

MINUTES
PLANNING COMMISSION REGULAR MEETING
Tuesday, May 10, 2016

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

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

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

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

Ms. Creasy provided a review of the agenda including process clarification for the appeal.

Ms. Keller asked for clarification on #6 of Mr. Payne's letter and that was provided by Ms. Robertson. Ms. Green asked what would be the result of the overturning of the appeal and how would it affect the pending rezoning. Ms. Robertson clarified the process involved with the appeal and noted that this item is independent of the rezoning request.

The meeting adjourned at 5:27.

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

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

Members Present: Chair Santoski; Commissioners Taneaia Dowell, Lisa Green, Kurt Keesecker, Genevieve Keller, Jody Lahendro, and Corey Clayborne

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

A. Commissioner's Reports:

Commissioner Lahendro reported that he was not able to attend the Parks and Recreation meeting but was able to attend the Tree Commission on May 3rd. We had a presentation from Lance Stewart from Public Works about maintenance and sidewalks. They have hired Timmons Group to develop strategies and recommendations for healthy trees and safe sidewalks and the draft of those recommendations will be available in about a month. We had staff from the Virginia Department of Forestry to make a presentation entitled "Evaluating and Conserving Natural Assets Planning for Connected Landscaping in Charlottesville". It was very interesting and it links studies that are currently underway and identifies tree planting opportunities in the city. The Tree Commission has created a Matrix Committee to develop performance indicators which will measure the commission's success or progress in carrying out its purpose. During the meeting we reviewed the committee's Matrix measures. The Tree planting sub-committee reported their initiative to plant two thousand and twenty trees by 2020. In the addition to the

opportunity of public land they will target private property by working with the Neighborhood Associations.

Commissioner Keller reported on April 16th along with several other members of the PLACE Task Force she attended the Streets That Work live demonstration which she thinks was very successful and positive. She was quite pleased by the number of people who stop at our table to ask questions and took surveys, maps and folders and it was a really good experience. At the last two PLACE meetings there has been a discussion on 3-D modeling software. The people are very happy with the City going that route as a tool to help in decision making and she thought that would be something of interest to the Planning Commissioners and at some point we will have a joint work session scheduled that would also consider other things that PLACE Task Force is interested in and there was quite a broad range discussion at the last meeting about Small Area Planning and the Upcoming Code Audit. She wanted to articulate to her colleagues here how interested in those two areas members PLACE are. They represent other groups in the city that we work with or interface with the BAR and the Tree Commission, Bike/Ped and all other kinds of allied interest and concerns and hopefully we can have some kind of session to talk about those things.

Commissioner Dowell reported she has not had the chance to attend any meetings, but she will be attending the Community Development Block Grant/Home meeting with the Housing Advisory Committee on Wednesday, May 18th. This is to ensure our program effectiveness and efficiency and to make sure the city's policies are consistent with HUD regulations.

Commissioner Keesecker reported the BAR met on April 19th and we had several items that would be of general interest to the Planning Commission. 1. William Taylor Plaza at Cherry and Ridge Street received its final approval and will be moving forward. 2. 550 Water Street Mixed Use project near the C&O station was given final approval. 3. The Atlantic Project on West Main Street (By-right) was given massing approval with more details to come back and it's changed a few times and this latest iteration got approval. 4. A discussion to change the benches on the Downtown Mall to replace some of them that have backs to backless benches to allow people to turn around to face the buildings a little more easily and not camp out as much. A long discussion about public benches and how there needed to be some places where people did have backs on the benches on the Downtown Mall.

Commissioner Green reported on last Wednesday she attended the C-Tech meeting and discussed and reviewed the unified planning work program which is a summary of the fiscal year 2017. That was not quite complete yet so if you are interested in that you have two opportunities to see that and comment on that 1. MPO Technical meeting on May 17th and the MPO Policy Board on May 25th for public hearing. We also talked about the MPO strategic plan that we are trying to do jointly with the strategic plan and we will have more conversation about that in the future. We held elections and she was voted as co-chair with David Hurst. The next meeting is July 6th.

Commissioner Clayborne reported he has no committee assignments at the moment.

B. University Report no report

C. Chair's Report reported the Belmont Bridge Committee has not re-convened yet although there has been some movement on bids that have come in and as soon as we have something we will share that with you.

