identified on City Real Property Tax Map 54 as Parcel 127 ("Subject Property"). The zoning district classification of the Subject Property is B-1 (Business). Residential uses are allowed by-right, including multifamily dwellings, at a density up to 21 DUA, and up to 87 DUA is allowed by SUP. The property has frontage on E Jefferson, 10th and 11th Streets, and contains approximately 1.46 acres or 63,597 square feet.

The general usage specified in the Comprehensive Plan for the Subject Property is Neighborhood Commercial. No density range is specified by the Comprehensive Plan.

Carrie Rainey stated the applicant requests a Special Use Permit (SUP) pursuant to City Code Sec. 34-480, which states that residential density up to 87 DUA is permitted with an SUP. The subject property has street frontage on E. Jefferson Street, 10th Street NE and 11th Street NE. Under the B-1 zoning classification, 30 dwelling units could be developed by right on this site (21 DUA), per Z.O. Sec.34-480 (Use Matrix). The site plan (Attachment C) submitted with the application depicts a development that would include 126 dwelling units as part of a multi-family residential project; since the development site is 1.46 acres, the proposed density is 86.30 DUA. See proposal narrative (Attachment A) and site plan submitted by the applicant pursuant to Z.O. Sec. 34-41(d)(1) and (d)(6). For clarification, the City Assessor's data shows the subject property as having an area of 1.41 acres.

However, the submitted project proposal narrative/ project concept plan describes the subject property as including 1.46 acres, and states that the acreage is based on survey data. In this staff report, staff assumes for purposes of analysis that the 1.46 acres is correct.

The application narrative describes a mixed-use development that would eventually include 126 multi-family units (maximum 180 bedrooms; mixture of one (1) and two (2) bedroom apartments) and by-right commercial uses, arranged in a building that would contain four (4) stories of residential dwellings and commercial uses, over two (2) stories of structured parking. At this time, however, no commercial uses are depicted on the site plan, and therefore any impacts of specific commercial uses (parking, traffic, ingress/egress, etc.) are not addressed in this SUP/ Site Plan review. The narrative also indicates that the subsequent introduction of by right commercial uses to the project would reduce the quantity of the residential units. Note: B-1 zoning regulations permit mixed-use development, but require that all lots and parcels, and all uses/components of a mixed-use development must be included within a single site plan.

Staff Recommendation

Staff recommends the Planning Commission focus on the following items during review: Appropriate density, impact to the surrounding neighborhood, increased traffic, access, and the pedestrian experience.

Valerie Long, an Attorney with Williams Mullen, said that Great Eastern Management Company is seeking the permit to replace a 1970s-era, two-story medical building with a residential complex. With the changes that have occurred in the way that health care is delivered these days, the building is no longer set up appropriately. The 1.46-acre property is zoned under the city's B-1 commercial district, which allows 21 dwelling units per acre without a permit. Great Eastern Management has requested a permit for up to 87 dwelling units per acre, and the current proposal is for 126 units with a maximum of 180 bedrooms configured in one- and two-bedroom units. There would be 226 parking spaces in structured parking. In recent years, the former Martha Jefferson Hospital site has been transformed into a mixed-use development that houses several businesses, including the CFA Institute and Hemoshear. Those companies are less than a quarter-mile away from the site. Ms. Long stated that the apartments would be primarily geared towards young professionals and seniors who want to live near the excitement and nightlife of the mall, and we also heard from companies who say there is a shortage of options for young professionals. Ms. Long said the developer also would agree to comply with the city's affordable housing policy that would require 15 percent of the units to be affordable to a household that makes less than 80 percent of the area's annual median income. This will be one of the first developments to actually build affordable units as opposed to paying into the Charlottesville Affordable Housing Fund. Ms. Long stated that the building would attract people who didn't want a car.

Councilor Szakos Why did you decide to do the alley parallel to E. Jefferson instead of perpendicular to E. Jefferson.

Ms. Long said at the request from the neighborhood that they did not want to have vehicular excess onto E. Jefferson Street but the street was not designed to support that access but the original plan did reserve as an option to have a garage entrance and exit onto E. Jefferson Street and the neighbors were supportive of that. The other issue is there was a bit of controversy with the existing alley behind the building given some of the changes in uses for the last 5 or so years and so we did not want to exacerbate any of those issues and we did not add any of the project traffic to that alley

so it is restricted. We are cutting off the subject properties to that alley so that it only becomes only usable by the other businesses that are in that block.

Councilor Fenwick asked if she was going to provide 100 more parking spots than are necessary.

Ms. Long said that is correct, 126 are required, one for each apartment and we are proposing to provide 100 extra.

Councilor Fenwick said if that is the case are you planning to rent those spaces out.

Ms. Long said that would be our ideal situation but at minimum they would be available for guests. They are not actually permitted to be rented out to others but with a minor modification to the zoning ordinance to support it and allow it that would be part of the goal to help provide those spaces again for guests but to also try, and alleviate the shortage of parking in the downtown area.

Councilor Galvin asked if there is commercial space in the project or not.

Ms. Long said we don't officially have any commercial space. Earlier in our application we had reserved the right to have up to 10,000 square feet of commercial space. We even had a traffic study done to estimate and thought we would probably have about 7,000 square feet, we were asking for 10,000 to have a little bit of flexibility because the commercial uses are by right in the B-1 district, we realized that it didn't make sense to have that be part of our special use permit application, that we should focus the SUP application just on the increase and residential density to avoid confusion but if I may, you raise a good point and she can address the comment that came up in the pre-meeting. Ms. Green mentioned the concern that there may be additional traffic with commercial use. Our original traffic study included the potential for 7,000 square feet of commercial space. If you have that much commercial space, it comes out about the same number of estimated trips per day as you do with the existing medical office use. Instead of it being a reduction in 85 trips it comes to about the same. For every square foot of commercial space included in the building that means fewer residential dwelling units so it can be a bit of a wash. There are no official plans for commercial at this time but we would like the flexibility to have small neighborhood commercial uses that might be attractive to the neighborhood and convenience uses for that area.

Councilor Szakos asked **Ms. Robertson, City Attorney** can we ask for something that says commercial uses will not include loud music or night-clubs or things like that.

Ms. Long said they would be happy to agree to conditions like that because the city has the reasonable discretion to impose conditions that reasonably relate to the requested use. So the request that you deem certain types of commercial uses to not be appropriate for that proposed use she thinks you are in your rights in that regard, at the same time we do not have any loud or disrupted uses anyway because that would disrupt the residential tenants at the property.

