

MINUTES  
PLANNING COMMISSION REGULAR MEETING  
Tuesday, March 10, 2015

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

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

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

Call to Order: the meeting was called to order by Chair Rosensweig at 5:10 p.m.

Mr. Rosensweig stated that he would recuse himself from the item regarding the Community Development Block Grant and HOME funding. Mr. Santoski said that he would recuse himself from the item as well.

Mr. Rosensweig asked if there were any questions regarding the Kroger critical slope waiver application. Mr. Lahendro asked if the applicant met with the adjacent property owner following the previous meeting.

Heather Poole, Planner, stated that the applicant did meet with the adjacent property owner.

Mr. Keesecker asked several questions about the staff report, and whether or not the Commission was supposed to take an applicant's word on the % slope on a site.

Mr. Rosensweig asked if there were any questions regarding the Longwood Planned Unit Development amendment. Matt Alfele, Planner, clarified the circumstances that led to the application being submitted.

Mr. Lahendro asked about the setback on Harris Road, and the proposal's impact on the existing houses along Harris.

Mr. Rosensweig asked if there were any questions about 1725 Jefferson Park Avenue.

Mr. Lahendro asked if the application was complete, given the lack of elevations in the packet. Brian Haluska, Senior Planner, answered that the application was not complete according to the letter of the code, but that the discussion should focus on what specific concerns the Commission had that would be best addressed by the elevations so that the applicant could produce the appropriate images.

Ms. Keller noted that the property would not just impact Jefferson Park Avenue, but also Montebello Circle. She asked if there were any critical slopes on the site. Mr. Alfele said there were not.

Mr. Keesecker mentioned that the project was similar to the project at 925 East Market Street, with regards to the entrances and the width between the entrances.

Missy Creasy, interim Director of NDS, clarified what is typically considered as part of the special use permit, versus what would be considered in the site plan and entrance corridor review.

Lisa Robertson, Chief Deputy City Attorney, clarified what were acceptable conditions for a special use permit, and the connection between those conditions and the site plan.

Mr. Keesecker asked if the City's engineering staff reviews Special Use Permits prior to Planning Commission review. Mr. Alfele stated that the site plan was currently under review by the engineering staff.

Ms. Keller asked whether the review standard for special use permits that considers the removal of affordable housing is typically applied to rental properties.

Ms. Robertson indicated that affordability in the City is defined by the resident's income, not the price of housing.

Ms. Keller asked if the Commission could ask for information about the rental rates in projects.

Mr. Rosensweig mentioned that since affordable housing is income based that the distinction between rental and owner-occupied housing does not matter.

Ms. Green asked if the City tracks the rental rates of units overall. Mr. Rosensweig said that only units that were legally bound to be affordable for a period of time could be tracked.

Adjournment: At 5:25 p.m. the Chair adjourned the meeting in order to reconvene in City Council Chambers at 5:30 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: Chair Rosensweig; Commissioners Taneaia Dowell, Lisa Green, Kurt Keesecker, Genevieve Keller, Jody Lahendro, and John Santoski; UVA representative Bill Palmer

Call to Order: the meeting was called to order by Chair Rosensweig at 5:30 p.m.

### A. Commissioner's Reports:

Commissioner Lahendro reported that the Parks and Recreation Advisory Board was supposed to have met on February 18<sup>th</sup> but the meeting was cancelled because of weather. The board did have an open house for the McIntire Master Plan on February 19<sup>th</sup>. The Tree Commission met on February 25<sup>th</sup>. They have two new officers, Maynard Sipes, Chairman and Paul Josey, Vice Chairman. Bitsy Waters had been the Chairperson since the Tree Commission started and she has stepped down. The City Council approved the first two trees nominated under the Tree Conservation ordinance. The JPA arboretum signage has been designed and approved, and will be installed shortly. On the Water Street Trail, the designer has been able to create a wider tree planting strip and will be able to get the kind of canopy the Tree Commission wants in there without having to request the elimination of some parking spaces. The Arbor Day celebration is on April 24<sup>th</sup>. The Tree Commission agreed on establishing a tree planting committee that will have three focuses 1) planting trees on private property, 2) planting trees on public property, 3) advising the city on its annual tree planting program. The PACC Tech Committee did not meet.