D. NDS Department Report: given by Missy Creasy, Town halls are starting and the next one is next Thursday. The schedule is online. The House Bill 2 transportation funding is coming back around for round two. We find out in June if we received any funding in round one and are now preparing for submissions for round two. We have two work sessions coming up. We have one on May 24th and one on May 26th. On May 24th, it will be more specific to zoning text items that Council asked us to look at following the West Main approval. Those will be areas in the West Main district as well as the Water Street district followed by our first small area tour. On the 26th we have a joint meeting with City Council and it is to be on the SIA (Strategic Investment Area) review of the code recommendations that are part of the plan. The materials that you all got for the April meeting that we were scheduled to have this before, we will likely mirror those and so we will send it out again so that everyone has the opportunity to review those. We look forward to a fruitful discussion and hopefully get some good direction so we can start to dig into the details of this because right now we need some more over-arching input so that we go down the right path to start.

F. CONSENT AGENDA

(Items removed from the consent agenda will be considered at the end of the regular agenda)
There were no items on the consent agenda.

The Commission gaveled out of the Planning Commission meeting and into the Entrance Corridor review Board.

1300 Emmet Street - Recommendation on SUP SP16-00005 to City Council

Discussion and Recommendations: Before City Council takes action to permit the proposed use they must consider the ERB's opinion whether there are any adverse impacts to the entrance corridor (EC) district that could be mitigated with conditions. A special use permit is an important zoning tool that allows City Council to impose reasonable conditions to make a use more acceptable in a specific location, and to "protect the welfare, safety and convenience of the public."

In staff's opinion, the proposed SUP request for a manual car wash use will not have an adverse impact on the EC district. The required site plan review will address traffic issues, and the entrance corridor review will address visually important elements, including the architecture, lighting, and landscape plan.

Commissioner Lahendro moved to find that the proposed special use permit to allow a manual car wash use at 1300 Emmet Street North will not have an adverse impact on the Emmet Street Entrance Corridor District Seconded by Commissioner Keesecker, motion passes 7-0.

The group gaveled out of the Entrance Corridor review Board and back into the Planning Commission meeting.

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

City Council called their meeting to order with Mayor Mike Signer, Kathy Galvin, Kristin Szakos and Bob Fenwick in attendance.

H. JOINT PUBLIC HEARINGS

1. ZM16-00001 - 209 12th Street NE - Nappa Properties, LLC has submitted a rezoning petition for 209 12th Street NE, also identified on City Real Property Tax Map 54 as Parcel 178 (“Subject Property”), as the owner of the Subject Property. The petition proposes a change in zoning from R1- S Low-Density Residential (current zoning) to M-I Industrial (proposed zoning) with proffered development conditions. The proffered conditions include restrictions on the permitted use(s), including single-family residential with special use permit; a limited number of commercial uses; and communication facilities; restrictions limiting the height of new buildings to the height of the existing T&N Printing building; and a ten (10) foot landscaped buffer between the Subject Property and adjacent residential districts and property (the proffered buffer is in excess of any buffer that would be required by the M-I district regulations). The Subject Property has frontage on 12th Street NE, and contains approximately 0.19 acres or 8,300 square feet. The general usage of the proposed M-I zoning classification is Light Industrial, with residential uses allowed only by special use permit. The general usage specified in the Comprehensive Plan for the Subject Property is Low- Density Residential. No density range is specified by the Comprehensive Plan.

Staff Recommendation

The applicant has proffered to allow minimal uses on the property, limited allowable heights, and landscape screening. Staff welcomes the proffers, as more intense commercial uses generally allowed by scale and use in M-I zoning are determined to not be appropriate for the subject property location. While the Comprehensive Plan denotes the area as low density residential for future land use, staff believes the expansion of the existing low scale commercial development of T&N Printing is appropriate and harmonious with the surrounding area.

Mr. Lynwood Napier said it might not happen next year, but I’d like to have it available. He has owned the company since 1982. He said T&N has “imminent” plans to tear down the building at 207 but does not have any specific details for how 209 would be developed.

Mr. Kestner, the architect assisting Mr. Napier said he doesn’t want to infringe upon the neighbors, but his business is at a point where it’s in need of expansion. I think the proffers that are in place address the concerns that we heard from our neighbors at the community meeting in February.

