

Minutes  
PLANNING COMMISSION REGULAR DOCKET  
June 12, 2018 – 5:30 P.M.  
CITY COUNCIL CHAMBERS  
NDS Conference Room

I. Commission Pre-Meeting (Agenda discussion(s))

*Beginning:* 4:30 p.m.

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

Members Present: Chairman Lisa Green, Commissioners Jody Lahendro, Genevieve Keller, Taneaia Dowell, Lyle Solla-Yates, Hunter Smith, and Hosea Mitchell

Chair Green called the meeting to order at 5:00pm and provided an overview of the agenda. She asked staff to provide process options for the ZTA on the consent agenda as she did not want to remove it from the consent agenda but wanted to provide comments. Staff provided guidance.

Commissioners asked for clarification on the Mixed Use ZTA and Ms. Robertson provided a history of the request including an example showing why there was interest in providing this stop gap measure. She noted that PLACE was in favor of this interim measure.

Commissioner Keller asked if for the Grady Avenue application, could the Commission talk about tax abatement? Ms. Robertson noted that would be outside of the purview for a specific application but is a tool that can be explored and could be included in land use discussions on the Comprehensive Plan. Commissioner Mitchell asked if affordable housing could be discussed concerning the SUP. It was noted that discussion is allowable and the staff report details the ordinance requirements pertaining to affordable housing. Commissioner Lahendro referenced the letter received from Carl Swartz and wanted the Commission to consider addressing those items as part of the application.

Commissioner Mitchell asked how the purchase of nutrient credits would support Moore's Creek. It was noted that it would not assist local waterways.

Mr. Hogg noted that the application for Entrance Corridor review on Fontaine did not go through his office at UVA but it is okay.

II. Commission Regular Meeting

*Beginning:* 5:30 p.m.

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

Members Present: Chairman Lisa Green, Commissioners Jody Lahendro, Genevieve Keller, Taneaia Dowell, Lyle Solla-Yates, Hunter Smith, and Hosea Mitchell

Chair Green welcomed the two new commissioners Hunter Smith and Hosea Mitchell and asked them to introduce themselves.

Commissioner Hunter Smith said he has been a resident in Charlottesville for 9 years and operates a few businesses here in Charlottesville. He is glad to be here.

Commissioner Hosea Mitchell said this is his second trip through the Planning Commission and 3<sup>rd</sup> trip on the dais, he was on the Charlottesville Redevelopment and Housing Authority board.

III. COMMISSIONERS' REPORTS

Commissioner Lahendro: reported he attended the Housing Advisory Committee meeting on May 16<sup>th</sup>. The Allocations Committee reported on work with the city staff to revise the CAHF application process as follows: A) align with city's housing policy #1 objectives; B) allowing applications to be made multiple times during a year; and C) changing the membership of the review committee to include public housing and low income residents. The HAC reviewed recommendations to City Council on

the proposed Land Bank ordinance, in particular: A) to create a governing board that better represents the low income housing community; B) increase terms for officers from one to two years; C) partner with CRHA in all affordable housing development projects; D) in disposing of property the Land Bank should first offer it to local affordable housing nonprofits for affordable housing, and; E) obtain first right of first refusal for any land to be disposed of by the city.

He also attended the Tree Commission meeting on June 5<sup>th</sup>. The current Urban Forestry Management Plan was completed in 2009 and will need updating soon. The Parks and Recreation staff would like to explore a broader scope in the city plan for land and natural resource management. This would be a more inclusive plan which would include other city departments such as the Health Department, P&R, NDS, Public Works, and Utilities. The idea is to be endorsed by the Tree Commission. The Tree Planting Committee has targeted Belmont for public education on the benefits of planting trees. The Tree Commission and Charlottesville Tree Stewards canvassed the neighborhood on 6/2 with educational material. Many residents expressed interest. The Tree Commission and CATS will follow up with the hope of eventually providing trees and planting assistance. The Tree Commission members expressed their concern over the recent loss of many large, aged trees in our city cemeteries and discussed the significant challenges with planting in the cemeteries, especially older, historic cemeteries. Several commission members will investigate Maplewood Cemetery, and look for tree planting possibilities.

Commissioner Keller: reported PLACE did not meet this month nor did the sub-committee on community engagement. She did attend the Board of Zoning Appeals meeting which there were two cases that were quite interesting and might be relevant to what we do here; 1) was dealing with environmental impacts on a non-conforming lot; 2) Is about setbacks in a new area and as we talk about ZTA's and comprehensive rezoning we might want to look at our setback requirements relevant to those few unique new areas that are developed in the city because sometimes that doesn't seem to work. She also attended the Planning District Commission meeting which was held in conjunction with its annual retreat and annual meeting. At that meeting we elected Supervisor Rick Randolph from Albemarle County to succeed me as Chair because she will be going off after August. She said in our strategic planning session, we dealt primarily with a survey that had been sent out to those who have contact with the PDC elected officials; planning commissioners, administrators in the region, and others. That report will come out for the commission in August or September to be approved and you will expect to see a continued emphasis on housing in terms of planning and addressing it but not in terms of providing or managing housing. There was a desire expressed for more planning guidance in the environmental and preservation areas. She welcomed the new commissioners: especially Hosea back as he is a veteran member.

Commissioner Dowell: no report

Commissioner Solla-Yates: no report

A. UNIVERSITY REPORT, Brian Hogg: said within the last few weeks, Brandon Avenue was transferred from the City to the University and we are very appreciative of all the effort that went into making that happen. The green project is moving forward and is well under construction. The Board of Visitors met last week and they had a schematic design review for a renovation of Weldon Library and that project will have a significant effect on University Avenue as you go east up toward the University by creating a new and very welcoming elevation on that side of the building and adding an entrance on the north side of the building. The Student Health and Wellness Center on Brandon Avenue had a design review and the new softball stadium on the corner of Massey and Copley Roads also had design review that was well receive. Finally there was a discussion about a new athletic master plan that will come back to the board later this year for further discussion. This is a master plan that really looks toward the future of University athletics. It covers a substantial area north of the train tracks all the way up almost to Arlington Blvd including both demolitions and additions.

B. CHAIR'S REPORT, Lisa Green: said we have many vacancies and we are looking for new committee assignments. We have a vacancy for Vice Chair and we are very close to our annual meeting which is in September. I will be designating two members for the nominating committee in August so they can nominate a new Chair and Vice-Chair in September. As the senior member Commissioner Keller will be taking over in absence Chair Green. Our next steps for our Comp Plan is our work session on June 26, in the NDS conference room. We will begin to review the data from the May meetings. She said the Tonsler Park picnic, scheduled for last Sunday but was postponed due to rain storms, is rescheduled for Tuesday July 19<sup>th</sup> and Chair Green is going to talk about the Comprehensive Plan and welcomed anyone who would like to go her; or maybe some staff could come and help out on that date so we can do more outreach.

- C. DEPARTMENT OF NDS Missy Creasy: said we are making progress in getting the data from the May meetings into a format so that can be reviewed. We have a summer intern who we have been able to provide direction in order to get that information compiled; and plan to have portions of that to you next week and post it on line. Other portions of those materials will be provided at the meeting on the 26<sup>th</sup>. She said with that data we are gathering the chapter champions again on the staff side to get the draft chapters for every chapter except land use into a new draft form so that you all can review those. This will also allow you additional time to focus on the land use aspects as well as the land use map. You will still have access to all of the data that has come from that. We have started a process where once we have the data ready we will provide that to the champions. We will be meeting with them and giving a time period so we will have by mid-August new drafts of the other chapters for your consideration. The update on the Cherry Avenue Small Area Plan is under way. There have been a number of focus groups and porch meetings that are in the process of occurring and they have their basic data moving forward, and as we get more updates from the PDC we let you know. She said the Thomas Jefferson Planning District website has updates, and they are providing data on different focus groups meetings that are occurring and working towards some larger community activities in the Cherry Avenue area as well or you can contact Missy Creasy and she will get you in touch with Nick Morrison who is the contact at Thomas Jefferson Planning District.
- D. Commissioner Keller: said she remembered that she had additional information on the Thomas Jefferson Planning District website about the new opportunity zones and she requested that as more information becomes available the Planning Commission take those in account in our future land use planning for the city because there are areas in the city that have been designated for that but the guidelines for those programs really aren't out yet and there are areas in the county and wherever they are contiguous to the city it seems to make sense for us to become aware of guidelines and be cognizant of their possible effects on development in those areas. These new programs might have an impact in those neighborhoods which are primarily in the southern part of the city. It's just a basic map on the TJPDC website.