Commissioner Keller reported the final component of the West Main Street planning effort is now available which involves the code work. On March 17<sup>th</sup> there will be a series of presentations starting at 3 pm and moving through into the early evening at the Water Street Center.

Commissioner Dowell no report

Commissioner Keesecker reported the Master Planning Council met on March 4<sup>th</sup>. The two topics of interest were 1) a report on a traffic study that had been conducted in and around the Medical Center area and in particular focused on the level of service for car travel on the intersection of Roosevelt Brown and West Main. The emphasis on the study is that they understand West Main itself will have more residents in the future and so they are trying to understand what will translate into traffic generation on and around the medical center; 2) a report on the University bike sharing program that had been on board for about 45 days at that point. One interesting thing from the meeting was the technology for being able to understand where these bicycles are is on the bicycle so they can actually build some data related to where the bikes are picked up and where they are returned and where they go. In the presentation they showed where the bicycle trips had been generated and where they were going and although there is only one little station in front of Stacy Hall on West Main, one of the fattest lines in this report went downtown and back on West Main. The BAR had two topics of interest to the planning commission 1) a project called the Atlantic which is located where Atlantic Futon is and it will come back to the BAR. It is a by right project but is being reviewed for BAR compliance; 2) Market Plaza on Water and 1<sup>st</sup>. It received a certificate of appropriateness with some return conditions for more detail on a lot of aspects but were able to get the approval they needed to get this project moving forward.

Commissioner Santoski reported the next meeting of the MPO Technical committee is on March 17<sup>th</sup>.

Commissioner Green reported the next C-Tech meeting will be May 6<sup>th</sup> at 7 pm.

B. University Report—Bill Palmer reported there will be a Board of Visitors meeting in a couple of weeks.

C. Chair's Report—Chair Rosensweig reported the Housing Advisory Committee met in sub-committees this past month. One of these sub-committees continued to examine the code audit within the context of the vision expressed by the housing section of the Comp Plan and will likely meeting again before sending a set of recommendations to the full HAC. The Rivanna River committee meeting this month was postponed due to schedule conflict. He commented on the temporary bulb out and chicanes that we experienced because of snow piled up next to curbs. He said the frozen weather actually produced organic traffic calming measures. He found the experience to be super illuminating. Essentially what was created especially in neighborhood streets were placed check points. He said to his knowledge there were no incidents in fact it was kind of pleasant driving slowly through the neighborhoods, and if a car approached you negotiated the reduced right of way. He said it was a fortunate thing for us to get that esoteric glimpse into how smaller slower speed streets can look, function and feel. Hopefully that experience will help us and members of the public think about the Streets That Work initiative as we move forward.

Commissioner Keller commented while it made it perhaps safer for motorist, it made it very difficult for pedestrians. She said more people are pedestrians when they can't get their cars out because they are afraid of losing their parking space and so these bulb outs make it very difficult for someone to get from a side walk into the street. She said she is person who is exclusively pedestrian when there is snow on the ground; and is not a good driver in snow.

D. NDS Department Report: given by Brian Haluska, Senior Planner reported the term is "Sneckdowns" for snow piles. Several upcoming items for the Planning Commission 1) Form Base Code Session for West Main Street work session on March 17<sup>th</sup> at the Water Street Center and the Planning Commission is invited to come at 5:00 pm; 2) the next work session is on March 24<sup>th</sup> and topics for discussion are the Transient Lodging Facilities, Unified Development Ordinance and the application procedures changes that City Council elected to initiate recently; 3) On April 28<sup>th</sup>, Smart Growth America Team will be coming into Charlottesville. Matt Alfele in coordinating that effort. It is an all-day type function and possible they will be here two days.