Commissioner Green what is the benefit of the SUP versus the rezoning to residential.

Ms. Long said a rezoning is a more intense request. We didn't consider a rezoning to residential because that would not be consistent with the Comprehensive Plan and because the use is allowed by right, Residential and Commercial uses specifically sets up the structure so that the density can be increased upon the approval of the Special Use Permit.

Commissioner Lahendro said at the intersection of the alley and 11th Street, the existing grade seems to be about 10-12 feet from the parking lot to the street and then the 45 feet would be on top of that. So you would be 55 feet from the sidewalk level up looking to the top of the building.

Ms. Long said we showed the courtyard there at the corner of E. Jefferson and 11th Street and you can see that difference in elevation if that would be helpful.

Commissioner Lahendro said you hardly know the existing building is there because of the wonderful parameter of large trees around the site. It appears that all of those trees are being wiped out in the proposed site plan. Were there considerations as to try to keep some of these trees?

Ms. Long said yes we did. What we are doing instead is working with the staff to propose extensive landscaping, in fact greater landscaping than is required with the by right site plan. It is a challenge to keep those trees in place and redevelopment of the property as proposed. So that is why we work with staff, she believes the conditions recommend a 3 inch caliper tree at planting which is a higher standard than is required and we are specifying a certain spacing at planting as well. We also wanted to activate the streetscape. We wanted those entrances to the individual units to have a townhouse feel to be able to activate the entrance so the building could be visible and the balconies could be open to the air and visible. It is a challenge and we would love to be able to save the trees as well but in order to construct the building this is what we thought made the most sense.

Commissioner Dowell said just to confirm that I hear you correctly that you are planning on adding 100 extra parking places.

Ms. Long said yes that is the tentative plan and mostly likely we will have those full because you will have to have one level or two levels in order to make the actual structure work and that is our proposal. Those spaces could be used for the guests of the apartments as well as if the zoning ordinance is amended there could be additional parking to alleviate the current shortage.

Commissioner Dowell said if the zoning ordinance is amended did you take into consideration the extra traffic or the trips in your traffic study that those rented spaces would incur.

Ms. Long said yes we took everything into account.

Commissioner Keller said so at this point it is strictly an apartment building and courtyard.

Commissioner Green said did the traffic generation, come back as commercially change and traffic analysis we don't know.

Chairman Keesecker said spoke to the character of E. Jefferson and 11th and 10th Street. Could you describe your other observations of the design team, or just speak to the observations of Jefferson, 10th and 11th of the building, massing, rhythm, and general footprint and configuration of the building itself?

Mark Kestner said we've study this building and area for about 18 months. Our office is on East High Street about 50 paces from the site so we have spent a lot of time on site. We have concluded this area as a mixture of large, medium, and small. The earlier design came about from how can this block could be and we had a lot of feedback about massing. The goal was to have a building that would allow for density due to its close proximity of neighbors. The smaller buildings although they are not residential, contextually, we have to relate to that rhythm. Our goal is to provide accessible

units from the streets, and you will walk right in, not coming to a main lobby and we have 20 pedestrian entrances around the building. He doesn't know of another building in town with that many entrances. We really tried to design the building to relate to the context around it as well as the context within a mile radius. He said the building is successful at doing that and to us it feels really good. The two story townhouse compared to a four story building office building, we think this is a lot warmer and friendlier architecturally.

Commissioner Clayborne said could you share what the square foot of the floor-plate (the first floor level) is and the square footages of the one and two bedroom units.

Mr. Kestner said it varies per floor. The first floors are the same size and then the second two floors have variation. The first floor is 32,251 square feet. The allowable by right foot print is 49,752 and to add to that we're at 61.4% of the allowable square footage that you could conceivably build on the property.

Commissioner Lahendro said do you see the character along 10th street to be the same as along 11th Street and how does the building respond to different characters if you do see different situations? Tell me what design differences you used or took advantage of in this design to represent the difference between 11th and 10th.

Mr. Kestner said all of the streets in the area are different. We did study big, medium, and small buildings and the different uses on the streets. East Jefferson was the driving street that encouraged us to break this into two smaller buildings to start with but then really 4 smaller buildings at the street level that starts to talk to and communicate with the rhythm of those smaller buildings on the street. As we come to 11th Street we have another commercial building where we have on this side two smaller elements that relate to that somewhat larger mass likewise on 10th Street but if we panned back to an aerial as far as an overall massing we feel that the building does fit into the mile radius very nicely if you look at the overall picture. If we didn't have our building labeled you probably wouldn't be able to pick it out.

Commissioner Lahendro said this goes more into discussion so he'll hold off. He asked about topographical differences between the street and the building on 10th and the 11th Street and the building.

Mr. Kestner said we need an elevation change as you notice from walking on the site and one of the things we have done to help mitigate that is to really pull the building back away from the setbacks. On this corner we're 28 feet away from the property line so we can really have a very nice landscaped area that makes that transition and we never intended to maximize the footprint, it was always a consideration of how can this building ground itself nicely and have enough room to breathe to the streets, to the sidewalks, and really not forcing ourselves, forcing our footprint, or forcing our street wall but having a nice buffer between the street and our first building wall and more of a buffer between that and the 2nd wall which is step backed about 10 feet as we go up.

Commissioner Keesecker said asked about the plaza on 10th Street as it relates to continuous general length of what seems to be a brick material for ground floor residential units and the current skims of multiple door entry. How do you imagine that space behaving in the public realm? Is it private to the apartment dwellers or is it public meeting space for those walking or by the sidewalk. How does that area get used?

Mr. Kestner said when we were talking about a small amount of commercial space in the building that was where it was going to be on that 10th street frontage so we could conceivably see that terrace being part of the extension of those commercial spaces. If there is no commercial, it's an extension of the residential use. It could be a patio for a gathering but primarily for the residents in the building.