#### MATTERS TO BE PRESENTED BY THE PUBLIC NOT ON THE FORMAL AGENDA

1. Kat Meyer: said she is speaking on the future of Riverbend development that is coming in Belmont. They have submitted a by-right application and we were told by the developer that this is a place holder and they wanted to get that in before zoning in Belmont had changed. They said they were going to be submitting for a SUP and for increased density. Also swapping a piece of land at the Belmont lofts with a piece that Mr. Capshaw owned at this piece is part of the Rivanna Trail which would increase the acreage and would be able to increase density. There are 138 residential apartments and the traffic engineer said with the formula that they plug in for that number of residents there would be 458 residents driving out and 458 residents driving back. She said just to locate where this will be is across from us. Jimmy Dettor sold the property which is about five acres and the location of old mechanic shop property. It is a really narrow street and quite an interesting intersection with all of the restaurants; so just imagine 1,000 more cars right there in downtown Belmont would be pretty horrific. She said with this SUP, they are looking to increase the densities and there would be more traffic. The neighborhood association has been working on this since last year. We are asking for a thoughtful process as far as infrastructure and this is incredibly complicated. This environmental, engineering, it's up on a slope. Mr. Dettor had a lot of cars and trucks and reclamation and reformation, working the streams back there. How do we follow the threat of accountability and how long is that process without a City Manager or someone to oversee these projects at this point. This is a huge suburban development right in downtown Belmont. What we are really looking at is the lay out of our process, what are protocols and what are the procedures? We want to have more dialogue, and we want to understand how we can engage with the developer to have a really smart, sharp, urban, appropriate HUD development in the jewel of Charlottesville. She thanked Ms. Creasy for responding so quickly.
2. Eugenio Schettileti: Douglas Avenue: he said written words are very powerful, there are a collection of these words that form the basics of our zoning code. Words are necessary to convey civic duty and responsibility in executing community visions and these words are binding; they are written and are part of the code. He said how can these words can be enforced as clear language and clear expectations. An issue was some comments made by some NDS staff the early part of the week that reported in the Daily Progress about the Belmont Apartment Development. Specifically how one reviewers comment was quoted verbatim the language of the neighborhood commercial corridor? The review comments which was considered a recommendation. Is the entire zoning code a recommendation? He feels the objectives and the intent are clearly communicated in the listings of the requirements of the mixed use corridor district and the neighborhood commercial corridor district is a unique animal that was

developed many years ago and he was a part of that development and spent many hours drawing circles on maps and it is unique to Belmont and Fry Springs. The purposes are laid out very clearly is to encourage mixed use development and the objectives are laid out very succinctly encouraged a use of mixed development, demonstrate appropriate use of scale, development offer creative minimization of impact of parking facilities and traffic, landscape spaces available for pedestrian uses, alternative forms of transportation, neighborhood and economic activity, homeownership, and importantly neighborhood participation in the development process. The objectives further states that each of these zoning districts are to encourage a mixture of commercial and cultural uses within a single building or a multiple buildings and structures. When these plans were developed, the neighborhood commercial corridor was an extension of downtown Belmont which would encourage the use of a vibrant community.

3. Nancy Carpenter: she is from CLICC, and wants to talk about the well scripted Comprehensive Plan community engagement sessions. Truly authentic open input was not allowed. The only time there was input was for specific chapters of the Comprehensive Plan. She mentioned the demographics of the attendees. The planning commission know that primarily the attendees are upper middle income white folks certainly not representative of the folks affected by any changes in the Comprehensive Plan that could result in some zoning changes. Also your Comprehensive Plan must have a housing strategy that centers on a cohort of our city residents that struggle daily with extremely low incomes within our 10 square miles i.e. according to HUD 2018 income guidelines would be 30% of your area median income currently for a family of four is \$25,600. The City has to acknowledge that there have been decades of racist housing policy in this city. If our Comprehensive Plan does not contain a strong housing strategy that centers on our extremely low income neighbors and the racial inequities of those prior zoning strategies that were used in this city, then you must not proceed with this Comprehensive Plan until those questions are addressed, acknowledged and worked out. CLICC has requested the moving forward on the Comprehensive Plan be delayed until there is a strong housing policy or until it is solid enough to be incorporated into the Comprehensive Plan. It looks like zero time for public input on your housing need assessment study because it looks like the deadline for the comments and release state of that study are simultaneous. The public needs time to consider the study, look at how the data was collected and any questions about the data collection and also the new members should want time to consider everything as well. As part of the housing strategy, she said there should be an anti-service displacement policy within that strategy because until we get enough units online that are sustainable because the word affordable has been corrupted like the word organic. Until housing is sustainable, we need to keep people in their houses.

4. Mark Kavit: reminded everyone to please speak into the microphone. He welcomed the new members to the board. He directed his comments to the new members saying you have important non-paying jobs that is vital to the city. He has been following this board for many years. He asked the new members to become knowledgeable on the properties you may be making decisions on. Don't go only on the information package that staff gives you. Go out to the properties and look around and don't believe everything the applicants tell you. Many times this board has been misled, sometimes outright lied too on matters. Be aware that some people want to present a sunny side. A little skepticism is not a bad trait. Development should be a good thing in keeping with the neighborhoods and not overpowering. One hundred years from now you should be proud of the progress you made to it was recommended to tell a story coal tower project before the Council, what the price range, very concerned about affordable housing. He spoke on the Coal Tower Project and he stated he was at the City Council Meeting when the developer came before Council to talk about that project. One of the Councilors asked about the price range and was told about \$250,000. He knew this development would cost a lot more than \$250,000. Later on the developer was asked the same question and he said the land was \$250,000. That is an example how Council is misled and those houses are now selling for 1.2 million.

5. David and Karen Kats: said we are among a few recipients from a third party consulting firm that does size-mix surveys requesting that we call and make an appointment for a size-mix survey to be done at our home because the people who are building Belmont Point are finding that they are encountering impenetrable rock and so they want to blast and they are anticipating what is likely to occur which is that every home within 700 feet of this area are two ball fields at Corey Park that is owned by the city and there is within a foul ball of that park is the Rivanna Trail. Their request is that residents call to schedule this survey so they can determine pre-existing conditions, clearly that is so later on when you go to sell your house you can find there is a crack in your foundation or in your plaster or in your dry wall or window sill so that they can say too bad that was a pre-existing condition. By the time the damage would be evident, Southern Development Homes would be long gone and their insurance companies who specialize in the two letter word "no". She said there is no compensation you can give to someone home that is damaged by this kind of ridiculous and outrageous that we are expected to assume some of the financial and health lifestyle risk so that Southern Development can build 23 homes. This letter was left unscientifically haphazardly on our door, and it was not address to anyone.

They didn't bother to ask; who are these people who are engaging in this salacious partnership, she spoke with contractors to say there is no good outcome to blasting.

6. Kimberly Hawkey: Belmont residence, and she will be reading comments from the neighborhood regarding the riverbend project: NSD has guiding principles that do not seem to be in harmony with or be sustaining for the neighborhood; the riverbend is out of character for the neighborhood; architecturally and in size, it would be over-whelming for the neighborhood. It is inappropriately for this site and the neighborhood; it is non-conforming for the neighborhood; designated historic district; developers do not care as they only want to maximize their profits; there will be noise ground and air population; Residents will suffer for years without compensation; quality of life around the project will be permanently damaged; construction will take over sidewalks and unsafe pedestrian conditions; an unsustainable footprint and people are worried about the waterways and the marsh in that area; the neighborhood has suffered over 20 years due to the restaurants there; 500 people into your neighborhood. The infrastructure does not support this overload of traffic and people; people believe this area will be unlivable do to the added cars and pollution per day and other cars that will be added to the neighborhood from the other construction sites; the schools are concerns; environmental concerns, wildlife and bird habitat.