Open the Public Hearing

Ann Mercer 1200 E. Jefferson Street said she is opposed to 209 12th Street being rezoned to Light Industrial because 12th street is a residential street with residents. If the street is zoned

industrial house by house first 207 then 209 then once it's started it is hard to stop and the character of the street will definitely change. She said 207, that is going to come down soon, used to be the house of flowers. Catherine who lived there maintained a beautiful flower garden, maybe aided by the fact that she worked at a flower shop but it was absolutely beautiful. She said 209 is a very special house to us and we have been at that location for 16 years and in that time we have seen a young man and woman living there as best friends. They met the brother and sister of a mutual friend and ended up marrying them, moving out and both starting families of their own and they are still in Charlottesville. In came another young couple and she worked at a no cost pre-school for kids who could otherwise not attend such place. He was a musician but was accepted into seminary school which took them away to the west coast. They vowed to someday come back to Charlottesville. Now we have a beautiful young couple who just had a baby, Leo who is started a new life in that same house. It is a house of good fortune and good karma or however you want to see it. Next door in 211 is the grandson of the people who bought it as a new house in 1915 and is the fourth person or household to live in that house. It has had long-term residents living in that house. At the top of the street is 217 is a couple there who are great neighborhood people they remind us to have fun. During the snow storm this winter, they built this huge snow slide that started on E Jefferson Street and went behind the house down onto 12th Street. Every kid in the neighborhood went down that slide and she was not the only grown-up person who went to work one morning and went head first down that slide feeling rather ridiculous but feeling like an Olympian athletic. Every house tells a story and there are many more houses to come from those houses and every house lost especially single occupancy and of that type is moderate income, every house like that, that is lost is a tragedy. T&N are good neighbors and everybody says that and she said everybody says T&N are such good people and she agrees that they really are. She would prefer they expand along Market Street, she supports their expansion and applauds their success but not at the expense of 12th Street, not at the expense of a brilliant and flourishing neighborhood.

Logan Blanco 1200 E. Jefferson said she is opposing to the rezoning of 209 and we already have 207 being developed as Light Industrial and she is very glad T&N is doing that and not somebody else because they are wonderful neighbors and does support their expansion. Her concerns are we are such a neighborhood, we have been part of transition street, energize Charlottesville, we are very committed to being a community there and seeing a property come creeping up the street as Light Industrial is a little bit scary right also in a Historical District where part of the farm, the old Michie Plantation Mansion is right across the street and she knows they have some concerns about Light Industrial coming up the street. She said with the development of 207 it actually brings the Light Industrial up to the back perimeter of those Light Industrial things on Market Street. 209 would take it deeper into what she considers as buffer zoned. She feels Light Industrial is nice in the perimeter but once it starts coming into that buffer zone, because those lots on E. Jefferson are deep and they go right up to there and then on the east side we actually have the creek with all of the foliage and everything acting as our buffer zone and that feels good right now. She is also concerned about traffic issues. Right now we do have some issues with all of the delivery trucks as they tend to come down E. Jefferson rather than Market and they come around that corner on 12th Street very early in the morning which is when they have to be delivering. We have talked to T&N about it and they have talked to their suppliers about it and many of them have stopped doing that but we still have that issue and she is not looking to have more trucks and dealing with that issue more. They also park in the middle

of 12th Street so it is hard driving in and out in the early morning going down to work. The loading and unloading is often taking place right in the street. She said she has had two vehicles to drive into her yard, one hitting the support of their house and T&N got their engineers right in there, and got it fixed-up right away which was really great and another driving into our hedge right into our back yard. We really don't want the Light Industrial to creep into our neighborhood.

William Wylie 1111 E. Jefferson said he opposes the rezoning because it doesn't make any sense to him because they don't have plans to rezone it now. Especially because 207 has not been developed under the plan that they are considering or working on. There is no way to know exactly what the 207 impact is going to have on the community so to go ahead and give them the pass right now before we can even measure the 207 impact is to say when the time comes you decide whether its next year or 5 years from now or 10 years from now that you want to go ahead and expand the business I would rather have the opportunity to come back at that point and have the Commission and the community to say well 207 wasn't so bad or 207 was a bad expansion and be able to judge it from that. He also has a problem with the traffic on E Jefferson. He said he does business with T&N and they are fantastic people to work with and also good neighbors so this has nothing to do with that whatsoever. He said just think they are already expanding the 207 and the 209 is not necessary right now, they are not planning to do something with it. Even the proffers do not make him feel better to what could possibly be there. Even the way the architects were talking and your question about the ridge line it is not clear what impact visually that is going to have on the community, so as Logan mentioned it is pushing passed the existing M-I zoning on Market Street into the neighborhoods. The proximity to the farm, proximity to all of those great houses on E. Jefferson Street. He just opposes it and just doesn't like the way it is pushing back. He has no problem with the 207. He asked everyone to stand to show support for opposition.