Public Hearing gaveled in by the Planning Commission
Public Hearing gaveled in by Council

1. **Mark Frelander** 607 Lexington Avenue, A critical question for you to address tonight is: Why will 1011 E. Jefferson be any different? What's the impact of even more vehicles in the city....in this case, four and a half times as many allowed by current zoning? You're a part of NDS. Look at the decades long backlog of resident complaints coming to NDS's traffic folks about traffic, speeding, irresponsible driving, neighborhood cut-through and gross overuse of narrow, curving streets the city says can't be upgraded. The pain is real. Traffic complaints are the most common complaint filed by citizens of Charlottesville. They are the most unaddressed complaint the city fields day after day. Do you know that fewer than 15% of Burley Moran kids walk to school? Do you know parents say it's all about traffic and speeding? Please, open your eyes. It's happening all over the city. I am not opposed to growth. I think we need it. But today the process of bringing growth to Charlottesville is backwards and very painful to Charlottesville's residents. You can fix that! As I promised a moment ago, here's a way out: Starting with this SUP request, you can turn to city leadership and say "No more of this until the region has a firm transportation plan in place and implementation is on track. (We've got to see the money here folks, just think about Meadow Creek Parkway and the Belmont Bridge) Please, adopt mindful growth here. Transportation infrastructure first and then the SUPs. If you continue on the SUP-driven path you've been on you will be subjecting yourselves and fellow residents to even more pain for no good reason and you will be making it less likely that public transportation solutions could be retrofitted affordably in the future. Let's have mindful growth. Transportation solutions first. Then SUPs.

2. **George Gilliam** 210 10th Street NE #501- said to turn to page 7 in the staff report. "However, a Small Area Plan for this area has not yet begun. The General Land Use Plan calls for the subject property and areas immediately north and east to be Neighborhood Commercial land use, and the areas directly south and west of the subject property to be Mixed Use land use. The Comprehensive Plan specifies that Neighborhood Commercial areas are intended to have building forms that mirror that of low density residential zones, but with some additional commercial uses compatible with residential areas. Low Density Residential is described as single or two-family housing types, with a density of no greater than 15 dwelling units per acre." He said if we are being strictly faithful to the Comprehensive Plan recommendations and in the absence of other factors, this land would be by right 15 dwelling units per acre. This land was rezoned in 1976 (he was on City Council that rezoned it) to provide for the 21 units per acre that is presently permitted by right, so already since it was rezoned in 1976, this property has a higher by right density today than is recommended by the Comprehensive Plan. This request that is before you asked not for a slight adjustment, not for a little bit more, this asked to have by right with a Special use Permit to have 87 which is greater by a factor of 4. He hopes you would not stray too far from the recommendations of the Comprehensive Plan and stick with the by right. Don't act on the SUP until the next review of the Comprehensive Plan.

3. **Jo Lawson** 1201 E Jefferson Street, said she was concerned the project would dwarf 11th Street, and she asked for a new proposal to be submitted. She also said this is a post-World War II neighborhood of smaller houses with lots of green space, and what we would like to see is single-

family houses that are in the spirit of the 21 units per acre and work with the developer for a higher density on 10th Street.

5. **Rosamond Casey** 1124 E. Jefferson Street, said what she likes most about our neighborhood is that we have an alternation of small professional businesses and large and small single family residences and a sprinkling of apartment rentals. This mixed use creates diversity as well as a visual change as you walk through the neighborhood and it creates a cohesive hold because it has the qualities of having grown this way completely organically. She said she supports change in growth and she even likes the idea of another residential apartment building in the neighborhood but to continue in the spirit of one thing organically leading to another, new structures need to at least try to mirror the existing environment. The best way to do that is to build something that contains all of the elements we enjoy in our neighborhood. A commercial component, a mixture of small and large dwellings, and not to out-number 10-1, the scale and population of the block of neighbors who live just east of it. The big structure like the one proposed diminishes the integrity and the importance of our neighborhood by dominating it, so she urges you not to vote for the SUP.

6. **Michael Bender** 1201 E. Jefferson, he served on the Planning Commission for 8 years in the 1980's, and 3 years as the Chairman. At that time a rezoning petition was bought by Martha Jefferson Hospital to demolish historic houses all a long Locust Street for Hospital expansion. The Planning Commission and City Council denied this rezoning and houses were saved and converted to other uses. Now that the hospital is re-located many of these houses have again become residents. Locust Avenue is now a historic Conservation district contiguous with our neighborhood. The proposed project at 1011 E. Jefferson is the imposition of a large scale new building on a small scale neighborhood. Little High Street neighborhood has many early 20th century houses, entire streets of mid-20th century recourse houses and three landmark properties: Our house the Farm, the Nicholas Lewis House and Jordan Gilmore House, the residence of Councilman Fenwick. This neighborhood should also be a Historic Conservation District when the application is completed, then new projects will be subjected to review by the BAR and need to follow specified design criteria of a form height, scale, and mass. It would be rejected based on these and other criteria. He was on the BAR for 3 years. The existing doctor offices are a community asset in a two story building. The existing zoning density developed carefully in the current neighborhood plan will create a transition between the high density zoning to the west and the single family zoning to the east. There is no reason to change it. The neighborhood will gain nothing beneficial from this project. There are several large scale buildings imposed on this neighborhood in the planning stages. I urge you to deny the increase in density SUP for 1011 E. Jefferson in the interest of neighborhood, social and historic preservation.

7. **Carlos Armengol Jr.** said he is a pediatrician in this building with Pediatric Associates. This is a building that was built in the 1970's and it has a wonderful benefit and location and a wonderful parking lot. That's where his love for this building ends. The building has many problems. He has a sweater in his office that he wears in the summer and a fan that he uses in the winter because the HVAC is pretty bad and doesn't cool the office uniformly and so we have a lot of difficulty maintaining comfort levels in the examination rooms and the other work spaces. It is a highly inefficiently laid out building. We occupy the entire bottom floor which is roughly 10,000 square feet but because of the way the entrances are fashioned he has seven waiting rooms and he could use a lot less and use the office more efficiently but there is no way to do that currently. The building is not ADA compliant. There is no elevator that connects the bottom to the top and it makes it really hard for our disabled patients to get around. The building has a vacancy that has been vacant for the entire 18 years that he has worked there and with Martha Jefferson leaving the area, this makes it increasingly difficult to find people who are willing to rent space in a medical office building. He has no windows in his office space and has not seen the outside of the office in 18 years that he has worked there and he would

love to have some windows in his area. Unfortunately his area is below grade so having window there would be impossible. In full disclosure, he owns a small percentage of this building, but is telling you these things as a tenant. It is not a building that is serving its purpose any more. It has out lived it use as a medical building. He wants to tell you that Pediatric Associates has no interest in leaving the community and no interest in leaving the area. We realize that we may be forced to leave. We are already in talks with other folks to stay in that neighborhood.