7. James Kelly: a resident within the 500 foot zone that we are currently talking about with the southern development blasting radius. He said he did not get the notice that everyone else had been given. He is a licensed contractor and been in business for forty years. He said blasting and the effects of blasting on buildings and homes especially close to the building radium. A blasting radius extends beyond five hundred feet is a pipe dream depending on the sub-soil and the rock in the blasting area. The results may not be found within the first week or 5 years out that cracks occur because of weakening soil, stone and foundations. The houses in Belmont were built in the 30's and 40's and early 50's and were built with cinderblock foundations which is a whole different world than concrete block and concrete is much more solid than the cinderblock. It will crack in a heartbeat and deteriorate over time. Plaster and old drywall in many homes in Belmont and effects will not be known immediately. It will be known over a much longer period of time, and there is no resolution for it. He said more importantly Belmont is riddled with sub surfaced sewer systems which are built out of the old terra-carta clay. When you start getting underground and the old terra-carta pipes you will not see it until it is too late. The terri-carta pipe is extremely fragile.

#### E. CONSENT AGENDA

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

1. Minutes – March 13 & 14, 2018 – Pre- meeting and Regular meeting
2. Minutes – April 10, 2018 - Pre- meeting and Regular meeting
3. Zoning Text Initiation – Temporary Construction Laydown and Temporary Parking Areas

Commissioner Keller moved to accept the Consent Agenda, seconded by Commissioner Solla-Yates and some suggestions on item three, motion passes 7-0.

Vice Mayor Heather Hill gaveled in City Council.

#### III. JOINT MEETING OF COMMISSION/ COUNCIL

Beginning: 6:00 p.m.

Continuing: until all public hearings are completed

Format: (i) Staff Report, (ii) Applicant, (iii) Hearing

1. SP18-00002 – 946 Grady Avenue (Dairy Central) – Landowner Dairy Holdings, LLC, by its agent, has submitted an application seeking approval of a Special Use Permit (SUP) to allow for a mixed use development that will contain multiple buildings (some mixed-use buildings, some single-use buildings).

Chris Henry, Manager of Stony Point Design Build said his request for greater residential density and larger buildings for the Dairy Central project at 946 Grady Ave. won't be so controversial. He said that because he and his team have been working with neighbors and stakeholders to add amenities and features they want, such as affordable housing and office space for nonprofits, improved public infrastructure and a publicly accessible community center. He said his plans are to start redeveloping the historic Monticello Dairy building into a mixed-use development with retail and office space this summer — and a spring 2020 opening

date in mind — the developer needs the council's approval for the construction of two five-floor buildings on the 4.4-acre parcel owned by Dairy Holdings LLC soon after.

Commissioner Solla-Yates, a resident of the 10th and Page neighborhood: said he spent a great deal of time working with your team along with his neighbors to understand what you're doing, and he applauds your work to engage with the neighborhood. He also noted that Mr. Henry has set a gold standard for public participation that everyone else should be measured against.

Commissioner Mitchell: asked the developer to talk about how he plans to stage the parking deck.

Mr. Haluska: said a phase development and final site plan as they come in, at the conclusion throughout the project we can't back the parking temporary place what do you do about that. Where is it permanently, there is not parking in the final, but phase 3 and 4 they will never get a site plan approval.

Commissioner Mitchell: 80% 100,000 for this 40% for five and what is the configuration all the market rate of the project same mix as the same 65% 3 40% 2 bedrooms. Affordable ordinance

Commissioner Keller: is it dedicated units, he doesn't know that. Probably have the same units.

Commissioner Mitchell: is this the commitment convey? The duration double for 10 years. Will you go beyond 10 years?

Commissioner Solla Yates: everyone will be measure against 9.5 feet off 10th feet. Streets that works: We are providing requires a 5 or 6 foot, trying to keep working on waters street for shrubs along wood, constraint on this and don't feel comfortable, clarify the condition, stepped back from the face f the building the additional of the 5th floor. Particularly on West Street. Four feet of public right of way a huge condition of the present condition. Phase 2 and 3. What are we looking for in phase? However, we are happy to commit about the quality of materials ad know 2 and 3 entrance corridor as part of the design overlay.

Commissioner Lahendro: said some of the things about phase 2 is good, but no assurance about phase 3. It is a white block.

Parking strategy: Phase 2 - 143 spaces under the building. Phase 3 the buildout on the lot under the phase 3 intention to look at that replace the parking within, West Street and 10th.

#### Open the Public Hearing

Nancy Carpenter: She lived across Preston in the Rose Hill Neighborhood. She said he has been impressed with the community engagement that the project has done in her neighborhood and in other communities. But she said one impact that the Planning Commission may not be able to address is that the developer should be able to get tax credits for low income units. She said if there are owner occupied units next to the site those home owners should be given a tax rebate. She said because this type of modern development is now coming to Preston Ave there will not be more phone calls to those homeowners asking them to sell. She said she had experienced this in her own neighborhood and the cost of the land on one of the streets near her has doubled. She added that homeowners could be elderly and had been there for 30-40 years and should be offered something even though there is not a full impact assessment yet.

Martha Smythe: She was wondering what the target market was for these properties and what the rent would be for the one and two bedrooms. She was basing this on some general concerns about the rents in the area and a "bait and switch" type agreement where things start looking better and are beautiful but the rents go from something affordable to something much higher.

Mark Kavit. He was curious what type of building material would be used for the new building behind the preexisting building, as well as the frame and what color would be used. He hoped that stucco would not be used. Darker colors he said would make for a much nicer looking building.

Tim Paladino: He was a resident homeowner on Ninth St in the 10th and Page neighborhood. He said he had had the privilege of serving on the 10th and Page task force. He said he wanted to touch on a coup things because this was a major proposal. As far as affordable housing, he said the onsite affordable units are important because the developers are not just putting money into a fund and are exceeding the minimum requirements. If the developers could partner with city, the idea of providing units at lower AMI levels was really exciting and something that neighbors of his did support As far as the design, he said that it was well considered and well-designed that there was a lot to be commended. He said the project was quite major and there were aspects that he did find concerning such as some that are more about context. He did not understand how Preston and all the nearby intersections would be able to handle the increased vehicle traffic from all of the new units. Residential streets would also see big increases in trips and these the streets are already narrow. He said the intersection of West Street and 10th has a big offset and

is already unsafe and that adding in development makes this a major concern. He said this is a major project and he hoped there was a way maximize positive impacts and minimize negative impacts.

Susan Kreshall: She said that we have seen a lot of new development in Charlottesville and that the massing and aesthetics is something the community is concerned about. She said it is very rare to find a developer who will come before this community and actually listen to what they have to say, speak to them face to face and actually design projects that directly address what the community says. She said when these developers come before the Planning Commission we should take notice because it sets the gold standard for how future developers should behave. Stony Point Build has become one those rare finds. She said they are intelligent and care about the community and the environment. They have a strong sense of aesthetic design and they understand the existing landscape and its historical roots. And she said, they agree with partnerships with the city and with other stakeholders. She said we are facing an affordable housing crises in this city and that all you have to do is look around the number of affordable units that have actually been built to realize that this issue is not going to go away any time in the near future. But the developer standing before PC today was not only willing to actually build affordable units but also willing to build four times the minimum requirements. And he was willing to work with the city to make some even more affordable. She said he is will to offer public space and low rent for nonprofit office space. She said the city is looking at a lot of commercial buildings and we do not have the housing for everyone so we should not pass up this opportunity. Also the project is offering parking and is maintaining the historic façade of the Monticello Dairy.