E. Public Comment (Items Not Scheduled for a Public Hearing on the Regular Agenda)

Mr. David Hennigan, Longwood Drive, Apt F, speaking on the Longwood plan unit development amendment. This is to change to the property at Harris and Longwood from residential to a PUD. We live in a property that is adjacent to the south end of the lot. We wanted to raise two concerns. 1) what is the setback between our existing property and the structure on the existing site plan. It appears to be 10 to 12 feet. When this property was purchased it was adjacent to residential property guaranteed a setback of 25 feet. He said when you change the zoning in an amendment, you usually try to protect the adjacent property under the older setbacks but because this would now be all one PUD that would not be the case. Our hope is that we would like to have a 25 foot separation between our structure and the new structures that are built. This is a fairness issue between the property rights of the existing owner and what they are trying to build. He said there is plenty of room on the site plan to re-orient

things to allow us to have that kind of buffer; 2) concern is stormwater run-off because this property and the two next to it forms a bowl. The lowest spot on the bowl is 30 feet behind our townhouse and when there is a big rain in the summer, it fills up about a foot deep and 40 feet wide. It has become sort of a de-facto retention pond for all three of those properties. We are worried that by having one small house torn down and adding five units you are adding more water and where the southernmost proposed new structure is, is literally right where the depression is and the de-facto retention pond. We are worried that our basement will become the retention pond if something isn't done to deal with the water. We would like a bigger buffer between us and some stormwater mitigation that is dealt with that doesn't create new problems.

Michael Barnes, 1411 Lester Drive, Greenbrier Neighborhood Association president, speaking on the Kroger retaining wall and 4 concerns the neighborhood has; 1) lighting on the park and the trail proposed in the future is down grade from the actual site but does it shine over the hill into the park. 2) the visibility of the new wall; 3) when the city adopted the master plan for the park, there was a concept for a trail, a bike trail, multi-modal trail that would run north-south and they see it as an important linkage for our community to get to the shopping center and the other destination to the south as far as UVA. He said the site is proposing quite a large rip-rap outfall. To be able to bridge that outfall some 70 to 100 feet wide with a pedestrian multi-modal trail is an expense that will probably come to the city and should somehow be worked into the design and incorporated into what the developers are doing and figure out a way to bridge that rip-rap ditch; 4) For years you have not been able to get into the Seminole Square shopping center because the stores create a wall. He said with the proposal the applicant has come forward with he has taken down some of these stores. It seems like it would be easy to create a pedestrian connection from the park to the new future trail that will be built there up into the shopping center with a set of stairs that would allow pedestrians from our subdivision to get services that will be in the shopping center. He said he is speaking in support of what the applicant is proposing for the new store, understanding the need to expand it, and for the retaining wall, he feels the 4 things requested can be incorporated into the site plan and dealt with.

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

1. Minutes - December 9, 2014 – Regular Meeting (Revised)
2. Minutes - January 27, 2015 – Work-Session
3. Minutes - February 10, 2015 – Pre meeting
4. Minutes - February 10, 2015 – Regular meeting

Motion: To accept the Consent Agenda with the appendix suggested by Mr. Keesecker.

Motion by: Commissioner Keller

Seconded: Commissioner Lahendro

VOTE: 7-0

“Aye”: Commissioners Dowell, Green, Keesecker, Keller, Lahendro, Rosensweig, Santoski

“Nay”: None

Abstentions: None

Disqualifications: None

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

#### G. JOINT PUBLIC HEARINGS

1. Community Development Block Grant (CDBG) and HOME Funding— 3rd Year Action Plan, FY 15-16: The Planning Commission and City Council are considering projects to be undertaken in the 3rd Year Action Plan of the multi-year Consolidated Plan utilizing CDBG & HOME funds for the City of Charlottesville. In Fiscal Year 15-16 it is expected that the City of Charlottesville will receive about \$400,000 in Community Development Block Grant funds and \$66,000 in HOME funds from the Department of Housing and Urban Development HUD. There will also be \$430,851 in CDBG funds from project repayment and an estimated \$35,000 in program income. CDBG funds will be used in the City to conduct facility improvements, pedestrian improvements in 10th and Page, Economic Development activities, and several public service projects that benefit low and moderate income citizens. HOME funds will be used to support the housing needs of low and moderate income citizens through homeowner rehabs and down payment assistance.