8. **Willis Jenkins** 1400 13th St NE, New land uses should mirror existing land uses and this building does not. He harbors some skepticism about the traffic impact study and as a parent of a 1st grader who is one of many 1st graders who would like to walk to school if we could. He has concerns about the overall transportation safety and pedestrian infrastructure of the neighborhood.

9. **Jami McReynolds** 1206 Meriwether Street, said he works at Ready Kids which is one block away from this development. His primary concerns are traffic and parking. There have been several close calls at 11th Street and Little High, there has been a couple of accidents in the five years he has lived in the neighborhood. There is only a two way stop and we have made multiple attempts to get a four way stop in at that intersection and have not been successful. That was before we had Charlottesville Day School in that area which has already impacted the parking and traffic in the area. From tonight's presentation, he did not realize the extra 100 parking spaces were potential. Potential sounds like a weasel word and potentially they may not provide those spaces which would mean one space per unit in a neighborhood who already has some parking issues. As the Director of Facilities at Ready Kids, we had to give up a few parking spaces on either side of the driveway which exits on 11th Street because of the traffic already where people zip around from High Street onto 11th Street and also to 11th Street to High Street and that is without this development. Also on Little High Street, there is room for only one car. Right now there is a bus route on Little High, so when the bus comes down the street, there's only room for the bus. When cars are going up and down the street you have to find a place to pull over so the opposing traffic can get by, that is with the current situation and it will only get worse with another 120 units and 240 cars in the neighborhood.

10. **Sumner Brown** 1107 E Jefferson Street, said E. Jefferson is narrower than Little High Street. This is an old historic street where the houses are very close to the road and there is no room to expand and she doesn't think the infrastructure is there. She does believe that there will be more traffic and what hasn't been addressed is the nature of the traffic. Doctor's office traffic is very different; it is one at a time through the day and on the weekend. There is going to be a lot more traffic at high traffic times. It is one at a time, a lot more traffic at the high traffic times. It would be nice if everyone in that building is going to work downtown and walk to work, we can't guarantee that. All of the people I know live at City walk don't work down town, and I work with a couple of them at the Federal Institute on Emmet Street so I see more traffic at the big traffic times of the day, at night, and on the weekends. There is no traffic at all right now, so there is going to be a big traffic impact and she firmly believes that. She is very concerned about the beautiful old trees also. She would like to see more transition with the townhouse idea she thinks is a really good one. Much smaller building preserving the trees opening all onto 10th street would be a lot better where you are going toward the development, toward the downtown where there is a traffic light to help get people in and out of the neighborhood which we don't have on 11th Street. It is really hard to get out in the morning onto High Street. She doesn't understand why this huge thing has to come into this old established neighborhood which is way too big for the scale when there seems to be a lot better places that she passes every day. The Commonwealth building is already a 4 or 5 story building that is vacant on a 4 lane big road and much closer to the downtown mall and not an impact for the neighborhood and there are a lot of places that would not impact the neighborhood to this degree.

11. **Hal Morius** 1109 E Jefferson Street, asked to deny this SUP because it is very hard to mirror the surrounding area and if you walk this parcel and go to the top of the hill, because it is at the top of the hill from three sides where this thing is going to be five stories on top of two on 11th Street. You are going to cut down all of the old trees and replace them with smaller trees. Even though you will have a setback in many places it looks like it goes pretty close to the roads but the density is the main issue. He would like to suggest (Planning Commission has a hard job) a different process here and it shouldn't be that the developer submits the permits, gets criticized, and goes away tries to think about it. There ought to be some kind of true community engagement and advisory process or a negotiation between those who live around the building and the developer and some of the ideas Joe and some of the others brought up could be integrated into the design rather than having the developer say density is not negotiable, the project is not viable unless we have this density and so we will tweak it and move some things. He asked if you would deny this SUP.

12. **Kate Bennis** 1109 E Jefferson Street, New president of the Little High Neighborhood Association, we all oppose approval of this SUP for many reasons. It is too big and massive. It is overly dense and is not in harmony with the rest of the neighborhood. It doesn't benefit our neighborhood or community in any way. It only burdens us with more noise, congestion, traffic, and less pedestrian safety. The current by right zoning sounds kind of perfect in terms of making it a transition area. We would love to see the 30 townhouses with people buying into the neighborhood with affordable prices. It would be a wonderful thing for us. We have a lot of housing diversity. We are only five blocks by five blocks and we have seen a lot of 24 affordable housing units. We are flanked on one side by the City Walk which has 300 one and two bedrooms units. We have some new things coming in on Market Street, E. High Street and are really seeing a lot of change in our neighborhood. We are asking that the thought and the mindfulness be taken into account. Is there any flexibility around the density and we heard no. 2) we asked if there was any possibility of making them condos they said no. 3) did you look elsewhere, there certainly must be other areas that have space available the other side of 10th Street in the strategic investment area, could you not just go another block over. She feels strongly that there has been a community engagement process and it resulted in the Comprehensive Plan. It allows for us to invite other kinds of housing project into our neighborhoods and they don't overwhelm us. She said Kathy Galvin said this in a meeting this summer quote by Robert Widner, "a zoning decision that nearly provides for an individual benefit without a relationship to the public benefit is not a legal decision".

14. **John McLaren** 520 Locust Avenue, he represents the board of the Martha Jefferson Neighborhood Association which is adjacent to Little High. A large number of our neighborhood are extremely interested and have attended all of the informational forums and performed research. First of all our board does support the principal to add more residential density close to downtown. Councilor Galvin forcefully argued that that can be part of a long term strategy for reducing some of our congestion problems down the road which is a very smart strategy. We don't endorse this massive increase in density in this particular spot where it will impose upon and transform this quiet neighborhood. We see a lot of places close to downtown where additional density could be built up without imposing on a neighborhood and it is already zoned for that.

15. **Margarita Figueroa** - 1214 Little High Street, Ms. Figueroa stated we are a neighborhood that welcomes growth but we want it to be mindful, not the way this has been put into this SUP. Our neighborhood is a highly diverse neighborhood. We have neighbors who are in the business of cleaning windows, restaurant servers, professionals, young families, and a range of ages. The IRC has been known to seek rentals in our neighborhood because of the affordability but also because we are friendly and we welcome others. The rent they have provided us as an estimate will cost higher

than the rent we have right now for small houses, townhouses and duplexes. So, it is not affordable at all. She urges you to deny this SUP.