John Gaines: He lives on 9th Street N.W. He would like to commend the developers, and said this is a group that all developers need to take into consideration because they have involved the community and have given an excellent presentation and they have made some concessions for which he is thankful. But he said he still had several questions. He asked why 10th and page had to bear the brunt of all rentals in the City of Charlottesville. That they have the highest number of rental units of any neighborhood in Charlottesville. He also had some concerns also about traffic. He could not see how this would not have an impact on the 10th and Page area such as West St. which is very narrow. Anderson St. he said is also very narrow and Paola Street as well. Overall he said the streets are very narrow and this development would have a tremendous impact on that area. His other concern was about parking because he said that not everyone would be riding a bike and many of the people in the rentals would have more than one vehicle. He closed by saying it is also rewarding to hear that the developers have contacted the schools as it relates to the units. From what he can see is that the developers have done a very thorough job.

Carl Schwarz: said he would also commend the developers for engaging the community and seeking out individuals to hear their concerns. He hoped that other developers were listening and seeing how this was done. He liked that the project opened up to the community instead of closing itself off. He was confused if it was under-parked or not. But he said he would like the city to see if they can add permit parking. He said that more cars would only mean more cars on the streets and he wanted to see if there was any way that the City could force people to not bring cars and mitigate the impact of this project. He said this was great for affordable housing but it was only chipping away at the problem. A handful of units that would only be affordable for a few years would not really solve anything. He said every neighborhood in Charlottesville needs to take their share of development. He said to be a NIMBY in the city is to be exclusive and exclusivity is not a core value of Charlottesville. Building types like this seem to exist historically in low density areas so he did not see why this should change. He said that this would not cause rents to go up because rents are already going up and that that it is a done deal already. If anything this will just help meet the demand. He said this was a great project and that this is what SUP should be about.

#### Close the Public Hearing

Commissioner Dowell: said she wanted to start off by commending the developers for the time they have taken to meet with the public in multiple different ways, and she reiterated that this should be the model that developers follow from here on out – that our citizens are being heard. One of her concerns was parking and traffic because that area is already constrained. She also commends them for adding so many affordable units but she does have a problem with the short term of those units. That is too short of a time to fix the issue we have in the city.

Lisa Robertson: asked legal counsel when the 5-10 years of affordability started. And wanted to make sure that there was not a sunset clause that made the houses not affordable by the time people rented them.

Commissioner Lahendro: asked if the staff could explain how this project would continue to come before the Planning Commission and how they will be able to review phase III.

Mr. Haluska: replied that all site plans that all SUP site plans will be reviewed.

Mr. Henry: stated the property can have up to 43 units per acre and 50-foot-tall buildings. The permit will allow the developer to have up to 60 units per acre and building heights up to 65 feet. He stated the first phase of the project, which is being developed by-right, features the renovation and expansion of the historic Dairy building. It will feature 58,000 square feet of office space, 7,000 square feet of retail space, a 1,400-square-foot brewery and nearly 17,000 square feet for restaurant space. The application for the permit says it is specifically for the second and third phases of the project, which will allow for the creation of approximately 250 residential units. While the plan calls for the development a 200,000-square-foot mixed-use building with 175 residential units and 1,300 square feet of commercial space at the corner of 10th Street Northwest and West Street, followed by a 61,000-square-foot residential building with 75 units on West Street. A fourth phase of the project calls for the construction of an 114,000-square-foot commercial building with a parking garage. He said the final phase can proceed as proposed with no special consideration from the council, but a timeline for the last two phases has not been determined yet. He was asked to speak to building materials and said it was primarily brick, some stucco (normal stucco), for the he main building Faber-cement.

Commissioner Solla-Yates:

1. Is it possible to route traffic leaving the site west to 10th only?

It is, and I believe the Traffic Engineer's office is already looking at the possibility of physically limiting the turning movements around the site to make this happen. I would suggest making any condition subject to the Traffic Engineer's final approval (if from some safety based reason the site needs to be changed in the future, we don't want the owner to be required to go through a 3 month process to make the change).

2. I'm guessing we can't condition an SUP on perpetual neighborhood meeting access. Would ten years be doable?

My concerns here are that:

- a. The community room is in the first phase of the project, and this submission covers Phases 2 and
- b. Generally, the condition must be related to some impact of the SUP request. I'm not sure how community access to the community room addresses an impact of the additional height and density.  
I'm not sure how it would be enforced should the owner fail to live up to the condition.

3. How is the affordable housing structured, as a proffer? Or does it need to be a condition of the SUP (if we approve) for it to have any teeth?

- a. The amount required under the zoning ordinance is a legal requirement. It doesn't need to be in a condition. The amount above the legal requirement would need to be conditioned to be legally binding. I can explore with the applicant if they are willing to make that commitment, since it really needs to come from them.

4. So, first off, just a reminder that we can't force anyone to provide affordable units and we can't put extra conditions on the ones they do offer or provide to meet ADU ordinance requirements (thought I got that point through when I met with the neighborhood association).

5. Second, the rents that will be charged for the units varies.

The 5 required ADUs will be provided at Fair Market Rent, which is affordable to households with income at 80% AMI, or anyone with a Housing Choice Voucher. The remaining 15 units will set rents at 30% of the 40% AMI level. For instance, 40% of the current AMI equals \$29,320 for a single person household. 30% of that equals \$733/month and that is the amount Dairy Central units will charge for a 1BR unit.

Mr. Henry said the project will include at least 20 units that are affordable to households making 80 percent of the annual median income. For a family of four, that number is about \$68,000, according to the Virginia Housing Development Authority. The 20



units are four times what is required for the project, per the city's special-use permit ordinance. One of the conditions of the commission's recommendations is that the units must remain affordable for a minimum of 10 years.

Mr. Henry said it is possible that 10 units might become affordable for households at 60 percent of the annual median income and five at 40 percent if the city approves a tax abatement plan for the project. It's traditionally a tool that's been used to incentivize office development, and we're proposing the city use the same tool that's been used before to achieve a different public need: affordable housing.

Commissioner Dowell: said she is having a problem with the massing and scaling that's going around this little density residential neighborhood; for instance look at Main Street at the standard that is hideous. She doesn't feel that this project anywhere near that, but we are getting close to it. We are encroaching on this one neighborhood; as Mr. Gaines said, this is where a high percentage of our renters are in the City. Keep that in mind.

She said she did not have a recommendation but said 1) we need to keep this in the forefront of our mind, 2) use this in the user comments when the housing study comes out; we do need affordable units, we do not need to look like Washington D.C. or New York. She feels like that is where we are heading. This also gives the pre-forefront of gentrification of that neighborhood.

Commissioner Keller: said Ms. Dowell's comments was very important; as a resident of this neighborhood, she has seen change and been impacted and we should take that to heart. She said this is a unique site, and she supports this because of the uniqueness of it and Preston Avenue and the changes that were brought intentionally a century years ago, and maybe 40 years ago in terms of transportation improvements and the fact that this was formally an industrial site, that operated close to 24 hours a day having truck traffic and having an impact on the neighborhood for a long time. She took this into consideration when she was evaluating this.

Chair Green said she wants to make sure if we have a project out there it is not something that we are not cherry picking saying yeah it fits, it fits, it fits. She wants to make sure with the Comprehensive Plan that has some teeth and when we stand up here and say yes, how does this fit, than we know the answer.

Commissioner Dowell move to recommend approval of this amendment to Special use permit SP-18-00002, 926 Grady Ave, (Dairy Central) subject to conditions on page 8 because I find that approval of this request is required for the public necessity, convenience, general welfare or good zoning practice. My motion includes the recommendations for the conditions referenced in the staff report dated June 12, 2018, subject to the following revisions as we have stated.

1. 90% of residential uses, such a housing need
2. Staff provide some additional input. The traffic engineer particular attention to these intersections and crosswalks and surrounding and have information at site plan review and input from community residents
3. Design feature that are in the phase courtyards directly off West Street
4. The ground floor opening directly onto 10th street
5. The parking garage set low and screened from West Street.
6. Southbound traffic to be subject to review by traffic engineer right turn only
7. Craig Kotarski: Pedestrian crossing is already there, running east-west  
Don't want to see traffic coming back into the neighborhood; traffic study was done and Brennan was okay with it. Not taking people into the neighborhood, the geometry along the site is 8 section.
8. Landscaping shall be as provided in the plan dated June 12, 2018.