Jen Lucas, who lives at 217 12th St. NE, said she doesn't understand how it could make sense to make a change without plans. As a neighbor who is two doors down, she would rather see 207 developed first, and if they need a change, ask for the rezoning then.

Close the Public Hearing

Chairman Santoski said we all feel housing is very important, but at the same time, we recognize the importance of local businesses, and he agreed the discussion would be easier if there was a plan for 209.

Commissioners asked Mr. Napier why he was asking for a rezoning without a specific plan.

Mr. Napier said I don't think I'll ever do anything with it, but I'm getting old, and that's the whole reason behind this. I'm never going to upset the neighbors. I just didn't want to wait. I want to think 10 to 15 years ahead.

Commissioner Lahendro pointed out that another house on the other side of the street is also zoned for industrial use despite having a home on the property. He said I understand the community's concern and worry, but what gives me pause is, as I look at the zoning map, I see

that 208 is already zoned for industrial. There's some rationale for alignment between the two sides of the street.

Commissioner Keller said she was torn about how to vote because she wanted to support an established business but didn't want to potentially remove one house. She said I'm not ready to vote for approval without additional proffers, but I can see supporting this because business retention is as important as housing retention.

Commissioner Keller moved to defer this pending submission of additional proffers that address loading locations, height of the gable, hours of delivery, and clarification on the alley status at the rear of the property. Motion seconded by Commissioner Keesecker, to defer the application to rezone the parcel designated as Tax Map 54, Parcel 178 with the associated proffers. Motion passes 5-2 (Commissioners Dowell and Green opposed)

2. SP16-00004 - 209 Maury Avenue - William Atwood, contract purchaser for property owned by Jennifer Ward and Virginia Warfield, has submitted a Special Use Permit (SUP) application for the properties located at 209 Maury Avenue and three (3) adjacent parcels to the north with frontage on Stadium Road (collectively, the Subject Property). The application requests authorization to allow "Daycare Facility Facilities" and "Elementary Education Facilities" uses on the Subject Property, as authorized by City Code Sec. 34-420. The Subject Property is further identified on City Real Property Tax Map 17 as Parcels 180, 184, 185, & 186 having frontage on Maury Avenue and Stadium Road. The Subject Property is zoned R-2U (Low Density) and the total area of the Subject Property is about 70,218 square feet or approximately 1.612 acres. The Comprehensive Plan designates the land use of the property as low density residential. Persons interested in this SUP application may contact NDS Planner Matt Alfele by email (alfelem@charlottesville.org) or by telephone (434-970-3636).

Staff recommends the Planning Commission focus on potential expansion of the proposed uses and the increased traffic generated during by the requested uses, particularly during morning drop-off and afternoon pick-up as part of the review. The applicant has indicated an anticipated 132 students and 20 staff by the 2018-2019 school year, with the possibility of a student population reaching 192 beyond that timeframe. Staff considered a maximum of 150 students and 20 staff while performing an analysis of the requested SUP. This number provides for an analysis within the maximum number for the 2018-2019 school year, but provides a 14% growth margin without triggering an SUP amendment. Any growth over the 150 student number would require a reevaluation of the impacts of the use and intensity on the property and surrounding neighborhoods. The (ISC) does not provide busing to students.

Commissioner Green said she wonders what the plan is for this to still be a part of this environment in this location and culture even.

Commissioner Keller said she does not know if they could speak to that but it would seem reasonable with the high numbers of population in that greater neighborhood that momentum would shift from one neighborhood to another and certainly with the University being the largest

employer in the city and indeed the region there would be a number of people who would want to take advantage of this particularly for the daycare and enrichment classes during the year. She said she can see it being a reasonable location. For that she can appreciate what the neighbors may experience, this is a neighborhood that is under extreme pressure from the University daily use and weekend and evening sporting events and it is difficult. She said their job is to look for conditions to approve this and she thinks it is a great adapted use for the Bradbury building and she would like to add conditions for the preservation of the building.