16. **Herbert Beskin** – 1107 E. Jefferson, he said along with his neighbors he urges you to reject this request. He calls this downtown densification, a process that we all know has to take place but what we are asking of you is that it be done mindfully where there is a balance between preserving neighborhoods, providing for intelligent growth and abiding by the zoning ordinance. This project will not fit into the zoning in any shape or form. The building that is there now quietly and gracefully folds into the neighborhood because of all of those trees. The new building will dwarf our neighborhood. It will literally block out the sun from some of our neighbors during the day. The architectural form does not fit the surrounding buildings and will cause traffic issues in the morning for the school next door. Neighborhoods like ours are the backbone of small cities like Charlottesville. The zoning ordinance is designed to protect neighborhoods like this. We are asking you to enforce the limit of 42 units per acre in this particular instance. We are asking you to strike a balance here between neighborhood preservation and growth. A simple thing for you to use as your guidepost is the zoning ordinance and the community response to this request.

17. **Jen Lucas**, 217 12th Street NE, said she is asking you to deny this SUP. She said even if you do like the developers proposed plan, speaking for the neighbors, that it is really important to keep in mind what is possible if you approve the SUP. If you decide this proposal that they are offering seems like a reasonable way to handle the transition it doesn't keep in mind the Comprehensive Plan. It makes an exception that doesn't really allow for them to be held accountable for what could be built and she thinks that is really important. She said she is friends with Dr. Almengol at Pediatric Associates and her son has been seeing for 11 years and she lives a block from there. We should not allow this SUP because it is so far from what is in the Comprehensive Plan.

18. **Mark Kavit** - 400 Altamont Street, he is representing the North Downtown Residential Association. In a meeting with the Martha Jefferson Neighborhood Association, they voted not to support this SUP. Strong consideration needs to be given to the wishes of the neighborhood as to what they want. In an earlier meeting with the developers that he considered to be a dog and pony show, the data that was presented did not, he believes, in represent reality concerning traffic and congestion. Keep in mind that a SUP does not need to be automatically granted. He said he personally does not oppose growth but it does concern him when growth is in a neighborhood that is not part of a planned growth area or is currently zoned for it. You need to listen to the neighborhood. The public did not adequately receive proper notification of all the changes that took place and as we heard tonight, there were items put into the package that were done today.

19. **Logan Blanco**, 1200 E. Jefferson St., I am opposing approval of this SUP for many reasons, but the purpose of showing you these photographs is to point out how the scale and character of the proposed building are simply not in harmony with the scale and character of the existing buildings in our neighborhood. She showed many pictures of the lay-out of the proposed building and surrounding neighborhood.

20. **Ann Mercer**, 1200 E Jefferson Street – She has a petition signed by 97 people. The petition reads we the undersigned are opposed to the density, traffic and safety, harmony and the size and height of the building. She spoke on behalf of the Rose Hill neighborhood stating that they were proud for their neighborhood. The petition said I hope you will deny the SUP as requested by all who signed - people who are not just names on a line, but passionately minded people who care about where they live.

21. **Vanthi Nguyen**, 1116 Little High Street, said she is opposed to the proposed development of 1011 E. Jefferson Street because it is a manifestation on the local level of the global economic and political scale that is designed to restructure all of society in favor of the corporate bottom line to the detriment of the majority of peoples and the planet itself. She is opposed to a society built around ideology of the maximization of profits for absentee shareholders without regard for the consequences of the communities and the environment of which this proposed development is an emblem. It has been demonstrated again and again that the implementation of an economic model in which the principle consideration is imperative to maximize profits leads to the collapse of communities and ecosystems. We are an old established neighborhood of mostly modest postwar homes occupied by majority of ordinary working people. We have made it into a real community in which it is possible to love, to invest in our time and energy's in each other's wellbeing. We take care of each other in every practical way that you can imagine and we share our friendships and support with each other in many ways. We have made a world in which it is easy to love; that you cannot put a price tag on. She urges you to decide on the side of the preservation of a living thriving community and not to sacrifice it on the altar of short term profits.

22. **Julia Weismann** 1208 E Jefferson Street, said her primary concern is the density, it is large and it over-shadows our neighborhood and we care a lot about it. She said there will be increased traffic and it is already difficult living downhill on E. Jefferson with folks flying through, she can't believe that it is going to get any better than 10th as it is already congested as it is at 5:00. Please consider rejecting the SUP.

23. **John Kessler**, 1125 Little High Street, he said he opposes this SUP but if you decide to approve it, this creates a precedent since this is right on the edge of our neighborhood. This building should be on the other side of 10th street where it is zoned to be as designed and he thinks it's too big because it is double the size of the population of our neighborhood.

24. **Nancy Deutsch**, 1144 Meriwether Street, said her daughter goes to First Step and they walk and she also walks downtown to catch a bus to her job at the University. As pedestrians in the neighborhood, her biggest concern is the density and she has a lot of skepticism about the density. Just about a week and a half ago, the stop sign was knocked down at Little High Street. She is a fan of affordable housing and density but it has to be in line with the infrastructure of what the neighborhood can afford and currently the streets cannot hold the number of residents.

25. **John Rice**, 1144 Meriwether Street, he is asking you to deny this SUP. The traffic study is based on magic or something and he thinks the traffic study needs to be serious examined, and he would like to point out that two cars cannot pass each other on Little High Street now. This is only manageable because traffic is relatively light and if traffic were to become heavy there, it would be a complete mess. Little High Street is parallel to E. Jefferson and a lot of the traffic would spill down that way as well. We live in a diverse neighborhood and the one thing we all agree on is opposing this project.

26. **Greg Jackson** 1121 Little High Street, He opposes the SUP the way it is, but he doesn't want these guys to walk out and go by right because if you see the diagram and understand what by right could be, and see the traffic study there is a big difference. He hopes we all can work together to lower the density, work on the traffic concerns, 100 more cars, 11th Street entrance, Keep the pedestrians, get some businesses in there for a development like this. Let's make it a win-win

28. **Stacy & Dave Bruns**, 320 10th NE, from Charlottesville Day School, said they are not even mentioned in the application. His concern is the traffic and the density. This is a kid friendly area.

Two hundred kids walk to school, 35 employees, 140 families and most of them do not support this SUP.