Seconded by Commissioner Smith, motion passes 6-1 (Chair Green voting no)

## 2. ZM18-03-01 – Parking Modified Zone Amendments

Brenda Kelley, Redevelopment Manager for the City of Charlottesville, said this amendment only changes the requirements for three or more bedroom units. Affordable dwelling units can be excluded from the calculation of required parking spaces. She said

there is significant resident support for this amendment at Friendship Court. Because the cost of structured parking under current laws will augment the cost of redevelopment, a modified parking zone will help keep housing prices affordable. The approval of this request will not require that the property owners construct less parking. It simply provides the flexibility of the owners to build less parking depending on their parking demand and needs.

Staff recommends approval of amending the zoning map to extend the boundaries of the Parking Modified Zone to include Friendship Court and Charlottesville Redevelopment and Housing Authority's Crescent Halls, Avon/Levy and 6th Street properties. Staff recommends the extended boundaries to include the properties as identified on Exhibit #3.

As part of their motion, the Planning Commission should also confirm the referenced list of parcels to be included within the proposed Parking Modified Zone boundary.

Commissioner Dowell: asked is it found in your research that more people who occupy affordable units don't drive?

Ms. Kelly: said it is based more on the location of the sites in an urban environment where there is significant transit located nearby: bicycle, walking, a very walkable street and some of these units may be smaller units with public and subsidized housing.

Commissioner Dowell: said the requirement would only change for three bedrooms units that would require them to have one parking space.

Ms. Kelly said correct, except for the affordable units which are not required to have parking.

Commissioner Dowell: said she wanted to point out especially with Friendship Court and 6<sup>th</sup> Street; they are very walkable and close too but people still drive. If they are not parking on site, then where are you putting those cars?

Ms. Kelly: said you will hear from Mr. Mathon and Mr. Duffield that they are going to look at the demands for their property and they will be very careful addressing those demands so they won't have those issues on site.

Commissioner Mitchell: Is this being driven by the vision for re-development, establishing the parking in an urban development, and cost of the housing going down.

Ms. Kelly: said yes it is because these two entities are in the re-development process right now because the cost of structured parking in an urban environment is significantly driving up the cost of re-development. If they can keep those cost down by not building parking that is not needed, then they can keep the cost of the housing down to pass on to the residents.

Commissioner Mitchell: said we are not losing any slots; the slots we have not won't go away or down-size with re-development. He said this is limited to the four sites you listed

Ms. Kelly: We are not losing any and we are talking four sites, five separate parcels because the Avon/Levy site is two separate parcels.

Ms. Creasy: said we did receive comments from members of the public this morning that she forward to commissioners raising concerns.

Commissioner Solla Yates: inquired about parking downtown and the property owners that have no parking required.

Ms. Creasy: said there are some parking exempted in the area of downtown and a small expansion from there parking modified which is a step down from that and after that it is the regular parking regulations that is part of the code.

Commissioner Solla Yates: Why are there sort of medium parking requirements instead of none at all like the Omni or the Amphitheater?

Ms. Kelly said these properties are immediately adjacent to their properties to do downtown zoning, it is probably a better planning practice to expand that boundary to adjacent properties instead of skipping over properties to do the downtown.

Chair Green said the information you just gave us in this packet, did we receive this in email?

Ms. Kelly said these are comments received since we sent out the agendas.

Chair Green asked about the residents that did not get their notices.

Ms. Kelly said they were misinformed about the requirements of the notice. Ms. Creasy and Mr. Haluska corrected them on the misunderstanding.

Chair Green said she notice you had held meetings with Friendship Court residents.

Ms. Kelly said Friendship Court held that meeting and the Housing Authority had a board meeting. The Piedmont Housing Alliance is the owners of Friendship Court.

### Opening the Public Hearing

Sunshine Mathon, Executive Director of the Piedmont Housing Alliance, provided further information on the redevelopment of Friendship Court. PHA is the managing partner for the community. He said PHA created an advisory committee when it began planning the redevelopment of Friendship Court over two years ago. The committee is comprised of nine residents from Friendship Court and six residents from the broader Charlottesville community. The advisory committee became core partners and co-designers as we moved forward. From the preliminary master plan that was released at the end of 2016, we gathered the comments and concerns expressed both by Friendship Court residents and by the broader community. The PHA finalized the redevelopment framework in February. From then until the end of April, it held five community meetings and conducted door-to-door follow-up.

Grant Duffield, Executive Director of Charlottesville Redevelopment and Housing Authority, stated the parking in Friendship Court is at a premium for everybody. He also addressed the Planning Commission. He represented the residents of the proposed CRHA modified parking sites. Mr. Duffield said we have not had the in-depth discussion of parking and the dynamics that plays in development that PHA has had with residents of Friendship Court. Ideally, if there were an opportunity to hit a pause button for even thirty days, it would give us time to educate our residents, work with them to better understand the impacts of a parking modified zone. PHA conducted a rigorous parking study over the course of multiple days and at different times of day. He said that data clearly shows that the parking need within Friendship Court, not including the perimeter parking, the peak parking demand is three-quarters of a parking spot per apartment, and there are 113 or 114 spots that are filled out of the 188 that are available. The redevelopment plan will replace the existing 150 Section 8 units and add an additional 150 affordable units and 150 market rate units - a total of 450 units. Though PHA has not made a final decision about the amount of parking spots the redevelopment will include, it will most likely be one parking spot per unit, including guest parking. That will all have parallel parking along those streets as well; there will be public parking

Linda Sprinkle: an Avon Street 600th block resident, said that there was a shortage of parking in downtown Charlottesville. The Avon Street resident said Friendship Court faces parking pressures from all sides: the restaurant district, the new development of Belmont Bridge and the downtown community.

### Closing the Public Hearing

Mr. Mathon said the community expressed a significant amount of support for the framework overall. Again, to be crystal clear, we will park Friendship Court adequately, yet we cannot spend money on unnecessary parking. The parking modified zone will only give us the flexibility we need to meet our parking needs without requiring detrimental excess.

Mr. Mathon said the redevelopment of Friendship Court will include the creation of two new streets on site. Fourth Street will extend south and cut through the site, and there will be a street that mirrors the existing driveway entry into Friendship Court currently that will become a public street.

Mr. Mathon said this public parking may be time restricted or made exclusive to Friendship Court residents and visitors. There will also be a mixture of structured parking under some of the multifamily buildings, surface parking lots and other parking spots that connect to the proposed townhomes. All of those parking spots in total will address our internal needs, just as the existing parking addresses our internal needs now. We're not planning on that perimeter parking being a part of that parking solution.

Commission Dowell disagreed, arguing that parking remains a problem at Friendship Court. She said know several residents that live in the area. Parking has been a big issue for this site for many years, whether it's guest parking or regular residential parking. Especially if we are considering that we want those residents to start bettering themselves and maybe acclimating into better jobs, the bus line is just not going to be your only source of transportation.

However, the amendment will only apply to Friendship Court. CHRA will need to return to the Commission to receive approval of the other proposed parking modified zones.

With the approval of the parking modified zone at Friendship Court, PHA was able to submit its preliminary redevelopment site plan last Wednesday. It plans to submit its Phase One site plan, including the final number of parking spots, in August or September.