Mr. Alfele said the parking requirement is minimal. There is space to expand the parking but there are the reductions that they can take advantage of if they wanted to if they expanded. The number went up when they wanted to reduce by 20% for the onsite parking. They would have access to the reduction as far as being close enough to the bus stop and they could explore the bicycle lockers.

Staff recommends that the application be approved with the following conditions:

1. Approval of a final site plan.
2. Completion of a traffic impact study at a level determined by the City Traffic Engineer and included in the final site plan submission.
3. A maximum of 150 students total are allowed on the subject property. An increase in students beyond 150 will require an amendment to the SUP.
4. A safety plan for the daycare and elementary school uses must be submitted annually to the Zoning Administrator for approval, and kept on file. The safety plan, at minimum, must address the following:
 - a. Drop-off and pick-up locations, times, and coordination.
 - b. Trash and recycling storage and removal plan.
 - c. Times and dates for any events that would fall outside normal operation hours of the daycare and elementary school.
5. All parking on site shall be used exclusively for the operations of the daycare and elementary school. The final site plan shall contain measures, such as gates or barriers, to prevent parking on site outside of the daycare and elementary school operations.
6. The existing trees buffering the properties from Stadium Road and Maury Avenue shall remain. Trees may be removed for the following:
 - a. A certified arborist provides a report stating the subject tree needs to be removed due to disease, infestation, or is a danger to the public.
 - b. The tree needs to be removed to accommodate a curb cut onto Stadium Road or Maury Avenue and corresponding sight distance.
 - c. The tree needs to be removed to accommodate new pedestrian circulation.
7. S-3 Screening, as described in Section 34-871 of the City Code, shall be provided on the western and southern boundaries of the properties.
8. All outdoor lighting and light fixtures shall be full cut-off luminaires and equipped with devices for redirecting light such as shields, visors, or hoods to eliminate the luminaire glare and block direct illumination from neighboring properties. The fixtures shall completely conceal and recess the light source from all viewing positions except those positions permitted to receive illumination.
9. Playground equipment shall be installed per manufacturer specifications, and for so long as it remains on the subject properties, shall be maintained based upon the specifications.

Commissioner Keller move to recommend approval of this application for a Special Use Permit in the R-2U zone at 209 Maury Avenue and the 3 adjacent parcels as presented in the application materials to permit elementary school and daycare uses conditions that are listed on page 11 of our PC agenda with the following additional conditions:

- a. the approval of offsite of valet parking for special events
- b. any alterations or modification of the existing structure be done in a way that preserves existing exterior features or character of the structure
- c. any exterior alterations or modifications are performed in accordance with the Department of Interiors guidelines for historic preservation and removal of any alterations or removal of significant interior features be documented, photographed and those photographs be offered to the University of Virginia Library for Eugene Bradbury and documented for demolition special collection.

Seconded by Commissioners Lahendro, motion passes 7-0.

3. SP16-00003 - 510, 512-514, 600 W Main Street (Blue Moon Redevelopment) – Heirloom West Main Development LLC has submitted an application seeking approval of a Special Use Permit (SUP) to allow residential density up to 200 dwelling units per acre (DUA) at 510, 512-514 and 600 West Main Street, identified on City Real Property Tax Map 29 as Parcels 6, 7 and 8 (“Subject Property”), as authorized by City Code Sec. 34-641 The zoning district classification of the Subject Property is WME (West Main East) with Architectural Design Control District and Parking Modified Overlays. In WME residential uses are allowed by-right, including multifamily dwellings, at a density up to 87 DUA. The Subject Property has frontage on West Main Street and contains approximately 0.36 acres or 15,754 square feet. The general usage specified in the Comprehensive Plan for the Subject Property is Mixed-Use. No density range is specified by the Comprehensive Plan.

Heirloom LLC has asked for a special use permit for up to 200 dwelling units per acre. However, no specific plan was submitted for how many units would be built and what type they would be.

Mr. Haluska said with by-right development there can be a density of up to 43 units per acre. That would allow only a maximum of 15 units on the site. The West Main East corridor is intended to be developed as a mixed-use corridor with a high reliance on pedestrian, bicycle and transit infrastructure. The [parking] modification requested by the applicant is in keeping with the city’s vision for the corridor.

The commission’s discussion largely focused on the parking request.