29. **Katie Hickson**, 1010 Holmes Ave, teacher at Charlottesville Day School for 6 years. As a teacher and a resident in the city, she echoes every traffic concern that she has heard. Please deny the SUP permit.

30. **Sean Reed**, 313 Meade Avenue, said he was opposed to the SUP proposal. He said we have a very creative and skilled team behind him (the applicant) but this is simply a square peg going into a round hole. His concerns are about the parking, and wonder if those people will start parking on the street.

31. **Jean Jacob**, 1215 Little High Street, stated she is not against growth but being reasonable versus going full guns. She would like to see more of what the applicant talked about in the transition and that is what we need is transition houses. It is almost like slap in the face, someone says 21 units per acre but we want 4 times that and it is just not reasonable.

32. **Walt Heinike**, 1521 Amherst Street, Kelly Town, stated what happens in Little High neighborhood affects what happens in KellyTown. This is one city and this issue will arise soon in KellyTown. When it does, the folks in Little High will show up and do the same he is doing right now. He said it is pretty clear, and you have enough ammo to oppose this, but he wants to re-enforce the idea that recently you have done the right thing with William Taylor Plaza, and the Rose Hill neighborhood petition. You are on a roll, so thank you for being conscious about the decisions you are making and the responsible thinking of mind-ful growth.

33. **Caitlyn Shaffer**, 607 Kelly Avenue, Her first home (705 Maple Ave) is a 4 unit multiple family home, and she had the rent to help her buy the home. She would be considered as part of the demographic that would represent residents of an apartment building, therefore she felt the need to speak her opinion. Her current home has 4 tenants all who have been there between 2 and 10 years because of the location, she keeps the rent below market value and because it is a need that we don't have. She said 2 of the 4 tenants don't own cars, 3 of the 4 do walk to work every day. Right across the street from Maple Street is Tarleton Square, a large apartment complex. It was always very quiet and she barely saw the tenants other than walking their dogs in the evenings. Renters get a bad reputation for being bad neighbors but my tenants and the tenants around me are good neighbors. We just want to be a part of the community as well. She owns a home in downtown Charlottesville. She urges you to consider the needs of the current neighbors but also those future residents who do want to be part of the community.

34. **Phyllis Ross**, 210 Randolph Street NE, She is against this SUP and stated everywhere you live, traffic is going to be increasing. She stated she realized that there are 3 schools and spoke about the heavy traffic in the morning and coming back in the evening which is the same time the children will be leaving for school and coming back in the afternoon. She stated that this is a real congested time. She said her parking is off an alley off 10th Street. When she is coming down the street from the Martha Jefferson area, she has to turn and wait because it backs up all of the traffic behind her. A five story building is quite large because it is on the top - is at the very highest point of 10th and 11th Street.

Closed the Public Hearing by the Planning Commission

Closed the Public Hearing by City Council

Break 8:24 PM

Commissioner Lahendro said there's a lot of expectation among those who spoke thinking that we have a lot more power than we do, pointing out that the property can be developed by-right, without a permit.

He said the only reason the applicants are here is because they're asking for something more than what is allowed by-right, and we can then start a conversation to help improve the development. Mr. Lahendro said they don't have to be here at all.

Commissioner Keesecker said he thinks all of that is possible, but obviously they went to tremendous effort to bring us something that did not do that, and the commission should discuss concerns about traffic and the building's massing.

Commissioner Keller said she felt the people did speak to the DUA and many of them did understand this. This was a pretty well informed audience that has been working with this development team over several months and many of them are also present for the application that T&N brought forward so there are a number of people who have been involved in this process. She thinks that most people really do understand that.

Commissioner Lahendro said he disagrees because he has heard people say do not allow this huge building on top of the hill and we have no control over that.

Commissioner Keller said they were talking about the density and the massing.

Commissioner Lahendro said then don't allow so many parking spaces and cars. With a 120 bedroom units, you are going to have 120 cars possibly.

Commissioner Santoski said made a motion to deny the recommendation.

Commissioner Keesecker said began discussing conditions by which the commission might influence the development. He said there are some things about the application that we have in front of us that are worthwhile, and he appreciated that the design is intended to activate the street by having 20 pedestrian entrances. He said he wanted to have an informal work session with the developer to flesh out the details.

Commissioner Santoski said he wanted to proceed cautiously. This is by right versus SUP and we've been through this before where we turn down special-use permits and we warn neighborhoods to be careful that what they might get by right is a lot worse than what you would get by negotiating with the developer and putting something in by an SUP. He said at the same time we've also heard a neighborhood come out very much in support of limiting this special-use permit that's before us and denying it. It is different from Booker Street because that was a re-zoning. He said what he has heard tonight from many folks is that part of the Comprehensive Plan talks about this being a neighborhood commercial center. The building should be in relation to the rest of the neighborhood and we need to think this through. He said we should be careful to assume that we are just going to automatically come in here and work with the developer to approve an SUP. He said if we turn down the SUP, it is very clear to the public that we have thought this through and made the right decision.

Commissioner Keller said Ms. Long's first point was to establish by right development and the reason it says that is because zoning is exclusionary and restrictive and she does not believe the intent of the zoning ordinance that we have is to be exclusionary or to restrict certain groups, certain people or certain income levels. She really thinks that over the decades and generations we have

really worked hard to do that. Yes, we do have that as the basics of our zoning that came in 1929 because of the classes and racist society that we had at that time, but she feels we have made a lot of effort to get over that. We have been told by our consultants to try to get rid of these SUP's. We made an informed decision to keep it for West Main Street or we are in the process of doing that with the density so she sees this as something that is really encouraging speculative development where we don't need to do that. She said the Planning Commission should have been consulted early in the process to determine whether the applicant should have gone for the permit or a rezoning. She sees this as a spot zoning by special-use permit. She said there are a lot of issues here about this particular project and she is not prepared to vote in support of it.

Commission Clayborne said he would be willing to make a motion to see where everyone stood on this.

Commissioner Lahendro said that he could support the project if there was an effort to save the existing trees on site. He also wanted the building to be scaled down as it approaches 11th Street to match the residential scale. He said this building is a transitional building that bridges to two areas, a more commercial area to a more residential area, and he would like to see that expressed more in the architecture.

Commission Clayborne said he would be rejecting this SUP in hopes that we could refine this project later down the road whatever it may be, but not to the density of 87 DUA's.

Commissioner Green said where there are unknowns it makes it uncomfortable for the community and for us in trying to make a decision on zoning changes and changing the law of the land on this property. She would like to have more information. She has a problem with the density, it is too high.