Commissioners move to recommend that City approve this petition to amend the zoning map to extend the boundaries of the Parking Modified Zone to include only the following property Friendship Court properties ZM18-03-01 basis that the rezoning would serve the interests of public necessity, convenience, general welfare or good zoning practice, Seconded by Commissioner Smith, 5-2 (Commissioners Dowell and Mitchell voting no)

Commissioner Dowell move to recommend that City Council deny this petition for a zoning map amendment to extend the boundaries of the Parking Modified Zone, Seconded by Commissioner Mitchell, motion failed 1-6 (Commissioners Lahendro, Keller, Solla-Yates, Smith, Mitchell, Green voted no)

9:32 Break

3. ZT18-04-01: Restaurants: Drive-through windows in Highway Corridor - A proposed amendment to the text of the City's Zoning Ordinance, City Code section 34-796 to authorize restaurants with drive through windows in the Highway Corridor (HW) Mixed Use Zoning District with a special use permit. Charlottesville City Council and the Charlottesville Planning Commission will jointly conduct a public hearing, to receive public comment on the above proposed zoning text amendment. The proposed zoning text amendments and related materials are available for inspection at the Charlottesville Dept. of Department of NDS, 610 East Market Street, Charlottesville, 22902. Tel. 434-970-3182. Staff contact: Heather Newmyer, Email: newmyerh@charlottesville.org

Heather Newmyer Staff Report: The highway corridor mixed use district is one of 14 mixed use districts where its intent is expressly stated to facilitate development that is more auto oriented than other districts. The district is intended for the most intense development. City council initiated the amendment April 16th 2017, but the request first came from Ashley Davies about the old K Mart site. She said to be clear this zoning text amendment would affect the entire zoning district. If the CTA was to be approved, each developer would have to come before Planning Commission and go through the entire public hearing process. As part of the review Planning Commission should consider the ZTA based on the following: Whether the ZTA conforms to the comprehensive plan, whether the ZTA furthers the purposes of the city ordinance, whether it benefits the whole community, whether there is a need or justification for the change and whether the property for the change is appropriate.

Commissioner Solla-Yates: Why this is happening outside of the comprehensive plan? Where is the fire?

Ms. Newmyer: said Hillsdale Place wants to include a drive-thru on their site, but staff finds this appropriate regardless.

Commissioner Keller: asked what do you think this will do to our primary tourist entrance at Monticello Ave and Route 20? Will this turn into hamburger alley?

Ms. Newmyer: No, not necessarily because uses could be reviewed.

Commissioner Keller: asked can you envision an applicant coming to you requesting as SUP for a restaurant that you would not support?

Ms. Newmyer: yes absolutely. If they were to come through any areas that are predominately residential.

Commissioner Keller: asked would you support it if the residents were behind the applicant and the SUP?

Ms. Newmyer: said she would need to see specific cases.

Commissioner Lahendro: asked are there currently any drive through in the Monticello Ave area?

Ms. Newmyer: No there are not. It is easier to imagine in the other two places because they already exist.

Chair Green: What is the zoning for Emmet Street?

Ms. Newmyer: said part of it is highway corridor and part is urban corridor district. In the future we should evaluate if we allow a drive through in this district because it is more auto oriented, we should relook at the urban corridor district given the fact that it is meant to be more pedestrian oriented and currently you are allowed to have a drive through in those areas.

Chair Green: said to be clear, right now in our zoning ordinance, in the Highway Corridor which is supposed to be auto oriented you cannot have a drive through, but you can have one in urban corridor which is supposed to be more pedestrian oriented?

Ms. Newmyer: Yes

Chair Green: said as we looked through the small area plan, how do you think this fit with the hydraulic/ 29 small area plan?

Ms. Newmyer: said that is where the higher level of review comes in. Need to make sure they are looking at the comp plan and does this make sense to allow something like this. There are cases of drive through that are designed currently as opposed to the usual cookie cutter here it is.

Chair Green: asked how often do we get the normal cookie cutter? In the by right area?

Ms. Newmyer: A lot.

Commissioner Lahendro: asked is this all or nothing?

Ms. Newmyer: Yes there is not a way to choose which highways we allow.

### Open the Public Hearing

Ashley Davies: She is representing river bend development. She wanted to thank the staff for all of their analysis on this issue and for initiating the ZTA. As Heather mentioned she was doing the zoning research and was shocked to find out that fast food was allowed in highway districts but that they do not allow drive-thru. Several other districts do allow drive-thru with the SUP use. Also any other use that is not a restaurant is allowed to have a by-right drive-thru. She realized this was a pretty obvious omission

in the ordinance. She wants to point out that there are advances with how a drive-thru can fit better in a more pedestrian friendly environment. In our most historic part of the city is a bank with a drive-thru and it integrates into the urban walkable environment very well. Through performance standards and design review we can address any issues or mitigate any impacts. She thanked the Planning Commission for reviewing this request. They want to really transform the site but they cannot get any tenants because they are not allowed to have a drive-thru.

#### Close the Public Hearing

Commissioner Keller: said she is not supporting this. She can see why it works at 5<sup>th</sup> Street which is one of the three areas but she finds it incompatible with our recently developed Small Area Plan for Hydraulic which has a new vision. It is very incompatible with the Monticello Avenue/Route 20 corridor. In the past we have had a vision of ourselves as a green healthy living city. She uses them occasionally while traveling and for convenience. She thinks this is a pattern we need to break. When people visit our town we would like for them to spend more time and get out of the car and walk around and get out of this pattern of drive through. She has always thought that Charlottesville was very fortunate to have nice entrances near the interstate. We are not as cramped up as most places we visit across the country. She said if this happens for this one reason to accommodate one developer we will see it extend on other corridors and the cow will be out of the barn and there will be no way to put it back. She said if we had not had that Special Use option maybe we would have had a different experience on Emmet Street where the Car Wash and Zaxbys went in. We had a vision for that to being a more urban scale development, more pedestrian oriented and now we are stuck with what we have there which is fine but we are probably stuck with it for another couple of decades and we didn't move the needle because it was just convenient. She is not going to support this.

Commissioner Solla-Yates: said he cannot see the public purpose in doing this now versus in the Comprehensive Plan process we are already in.

Commissioner Lahendro: said the Planning Commission was successful with Zaxbys and he agrees with the presenter that it doesn't have to look like a Hardees or any other drive-thru restaurant. A good design can change the form in a compatible way.

Commissioner Mitchell: echoed Commissioner Lahendro.

Commissioner Keller: move to recommend denial of this zoning text amendment to amend and re- ordain Section 34-796 of the Code of The City of Charlottesville, 1990, as amended, to allow restaurants with drive-through windows by special use permit in the Highway Corridor on the basis that the changes would not serve the interests of (public necessity, convenience, general public welfare and/or good zoning practice) for the following reasons: we want our city to be a green, healthy living city, Seconded by Commissioner Solla-Yates, motion passes 5-2 (Commissioners Lahendro and Mitchell voting no)

**4. ZT18-05-02 – Mixed Use Development Standards** - A proposed amendment to the text of the City's Zoning Ordinance, Article VI (Mixed Use Districts), Division 1 (General), to specify that, in the Event that any mixed use zoning district allows additional height for a mixed-use building, or allows additional residential density for a mixed use development the following requirements must be met by the building or development, in order to be eligible for the bonus height or development:

- If a zoning district allows additional height for a mixed-use building, then residential and nonresidential uses shall each occupy at least 12.5% of the Gross Floor Area of the proposed building, unless different percentages are specified within the regulations for that zoning district.
- If a zoning district allows for additional residential density for a mixed-use building, then residential and non-residential uses shall each occupy at least 12.5% of the Gross Floor Area within the proposed building, unless different percentages are specified within the regulations for that zoning district.
- If a zoning district allows for additional residential density for a mixed-use development of project, then residential and non-residential uses shall each occupy at least 12.5% of total Gross Floor Area of the buildings within the proposed development or project, unless different percentages are specified within the regulations for that zoning district Charlottesville City Council and the

Charlottesville Planning Commission will jointly conduct a public hearing, to receive public comment on the above proposed zoning text amendment. The proposed zoning text amendments and related materials are available for inspection at the Charlottesville Dept. of Department of NDS, 610 East Market Street, Charlottesville, 22902. Tel.434-970-3182. Staff contact: Missy Creasy, Email: [creasym@charlottesville.org](mailto:creasym@charlottesville.org)

Staff recommends that the zoning text amendment be approved by the Planning Commission and City Council as written to allow restaurants with drive-through windows by special use permit in the HW – Highway Corridor zone.