Mr. Haluska said there is a robust debate in the planning world regarding the role parking requirements play in hindering the development of vital urban spaces; the requirement of on-site parking for residential units makes those units more attractive to renters that own cars and want to house them on site. He said the cost to rent a micro-unit would increase if it was required to have a parking space. Structured parking is a cost and it affects the housing cost where it is built.

Mr. Lopez said the transportation options on West Main Street make it an ideal location for people who don't want to own cars. He said what we've proposed is what we think the market is looking for, given the demographic of the potential residential tenants for this building. We've got a growing biotech and technology and incubator innovation sector and the transportation options on West Main Street make it an ideal location for people who don't want to own cars. What we've proposed is what we think the market is looking for, given the demographic of the potential residential tenant in this building. He said young professionals would be the target demographic.

Open the public hearing.

Nancy Carpenter said the needs of other demographics, such as seniors and working-class families, should also be considered. We should also not neglect the fact that there are still people who are facing housing challenges every day. Sometimes we have to look beyond the dollars and cents and look at the nuts and bolts of having affordable units dedicated to certain parts of our city residents.

Pat Edwards, from Starr Hill spoke on not forgetting 10th and Page because those cars will be warehoused in our neighborhood. They will have their bicycles and they will ride the bikes to work, but they will park their cars and come and get them on the weekends.

Joy Johnson said she invited them to come on over and visit her neighborhood in Westhaven or 10th and Page. She said all we see around us is encroaching around us and it's just sending a message that the neighborhood is changing. She said there was a time that there was a preservation of neighborhoods where you keep some of the integrity and the history there and she is afraid that she is not seeing that any more. It's gone, and things are going to change and she knows we are 10 square miles and we have to figure a way how we are going to build up to get folks, but she thinks there needs to be some kind of consideration for preservation of neighborhood and keeping some of its integrity and some of its richness and history.

Donna Casabo said all of these developments going up around us are really having a huge impact on neighborhood. Everywhere we turn things are impacting our neighborhoods. We notice who is being invited and who is being excluded. We have a beer garden right across the street from Region Ten. There is a very small business with nothing but treadmills and all she sees is white people.

Lauren Hall is welcoming them to the community except for the parking. There is not enough parking each and every day. Allowing them to build and not having enough parking will allow people to park in our neighborhoods. We will have to deal with the overflow by having to get permits, guards, meter both and to tow or get police to our existing neighborhoods. Please protect us in this area. She said that you should hold this development to standards and not use West Main Street as an experiment.

Larry from University Tire is located right beside them, and he is not sure whether he is for this matter or against it. He said we allow the First Baptist church to use our Parking Lot on Sunday. They can all use their parking lot after hours.

Close the Public Hearing

Chairman Santoski said we want to be a walkable city and we want to be a city that is pedestrian-friendly, but I don't see a reduction in automobiles. I think when we hear from folks who live in the neighborhoods that the reality of it has not caught up with where we think the theory is going yet.

Commissioner Keesecker said he is not necessarily ready to say that the developer is going to bring a lot more affordability if they don't have to do the parking, but there is a hidden cost there.

Other commissioners said this might lead to the creation of more restricted parking zones which would inconvenience existing residents who would need to pay the city for a permit to park on their own street.

Commissioner Dowell said why should I have to incur an expense because someone else doesn't pay for that expense? Somebody is going to pick up the cost of parking either way.

Commissioner Keller said she is a landlord who has previously given discounts to tenants who don't have cars. In my experience people have come and been happy to be downtown where they can walk and don't have to have a car but by the second semester or second year I get an email asking what they need to do to get a parking permit. I think we exact some cost on the adjacent neighborhood if we don't have some provision for parking in this building, adding she did not think the Planning Commission had enough information to take a vote.

Mayor Mike Signer pointed out that there are many more technological advances coming such as driverless cars. There will be more assets for someone living without a car in this city in five or ten years than they have today, especially if we were to be intentional about it.

Commissioner Keller said she believe that Mayor Signer is correct and we'll have these changes but the neighborhoods that are there now will definitely feel an impact for the next ten years if we don't require some parking.

Commissioner Dowell said how we are going to vote on something that we don't have all of the information on.

At the end of the hearing, Mr. Lopez dropped the request to exempt units smaller than 550 square feet. He also said he could reduce the density.