Staff is asking for a recommendation to City Council concerning the CDBG and HOME budget allocations. This will include the approval of funds to be reprogrammed.

Ms. Dede Smith, City Councilor, asked if AHIP had requested significant funds and did not receive it. She asked how the decision was made and her concern is that there is not enough new housing if affordable. She also asked if there is any contingencies to who gets these benefits.

Ms. Thackston said it is all about timing and they do have other funds available that they need to spend down.

#### Open the Public Hearing

Maureen \_\_\_\_\_ 1630 Oxford Road – She is a volunteer for Habitat for Humanity and she visits homes of family of Habitat for Humanity Partners. This time there were about 28 families that made it through the selection process. These families that would never have a home if not for the Habitat of Humanity program. There are many heartbreaking stories. For instance a whole family sleeping in one room because there is no heat in the other rooms. There was \$213,000 in HOME funding and only \$80,000 was for affordable housing. There was \$430,000 from the surplus funding Habitat wasn't considered for that. We were given \$24,000 dollars. How do we choose what family gets the money with only \$24,000. There are 14 housing are currently being built and we need down payments for these. There is so little and \$24,000 is not enough money for this.

#### Close the Public Hearing

I move to recommend to City Council the approval of the CDBG package as submitted with a further recommendation that any increases or decreases in the final amount be distributed equally among selected projects.

Motion by: Commissioner Keller

Seconded: Commissioner Green

VOTE: 5-0-2

“Aye”: Commissioners Dowell, Green, Keesecker, Keller, Lahendro,

“Nay”: None

Abstentions: Commissioners Rosensweig and Santoski reclusé.

Disqualifications: None

#### IV. REGULAR MEETING – (continued)

##### H. Critical Slope Waiver Request – Kroger at Seminole Square

Report by Heather Poole, City Planner, said Kroger’s plans include additional trees on its landscape plan and a structure to promote vine growth to make the retaining wall more aesthetically appealing. The intent would be to have a multiuse trail behind the shopping center that goes to Hillsdale Drive. She also explained how a conservation easement held by the City and The Nature Conservancy behind the shopping center covers a portion of property off Michie Drive where a pond exists and an adjacent property where a portion a Kroger’s proposed storm water management would go.

Commissioners discussed the retaining wall, the lighting, and visual and noise.

Commissioner Green said the lighting should be consistent with the city’s dark skies ordinance to reduce light pollution and limit spillover to nearby properties.

Mr. Daughtry, an engineer on the project said Kroger also is willing to limit delivery hours to lessen noise on nearby residents. He said there will be no deliveries past 11 p.m. and nothing before 6 a.m.

I move “to recommend approval of the critical slope waiver for Tax Map 41B, Parcel 150 and Tax Map 41C Parcel 31, 220 Zan Road, based on a finding that the public benefits of allowing the disturbance outweigh the benefits afforded by the existing undisturbed critical slope, per City Code 34-1120(b)(6)(d.i)

The following conditions are recommended as being necessary to mitigate the potential adverse impacts of approving the waiver in the location requested:

1. Use construction materials, methods and low maintenance finishes that are integrated and compatible with the natural character of the adjacent park land and trails. This condition applies most specifically to the fence, retaining wall, and outfall.

2. The Department of City Parks and Recreation will consult on the appropriateness of the design and materials with the intent of avoiding negative visual effect on the park and trails.