### Open the Public Hearing

Travis Pietila: Good evening, I'm Travis Pietila from the Southern Environmental Law Center. Thank you for the chance to comment, and welcome to the new members of the Commission. I hope you all received the email we sent yesterday—I'll mainly be recapping those comments here tonight. As staff has explained, the purpose of this ZTA is to close a significant loophole in the existing zoning ordinance. The City Code currently offers height and density bonuses for mixed-use proposals in certain zoning districts, but without defining any real threshold that must be met to qualify. The district that's most affected by this today is Downtown Extended, which makes up the vast majority of the Strategic Investment Area. The City currently allows a doubling in building height from 50 feet to 101 feet by-right for any "mixed-use building" in this district—that's the tallest by-right height allowance anywhere in the City. Yet with no mixed-use standard in place, incorporating even a single studio apartment into a large office building would make a project eligible for this bonus. That's clearly not what the City has in mind when it incentivizes "mixed-use" in any district. But it's a particular concern in the Downtown Extended district because of the new zoning code being considered for the SIA. As part of that process, the City's consultant has recommended using height and density bonuses as the primary method to achieve affordable housing and other public benefits in this area. In other words, by-right height might be set at 50 feet, but it could be increased to 75 feet if the building includes a certain number of affordable units. But if a developer today can build up to 101 feet by-right for including a single apartment in an office building, the City is losing valuable opportunities to leverage height with a new zoning code. To address this problem, we believe the default 12.5% mixed-use threshold being proposed for those districts that don't currently have a standard is a reasonable solution, if only in the short-term. This percentage is based on standards already used in other districts, and its well below the 25% threshold that applies in some others. To be sure, we don't see this as a permanent solution, and it's far from perfect. We agree with others that the City would benefit from a broader, citywide review of how to best encourage and incentivize mixed-use development across our community. But that's likely to be a lengthy conversation and process, and the City can't afford to leave the current loophole open in the meantime. Either the undefined bonuses in the current code should be eliminated or made available only by special use permit, or a reasonable stopgap measure like the one before you should be put in place as soon as possible.

### Close the Public Hearing

Commissioner Lahendro move to recommend approval of the proposed zoning text amendments (ZT18-05-02) because the amendments are required by public necessity, convenience, general welfare or good zoning practice, seconded by Commissioner Dowell, motion passes 7-0.

## **IV. COMMISSION'S ACTION ITEMS**

Continuing: until all action items are concluded

### Chair Green Gavel into Entrance Corridor Review Board

1. Entrance Corridor Review Board
  - a. 916, 920 East High Street & 325 10th Street NE (10th & High
  - b.

Commissioners Lahendro and Solla-Yates: attended the meeting with the applicant Mr. Dan Martin.  
Commissioner Keller: said she finds this review to be much improved.

Commissioner Solla-Yates move to approve with staff's recommended conditions the Entrance Corridor Certificate of Appropriateness application for the new medical office building and parking deck at 916, 920 East High Street and 325 10th Street NE, until the following concerns are addressed:

1. The ERB should view and approve material samples. Cut sheets for materials should be submitted.
2. All glass must be specified as clear, with minimum 70% visible light transmittance (VLT).
3. Signage requires separate permits and approvals. All signage shall appear to be lit white at night.
4. Rooftop mechanical equipment will be screened within appurtenance

Seconded by Commissioner Dowell, Motion passes 7-0

**c. Lexington Avenue and East High Street - Tarleton Oak**

Jeff Werner:

The ERB's charge is to make a determination on the appropriateness only of the changes proposed at two parcels within the Entrance Corridor overlay. However, the successful design of this project will be the sum of its individual parts—not separately evaluated as unrelated corners and streetscape segments. This evaluation cannot be piecemeal. Staff encourages the ERB to discuss the components of the requested COA in the context of this entire project, particularly, but not limited to, the landscape and pedestrian elements that will unify the project.

Ashley Davies presented the presentation along with Andrew Moore.

Commissioner Lahendro – said we cannot set here as residents evaluating something that engineers should be looking at because this has to do with system and we have definitely gotten off track. He would like to see this in context. It's perceived as an office building, it is not a ground floor retail space

Jennifer Fesit: of Tarleton Oak LLC: we have worked on this for a year, we want the neighborhoods to be able to work across this project. We got this entrance from the parking structure, the neighbors are going to the retail not a civic center people can use and be a part of.

Commissioner Keller said a way to break up the facade is a long boring block with a façade.

Commissioner Solla-Yates move to approve a Certificate of Appropriateness for the components of the Tarleton Oak project, 815 east high Street, that lie within the East High Street Entrance Corridor with the following modifications...

1. The glass issue goes before the BAR:
2. The ERB should view material samples. Cut sheets for materials should be submitted, including light fixtures.
3. Per the EC Guidelines, stucco material such as EIFS should be avoided.
4. All glass must be specified as clear, with minimum 70% visible light transmittance (VLT). 62 is exceptionally darker. Ground floor transparency lower the upper floors to save on energy.
5. Signage requires separate permits and approvals. All signage shall appear to be lit white at night.
6. Require that rooftop mechanical equipment will be screened within appurtenance.
7. Consider recommendations offered by the BAR:
8. Increase number of street trees along Maple Street and 8th Street
9. Soften the transition between the project and 801 East High Street, a city-designated IPP.
10. Consider the use of trees from the Tarleton Oak.
11. Provide from the façade to the High Street
12. Accept the deferral from the applicant.



Seconded by Commissioner Mitchell, motion passes 5-0. (Commissioner Dowell and Commissioner Smith left the meeting)

### I. 2025 Fontaine Ave/Colony Plaza

Commissioner Keller: asked what is the expected life of this building, and does the UVA own it or lease it. A 10 year lease with 25 year options; 20 plus life and serve for a participated life for a 10 year period and renew in 20 years.

We showed a rendering, but how is this handled in other applications, for instance a new air handling system. Commissioner Lahendro: proposed enclosure a weather cap flat as possible, that doesn't create a problem for that enclosure, a wrapper on the duck work, why not have a perforated panel, a weather type standard. The duck work would have to change itself. Suggest going with a dark color, the west side a single paint to match the dark color to match the east side. The steel gray a dark color and let the architect decide. We would actually look in daylight.

Commissioner Solla Yates: could some planting be done to ease it a little bit. It is not in his preview to look at landscape. It's all paved into out underground parking no place to put a tree.

Staff suggests that the use of the uniform, metal cladding with the appropriate color would be acceptable and within the guidelines; appropriate for the EC, but only in limited application such as this. Staff discourages an attempt to blend this work with the brick, instead offering two color options for consideration:

- A neutral off-white or gray-muted, not too light, otherwise it will appear white.
- A significant contrast using a deep grey or other dark color. (For example, on a color wheel the contrasting colors for the red/orange bricks would be something in the green to blue range.)

Commissioner Lahendro move to approve a Certificate of Appropriateness for the proposed exterior ductwork at the east and west elevations of 2205 Fontaine Avenue, located within the Fontaine Avenue/JPA Entrance Corridor....as presented and with the following conditions that the color of the metal cladding be a dark color to be determined by the architect and approved by staff, and the exposed duct work on the west side be painted the same as the selected color on the eastern closure, Seconded Commissioner Mitchell, motion passes 5-0.

Gavel out of Entrance Corridor back into Planning Commission

2. **Site Plan - Sunrise Park PUD Phase IV** - David Robinson of Roudabush, Gale & Associates, acting as agent for Building Management Company, is requesting approval of a final site plan amendment (Attachment 1) to construct a multi-family building with 22 residential units within the Sunrise Park PUD development at 0 Carlton Avenue (TMP 56-85.W).

Staff notes the buildings on the properties surrounding the Sunrise Park PUD development encompass a variety of architectural styles, massing, and details (see Attachment 4). Staff finds the architectural style of the proposed building to be similar to the existing building in the NW Block in terms of scale, modulation, window placement, and the design of balconies. Staff recommends approval of the site plan and preliminary architectural plans.

Chair Green: move to approve the Final Site Plan dated May 23, 2017; with the Preliminary Architecture Plans, dated May 30, 2017; the Building Height Diagram dated October 4, 2017; to include images of the existing Sunrise Park PUD Development Plan, dated May 24, 2018 as well as the Sunrise Park PUD Development Plan dated January 17, 2018, Seconded by Commissioners Lahendro/Mitchell: motion passes 5-0. (Commissioners Taneia Dowell and Hunter Smith had left the meeting.)