Commissioner Keller move to recommend approval of a special use permit as requested in SP16-00003, 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 recommendation for the conditions referenced in the staff report, subject to the following revisions and those are on page nine of our agenda for tonight, she add a provision of

- a. 1.2 parking space per unit and
- b. the density 180 dwelling units per acre, and

- c. the mix of units would include studio efficiencies (40%) none of which would be any less than 450 sq. feet in size and others would be a combination of one (30%) and two (30%) bedroom units,
- d. that there would be an in and out door lobby and exterior courtyard space for the recreational use for residents and patrons of businesses that are part the development,

Motion Seconded by Commissioner Keesecker, motion passes 4-3 (Commissioners Dowell, Green and Clayborne voting opposed)

4. SP16-00005 - 1300 Emmet St – Aqua VA, LLC, contract purchaser for property owner Kathleen Whatley, has submitted an application seeking a special use permit (SUP) to allow the establishment and operation of a car wash on property located at 1300 Emmet Street North, identified on City Real Property Tax Map 40 as Parcel 4-F (“Subject Property”). The zoning district classification of the Subject Property is URB (Urban Corridor District) with Entrance Corridor Overlay. In URB, a “car wash” is allowed by SUP pursuant to City Code Sec. 34-796. The Subject Property has frontage on Emmet St. North and access to Meadowbrook Rd, and contains approximately 0.719 acres or 31,320 square feet. The general usage specified in the Comprehensive Plan for the Subject Property is Mixed Use. Persons interested in this SUP application may contact NDS Planner Heather Newmyer by e-mail (newmyerh@charlottesville.org) or by telephone (434- 970-3968).

Staff recommends that the application be approved with the following conditions:

1. The special use permit should allow only the specific use requested—a manual car wash, defined by the Charlottesville Zoning Ordinance as “a facility where cleaning is performed by employees of the facility.” That way, an SUP amendment would be required if the car wash were converted to an automatic or other type of car wash that could have different impacts.
2. The access to Meadowbrook Rd from the site shall be closed off during hours when the car wash is not open to the public.
3. Signage shall be placed interior to the site directing people to exit to Morton Drive to access Emmet St N. This will help mitigate increase in traffic through the Meadowbrook Hills/Rugby neighborhood. The location, type and orientation of the signage shall be reviewed and approved by the Traffic Engineer.
4. The proposed use will provide bicycle storage facilities, the number and type to be reviewed and approved by the Bicycle and Pedestrian Coordinator.
5. The developer of the Project shall provide a future connection to the proposed Meadowbrook Rd sidewalk/trail project (Barracks to Morton Drive), in a location determined in consultation with City staff.
6. The development shall comply with the following requirements, in addition to the requirements of the City’s outdoor lighting regulations (City Code Chapter 34, Article IX, Division 3, Sec. 34-1000 et seq.): a vertical shield shall be placed on each light fixture installed adjacent to low-density residential properties. The final site plan shall identify the location of each light fixture subject to this requirement, and shall identify the type of fixture and shield that will be used to comply with this condition.

Open the Public Hearing

Kurt Woerpel said these are really nice people and he likes the idea of their business. The biggest concern he and the neighborhood has is the traffic on Meadowbrook Road and they will use their neighborhood. Please think of the safety of the citizens in the Meadowbrook Hills neighborhood and take that into consideration.

Michael Masters said he has lived in his home for 30 years and doesn't exit at Morton Road. You are putting cars through our neighborhood. He feels it is unprecedented for the city to allow this.

Ed Gibson 1408 Meadow Brook said he is in the fifty foot perimeter. He looks right down on the abandoned building. He gets to see who comes through the road all of the time coming up and down the road all of the time. He said there used to be a dumpster with crap falling out of that which is gone now. But the other thing was it is a regular parking spot for people who live in their vehicles. He said these mobile homes do not come with toilets so you know what that means. He said he drives out on Morton Drive every day and he doesn't have any problems at all doing that. He is in favor of a nice clean family oriented business so he is for it.

John Pertzlaff is speaking on behalf of the property owners who live in Northern Virginia. They just wanted a very safe community friendly business. They had other choices one was a burger restaurant and the other a chicken restaurant. He just wanted to inform you the point of view from the property owner.