3. The location of the trail easement will be approved by City Parks and Recreation staff and be shown on site plan so as to create access to the parcel via Hillsdale Drive.
4. There will be no deliveries between the hours of 11 PM and 6 AM.
5. The developer will provide all information necessary to The Nature Conservancy and will collaborate with the City and TNC to ensure any work done within the conservation easement conforms to the objectives set forth in the deed and the overarching goal to promote, protect, and restore Meadow Creek.
6. The lighting shall be consistent with the City Dark Skies Ordinance with the addition of a vertical shield on the side of the light that is adjacent to the City Park property and Hearthwood Apartment property.
7. The property owner will properly maintain the tree canopy within the critical slope area to mitigate overgrowth and ensure overall tree health and natural beauty.

Motion by: Commissioner Keller

Seconded: Commissioner Keesecker

VOTE: 7-0

“Aye”: Commissioners Dowell, Green, Keesecker, Keller, Lahendro, Rosensweig, Santoski

“Nay”: None

Abstentions:

Disqualifications: None

## I. DISCUSSION

### 1. Longwood Planned Unit Development Amendment - Reported by Matt Alfele, City Planner.

#### Preliminary Analysis

The applicant has requested to amend the July 20, 2009 Development Plan for the Longwood PUD. The applicant owns Tax Map 21A, Parcel 104 that abuts the existing Longwood development to the North and has frontage on Longwood Drive and Harris Road. The applicant proposes to extend the existing Longwood development onto this parcel and add five (5) townhomes, additional parking, and open space.

On July 20, 2009 City Council approved an ordinance rezoning City Tax Map 20 Parcels 263 through 272 and Tax Map 21A, Parcels 130, 131, 132, 132.1, 144, 144.1, 145, and 146 from R-2 to Planned Unit Development and accepted the March 20, 2009 Proffer statement. A final site plan was approved March 11, 2011 for (61) residential townhomes (including 18 existing townhomes).

Commissioners suggested that the character of the neighborhood stay the same. The setback should be similar to what is there now. It was asked for the developer to reconfigure the plans so the end townhouse is turned from Longwood to facing Harris Road.



Commissioner Keller said the PUD elements that will be an asset should relate to Harris Road as it does to Longwood because there is a real rhythm and sense of a neighborhood and a major entrance. Fifth Street is used heavily and is likely to be used much more in the future and it is near a school. The corner should be walkable and integrate into the neighborhood in both directions along Harris Road. There should be some indication of size and scale, a front side elevation and the remaining should be working with the development that is already there.

Commissioner Santoski said it is important to have some buy in from the neighbors. There are other neighborhoods affected by the PUD. Other neighborhood associations should have the opportunity to look at this and weigh in. He would like to hear from the neighborhoods that an effort was made to share with them because they might reach out the people in the Longwood neighborhood and say are you aware of this.

Commissioner Green commented that she agrees with the Commissioners' comments and wanted to expand on reducing the open space in the middle to give more of a buffer between 115 and 116. She also asked why the extra parking there and is it needed.

Commissioner Lahendro said because of the setback there is quite a bit of green trees along Harris Road, a well-established landscape street. He said the more green you can find here and fewer parking spaces the better.

## 2. 1725 Jefferson Park Avenue Special Use Permit

### Preliminary Analysis

#### Reason for the Special Use Permit

The applicant is requesting a Special Use Permit for additional density, side yard setback modification, and additional height. The maximum by-right residential density for R-3 is (21) dwelling units per acre (DUA), with up to (87) DUA permitted by Special Use Permit. The applicant is asking for additional density of (44 – 64) DUA. The by-right height for R-3 is (45) feet. The applicant is requesting a height of (50) feet.

After a discussion of the JPA Special Use Permit the commissioners advised the following:

- Consider changing the retaining wall; elevation
- Affordable housing
- Talk with the Fry Springs and JPA Neighborhood Associations
- Units to be smaller and shallower toward the window would further enhance
- The dual parking on Montebello Circle as you go up the hill and how close they are to each other and have fewer curb cuts.
- Parking reduction
- It's overly divided, architecturally and landscape
- Bring a plan that shows the building in context

Motion to Adjourn by Commissioner Green at 8:40.