**0 Carlton - Stony Point Design/Build LLC** submitted a revised Special Use Permit (SUP) application on January 9, 2018. Stony Point Design/Build LLC is requesting a waiver from Section 34-1120 (b) of the City Code (Critical Slope Ordinance) to allow for construction of a development that would include a three (3) story mixed-use building with commercial use on the first floor and multi-family dwelling units on the upper stories, a grouping of condominiums, and a surface parking lot.

Ms. Rainey: Per section 34 1120 b1 the critical slopes ordinance is designed to protect steep slopes. The majority of the slope is wooded and critical slopes cover approximately half. There are several folks here who have done specific analysis: She recommended that Planning Commission focus on the following when making their recommendation to Council: erosion, adjacent properties, storm water impacts, loss of tree canopy and loss of wildlife habitat, the comprehensive plan and land use plan.

Commissioner Solla-Yates: Is there a significant public safety risk here?

Ms. Rainey: The design would be reviewed by engineers and would be to standards.

Commissioner Mitchell: Number of environmental issues that will be difficult to mitigate locally: Can the developer talk more about how they will deal with issues such as runoff into Moore's Creek?

Commissioner Solla-Yates: Can you talk more about our specific strategy for Moore's Creek?

Mr. Frisbee: Moore's Creek is one of our significant waterways in the city. The small tributary to moors creek which is right below the site is an intermittent stream and has significance. The city is perusing efforts to restore and protects all of our streams.

Commissioner Solla-Yates: How big is this problem city wide?

Mr. Frisbee: In the picture of the whole city this is a relatively small impact. The stream just below the project site would be the main one impacted. There will be some additional runoff from converting the forested landscape to an impervious landscape. This can be offset by storm water management but that may be done through off site credits.

Commissioner Mitchell: But credits do not help locally?

Mr. Frisbee: So far we have seen that purchased credits go outside of Moore's Creek watershed and Rivanna watershed. Soon there will be credits available locally but that is not the case right now.

Commissioner Mitchell: what exactly do those credits do for Moore's Creek?

Mr. Frisbee: It depends. If the credits went to Moore's Creek there would be a project such as stream restoration or storm water management. There is a certain amount of pollution reduced by those projects that then a developer can use in lieu of reducing those pollutants on site. Since there are no local credits available right now, there would be an impact on the Moore's Creek

Commissioner Lahendro: asked are there no plans for retention or water gardens or anything like that on site?

Mr. Frisbee: The plan does call for some underground retention or infiltration. What they are proposing to do on site would satisfy a little less than half their requirements and the rest would be purchased with offsite credits.

Commissioner Keller: Are the slopes unstable?

Mr. Frisbee: Storm water flows have caused erosion on some of the slopes. Some of that area is proposed to be filled and stabilized. So some of the existing slopes that are eroding would be addressed but a majority of the critical slopes are not unstable.

Commissioner Keller: Would extending the pipe be likely to cause additional problems further down?

Mr. Frisbee: No it would just deposit those flows further down into the valley. But hard to say. There are requirements that they have to discharge to a stable receiving system. But additional water from the site could exacerbate erosion.

Mr. Blake: There are additional flows but those will be reduced flows so the total should be the same. Even though more water is generated because of more impervious area, the detention will hold it back and release it slowly. There should be no higher magnitude than before.

Commissioner Keller: Are we losing any significant trees?

Ms. Rainey: May be easiest to reference page C2 of the site plan to see which shows which will be removed or preserved.

Mr. Frisbee: There are also areas where the entire vegetation is being preserved but the applicant can clarify that.

Chris Henry: said he is from Stony Point Design with Mr. Shrimp of Shrimp engineering and Josh Batman from Stony Point. Their presentation is geared to the SUP but the discussion has mostly been on steep slopes.

There are three things to consider in regard to these steep slopes. First the site was previously graded which created at least half of these steep slopes. It was clear cut and graded 30 years ago and they have no record of what they were trying to build and that created some of the conditions they are now dealing with. The site as it exists today has some public safety issues, such as very steep drop offs, and this project would make the site safer by making it ADA accessible and putting utilities underground to mitigate these conditions. Third, some of these environmental concerns: they are adding density at appropriate places in the city where people can walk and bike to work. Some of the areas they are replanting and adding street trees along Carlton where they do not already exist. They have done extensive community engagement like they did at Dairy Central and the neighborhood association sent Planning Commission a letter of support.

Mr. Shrimp: The city staff did a good job describing issues but they can answer any questions too.

Commissioner Keller: Are all the trees going to be removed from the site?

Mr. Henry: Five trees will be removed but everything else will be left.

Mr. Henry: There has been concern about the health of some of the trees on site and a neighbor has actually asked them to remove some trees from his yard that he thinks are dying. And the trees that we plant will be healthy.

Commissioner Keller: On which basis are you requesting the waiver? The community benefit or the unusual physical conditions?

Mr. Shimp: We talked about both. These are infill developments that will be difficult to build on. We are stabilizing the slopes and reforesting areas. The infill component will help the community too.

Mr. Henry: We met with the Southern Environmental Law Center about the project and they mentioned that they had some concerns and we met with them and revised the site plan and added trees where the culvert comes out. They did not come tonight so that should be encouraging.

Commissioner Lahendro: Did the added trees increase the screening from the residential neighborhoods?

Mr. Henry: These trees are along the complex and we are adding buffer along Carlton.

Chair Green: Do you anticipate any blasting here?

Mr. Shimp: There is no rock, it would be mostly fill on this site.

Commissioner Lahendro: Is the difference in heights the result of Monticello being built and the fill from Monticello as it sloped down?

Mr. Shimp: it is hard to know; but they did not have standards like we have today. What we are doing now is bringing it back to current standards?

Commissioner Keller: I wish you had included illustrations of the retaining walls. Will they be 216 feet long and 18 feet tall?

Mr. Shimp: We do not normally submit elevations of walls like this but we would probably build them out of the stacking block wall. We have not picked out a color yet but we will choose earth tones that will blend in.

Mr. Henry: It is not going to be on an area of the site that will be visible from either Carlton or Monticello and not from the road below either. There are a lot of a trees in between.

Commissioner Mitchell: The reason you are have to disturb critical slopes is because of the scale and scope of the project: have you considered tightening things up a bit so you don't have to disturb these slopes

Mr. Henry: we have done all that we can to tighten it up. We could build something else like a gas station or self-storage or seven single family homes which would be much larger in square footage per unit.

Commissioner Lahendro: to the applicants credit we asked them to add more space between the buildings and they have done this on the back side. It is a difficult site.

Chair Green: We have two decisions to make:

- a. Critical Slope Waiver
- b. Special Use Permit

Commissioner Solla-Yates: How important is habitat redevelopment in Belmont.

Ms. Rainey: The loss of existing area means that it would be nice to have some multi story habitat.

Mr. Blake: In regard to the magnitude of things. In an urban environment everything is small. We lose things incrementally and we try to bring back things incrementally. In an urban context we try not to lose any more then we have to.

Commissioner Keller move to recommend approval of the critical slope waiver for Tax Map 57 Parcels 123.69, 123.701, 123.71 and Tax Map 61 Parcel 2.2, with the conditions referenced in the staff report on page 11. Conditions, based on a finding that the public benefits of allowing the disturbance outweigh the benefits afforded by the existing undisturbed critical slope and due to unusual physical conditions, or the existing development of the property, Unreasonably restrict the use or development of the property, per Section 34-1120 (b) (6) (d) (ii) the existing undisturbed critical slope, per Section 34-1120 (b)(6) (d) (i) Seconded by Commissioner Lahendro motion passes 4-1 (Commissioner Mitchell voting no) (Commissioners Tanea Dowell and Hunter Smith had left the meeting.)

Commissioner Lahendro: move to recommend approval of this application for a Special Use Permit in the M-I zone at 0 Carlton Road (Tax Map 57 Parcels 123.69, 123.701, 123.71 and Tax Map 61 Parcel 2.2). Seconded by Commissioner Keller motion passes 4-1 (Commissioner Mitchell voting no) (Commissioners Tanea Dowell and Hunter Smith had left the meeting.)

Commissioner Lahendro moved to adjourn: 1:33 a.m.