Commissioner Dowell said we are going to get development either way, do we need four folds of development? No, it is not harmonious with the surrounding neighborhood and clearly the surrounding neighborhood does not want that. Personally, she would like to see more of a mixed use. Why can't we have a commercial and residential and make everybody happy?

Commissioner Keesecker said he supports the deferral and not the denial because there are some things about the application that we have in front of us that are worthwhile. He wants to have a deferral so they could engage in an informal work session with the applicant even after tonight to flesh out the details.

Ms. Robertson said if you provide a denial tonight then it will go to City Council and they will make a decision taking your recommendation into account. She said if you defer it, then it doesn't go to Council until you act on it.

Commissioner Santoski asked whether it was really the purview of the commission to help design the building. He said time and time again we hear from neighborhoods wanting to have an active role. Developers can choose to ignore that or to go with it or do something else. Now they're asking for a special-use permit that I think in this case exceeds their stretch. He suggested the Commission still could send a list of conditions.

Commissioner Dowell said that the burden lies on council. She said we've spent almost three hours tonight listening to our residents and it's not something I can stand behind, so I think to me, personally, we leave that burden to council, and if council makes a decision that our citizens don't like, then it is then up to our citizens to do something about our council.

Commissioner Santoski moved to recommend denial of this application for a Special Use Permit in the B-1 zone at 1011 E Jefferson Street, seconded by **Commissioner Clayborne**, motion passes 4-3 (**Commissioners Lahendro, Green, Keesecker voted no**)

2. **ZM16-00004 - Sunrise Park PUD – Sunrise Park, LLC** has submitted a rezoning petition to amend the approved Planned Unit Development (PUD) Plan for the Sunrise Park PUD. This PUD Plan was previously approved in 2011.

Public Hearing gaveled in by the Planning Commission
Public Hearing gaveled in by Council

Harold Folly Jr. 1407 Midland Street, he lives on the backside of the Sunrise development, but he also is in the inside of the development and he supports this rezoning. He said parking is a problem and he hopes that can be solved by supporting this rezoning. He said Habitat came and talked to them about the parcel being sold and one of the issues was parking and he hopes you all will support this and make this happen, and he is keeping this short because he is tired and hungry.

Rose Stone, spoke for Julia Kudravela, 1433 Midland Street, as a Sunrise resident, I would like to support the provision of off street parking as it is. Residents feel territorial about their parking spaces and allowing off street parking would take residents' concerns into account. I would like to see new residents welcomed into Sunrise with open arms and off street parking would be a concrete way of making this happen. I appreciate that Habitat is taking into consideration resident's concerns.

Rachel Mayo, 1418 Sunrise Park, she said imagine you walk out of your house onto a little porch where there are bushes and grass, and you see a car parked there. She said sir what are you doing, that is not a parking spot and the guy said there are no parking spots. She said thank goodness Habitat put a tree there so he can't park there anymore. She wants an underground garage for that building. She said behind her house they are going to build more houses and she has no idea where they are going to have these people park. She is for it and thinks about them because if it was your house she is sure you would be fighting for it.

Closed the Public Hearing by the Planning Commission
Closed the Public Hearing by City Council

IV. COMMISSION'S ACTION ITEMS Beginning: upon conclusion of all joint public hearings
continuing: until all action items are concluded

b. **ZM16-00004 - Sunrise PUD Amendment**

Staff Recommendation

Staff finds the project as presented to be in line with the City's commitment to affordable housing as articulated in the Comprehensive Plan. Staff recommends the Planning Commission recommend approval of the proposed rezoning as provided in the PUD development plan with an amended date of August 15, 2016 and a revision date of August 19, 2016 and the associated proffers provided by Sunrise Park, LLC on August 15, 2016.

Commissioner Santoski moves to recommend approval of this application to rezone property from PUD with proffers approved in 2011 to PUD with proffers provided on August 15, 2016, on the basis that the proposal would serve the interests of the general public and is good zoning practice. Seconded by **Commissioner Dowell**, motion passes 8-0.

c. Subdivision Regulation Appeal – Harmony Ridge PUD – Matt Alfele, City Planner

Mr. Alfele presented the project.

Don Franco said the big items are the interconnection and the creation of a sense of place for the designs especially on the two side streets that were created. The idea was to create that sense of closure and not to create another through street. They wanted to provide access to the adjacent parcel behind. If you look at the plans, it is difficult to see if you can't read blueprints, but the hillside is going up quickly from 5th Street and even at 10% when I look at the property behind us and how it wants to develop, I imagine a parking lot or a road there. This road at 10% will still finish about ten feet below the grade that they will want if they do minimal grading and clearing on the lot behind us. If we fully meet the city standards it doubles the amount of dirt that has to come out of that hillside in order to get the grades to work with the road that we are providing. In other words, our road doesn't come up steep or fast enough where we can provide decent access to the parcel behind us. Interconnections and a sense of place are the two big things we focused on and we just haven't been able to bring it to you all until we got all of the details of this plan worked out. The concern the traffic engineer had was the steepness of the grade and the Fire Marshall has weighed in on that as well and if you look at the design, the fire trucks can go to the road that the houses front on instead of the through road that creates the access to the adjacent parcel. The fire truck simply has to turn the corner and park on the street that the houses front on. The professionals on this plan have met with the city and we firmly believe that this is being applied incorrectly. If you look at the sag distance with the sag in the headlights and when you go down the hill, it's when you come back up the next hill trying to maintain where your headlights light up so if you think about that dip in the road your headlights are pointed down so your sight at night is reduced. It is not applicable in this situation because the stop sign is there at the end so we are never coming back up. So if you break down with the headlight distance you will have distance available. You just can't see beyond the stop light through 5th street to the other side of the road as you approach it because of the sag but you will see the stop sign and you will see the stop condition. It doesn't present a danger from that aspect. The grade of 10% is consistent with VDOT standards for new subdivision streets in fact they do have a policy that allows you to go higher even to 16% on public roads. He doesn't believe 10% is an unsafe condition. He can't create the other scenarios and he especially didn't create in the by right scenarios. That is the third plan he has shown where road that goes up to the center of the site. That is the straightest easiest by right alternative and in his mind the least desirable as far as the sense of place and creates the same problem with the interconnection.

Mr. Silman said the denial of the critical slope waiver was not only with regards to the steep slope. If it wasn't for the sag curve, the 10% slope would not be a problem in our eyes. It was the culmination of the steep slope and the sag curve that gave us the most anxiety with regards to the safety issues and the safe stopping issue requirements.

Commissioner Green asked what a sag curve is.

Mr. Silman said there are two kinds of vertical curves, there is a side curve coming down to low point and back up and there is a crest vertical curve when you are going up to a high point and then coming back down.

Commissioner Green said are there any other roads in this town that are 10% already.

Mr. Silman said there are definitely roads in this town that are greater than 10%.

Commissioner Green asked do we have problems fighting fires there.

Mr. Silman said to ask the Fire Marshall.

Commissioner Santoski asked Ms. Robertson if the city accepts a road that they know is unacceptable into its road network and something were to happen, is the city more likely to be liable than roads that they accepted years and years ago under different rules and regulations.

Ms. Robertson said as an attorney it is difficult to encourage you to overlook what our city engineers are saying is a significant safety issue relating to the designs of a road that we are going to be responsible for. Coming into the city system you have a condition that your own traffic engineers are telling you is inherently unsafe according to accepted engineering practices. She said she has not been involved in a lot of these either and can recall over the years instances where the city has facilitated allowing people to go up to the 10% grade. She doesn't recall having anyone mentioned the complicating factor of this sag curve issue and the problem that happens when somebody comes down in their vehicle and immediately has to go back up without a safe stopping distance that was referenced in the report. Ultimately the city would be liable in a lawsuit that always just depends but certainly is a situation where we have a design flaw that is being referenced by our engineers as concerning.

Commissioner Keller said is this one of those things that ends with us tonight or does this go to Council. What is our authority in this site? Do we look at it more seriously because our eyes are the last eyes?

Ms. Creasy said it is a subdivision ordinance

Commissioner Keesecker asked are there any mitigating factors in terms of the design of either the sag curve or the approach to 5th Street that would help resolve this. What options are available?

Mr. Silman said the safety issue would only exist at night because the stopping distant issue is only associated with the headlights. The installation of street lights would resolve the issue.

Commissioner Keller said are you saying if you added additional street lights, this issue would not be of such danger.

Commissioner Keesecker said is it a question of speed when it approaches the speed of 25 miles per hour.

Mr. Silman said speed is a factor with the require sight distance, yes. The minimum speed limit that we can allow is based on VDOT is 20 miles per hour. He doesn't think the city ever had a posted speed limit less than 25 miles per hour except in a school zone. He doesn't know if that would be something the police would even care to enforce. The minimum speed limit of 25 is a pretty standard minimum speed limit. He said that would stay even if you dropped it to 20 so you still don't need the required stopping site distance needs.

Commissioner Dowell said her preference is a safe road by city standards.

Staff has reviewed the waiver request submitted via email on May 9, 2016, along with the additional information provided via email on 5/27/16 and 6/1/16. At this time, staff does not believe a road grade waiver should be granted for the following reasons:

1. The combination of a 10% road grade and a short vertical sag curve presents a safety concern for the City. The requirement for a specified vertical curve (which is largely based on the algebraic difference of the adjacent road grades) is needed to provide safe stopping distance. The culmination of a steep road grade and a vertical curve length that is under specification cannot be allowed.
2. Being that this street will be transferred to the City to own and maintain, so does the liability that goes with an unsafe design. The City should not be expected to accept a road that is knowingly designed with steep grades and short stopping distance.
3. If the road could be redesigned to meet the required safe stopping distance, or provide additional measures to absolve the concerns associated with the safety issues, the road grade waiver could be reconsidered at that time.

It was determined that the City Engineer would work with the applicant further on a potential solution.

d. Entrance Corridor – 1248 Emmet Street – Zaxby’s – Preliminary Discussion

Reid Murphy, a partner with Building Management Company, said his firm has been working with city staff to help make the improvements and address neighbors’ concerns about traffic and noise near their home. He said we’re willing to dedicate that land because we think that’s what makes a city great.

Staff Recommendations

Staff recommends that the ERB make comments regarding the proposed design, and then ask the applicant to request deferral. The ERB should comment on:

- the street tree location,
- the specific choices of building materials, and
- the overall design of the building.

When the applicant returns to the ERB, the application should include:

- a materials board,
- specifications for the wall packs and gooseneck lights,
- specifications for the storefront glass,
- more information on the dumpster screen and the mechanical units screen,
- signage and lighting that complies with our regulations.

(The SUP conditions will be confirmed during the site plan review.)

Commissioner Green moved to accept the applicant's request for deferral of the Entrance Corridor Certificate of Appropriateness application for the new Zaxby's fast-food restaurant with drive-through window at 1248 Emmet Street North, seconded by **Commissioner Santoski**, motion passes 8-0.

e. Presentation – Hydraulic/29 Plans – Chip Boyles

Chip Boyles, Executive Director of the Thomas Jefferson Planning District Commission, The Charlottesville-Albemarle MPO Policy Board recommends to the Commonwealth Transportation Board, the Virginia Secretary of Transportation, the City of Charlottesville, Albemarle County and the Charlottesville Albemarle Metropolitan Planning Organization to immediately initiate the process for planning the transportation improvements of the Hydraulic and Route 29 intersection and nearby roadways as identified in the MPO's Long Range Transportation Plan (2040 LRTP) and to enact and implement recommendations in coordination with comprehensive land use planning including but not limited to the following:

1. Continue the facilitated collaborative panel process to determine a potential range of reasonable options for reducing congestion and improving mobility in the general area of the Hydraulic - US 29 Intersection, including the option of doing nothing.
2. Request the CTB to combine the Hillsdale South and Hydraulic Intersection planning and preliminary engineering budgets into one consolidated planning and preliminary engineering budget.
3. Request the CTB to amend the Six Year Improvement Plan (SYIP) to advance funding for small area planning and panel discussions to begin in FYI.
4. Request the Secretary of Transportation to authorize the MPO to lead and use transportation financial resources to conduct a small area planning process for the Hydraulic Intersection general area of the City and County, such small area planning to include transparent citizen, business and community engagement.
5. Request the Secretary of Transportation to begin the transportation planning process so that adequate information will be available to apply for Smart Scale funding by September, 2018. should a project or projects move forward from the collaborative planning process?

Commissioner Clayborne motioned to adjourn at 10:55; Seconded by **Commissioner Santoski**, motion passes 8-0.