Pat Gibson 1408 Meadow Brook said she shares driveway with another resident and the elevation of our property is above the street level and it is also removed so when people are coming down Meadow Brook Road from either direction and because of the curve at Morton Drive and this property, and because of the setback there is a stop sign for the street that goes up into the neighborhood and a stop sign for Meadowbrook Road, so when they are coming from either direction they are not expected for us to come out. The applicants were very supportive of our concerns in managing the traffic there. We, children, pedestrian, bicyclers and the entrance design corridor is supposed to support alternative modes of transportation. She said they would love to walk down Meadowbrook Road to go to Barracks Road both day and night but we are much safer in our vehicles. She said she supports the provisions that the applicants are willing to add to this where they would be limiting no outside speakers. Thank you for your service we have been impressed by your endurance.

Dena Imlay lives at 2014 Meadowbrook Road and is president of the Neighborhood Association. Paul Reynolds, UVA Professor who has been collecting data on traffic, says motorists completely ignores signs, so putting up sign are kind of useless. People are going exactly where they want to go. She said we figure that it is possible to re-configure the site. There is a developer in the neighborhood that has looked at the site plan and said he could design this so you wouldn't force everything out the back. You could in and do all of the procedures and go back out on Emmet. For the neighborhood we may not want a car wash but it would be much more acceptable if the traffic wasn't dumped into a residential neighborhood. Her request is for the applicant to re-configure the site and see if they can come up with some of the solutions that are available to them.

Elizabeth McGarvey said she really supports your business but the traffic is really bad. You've got about 20 people who walk in the neighborhood, the Frisbee players in the park and the English Inn tours walking around so there are a lot of people who walk up and down the road. So if there was some way you could have the business and not funnel through our neighborhood.

M.L. Coolidge, 2021 Spotswood Road, as it is now we know when there is an event at JPJ because we get more traffic through the neighborhood. We have no sidewalks, and we have a herd of deer, (10 point buck in the neighborhood). No one has mentioned Bodos is there and in one of the reports it said Bodos funnels something like 1200 cars on a Saturday and Sunday and most of them do go back on Emmet. But if you are coming out of the car wash and you see the lines coming out of Bodos where there is always traffic backed up it is a whole different mess. It has to be looked at as a whole impact on the neighborhood.

Close the Public Hearing

Commissioner Green move to recommend approval of this application for a Special Use Permit to authorize a manual car wash at 1300 Emmet St N, subject to the conditions recommended by staff on page 14 with additional conditions:

- a. No exterior speakers
- b. Hours of operation, no earlier than 8:00 am and no later than 7 pm
- c. A traffic measure that would eliminate right turns with something more substantial than a sign.

Seconded by Commissioner Lahendro, motion passes 5-1 (Commissioner Keller opposed)

REGULAR MEETING (Continued)

- I. Appeal – Erosion & Sediment Determination
 - a. 624 Booker Street
Stop Work Order—On March 21, 2006, City staff issued a Stop Work Order (SWO) to the current owner of the property (attached as Exhibit B with associated correspondence), to provide notice of the E&S violation, and to put the owner on notice that proper permits are required in accordance with Chapter 10 of the City Code (Water Protection Ordinance, which contains the City's Virginia Erosion and Sediment Control Program (VЕСP) regulations). The SWO was issued by the City's VЕСP staff, after reviewing the condition of the site and, based on their observations and calculations, concluding that a land area of 6,000 SF or more has been disturbed during the construction process. The following conditions observed by staff are evidence that land disturbing activity over 6,000 SF had occurred: (i) footprint of newly-constructed building and installed shed, newly-constructed patios, porches and sidewalks; (ii) site grading such as grass removal, changing soil grades around the building.

Fred Payne said there is no sediment on this property. He said he is not going to argue the legal issues.

The time is near 12:00 a.m. and the Planning Commissioners took a 10 minute break for everyone to move their cars.

Mr. Payne returned to speak with City Attorney, Lisa Robertson, Mr. Silman and Commissioner Santoski.

Chair Santoski said the suggestion has been made and he agrees that we should continue this until our June meeting and in the meantime Mr. Payne and Ms. Robertson can sit down and work through the findings and facts presented by Mr. Payne and the findings and facts presented by the City and try to come to a consensus on which things are fact and which things are in disagreement as to fact and bring it back to us at the June 2016 meeting so it will be much narrower in scope and we will have a better idea what we need to resolve.

Ms. Creasy said the applicant is providing that allowance so we don't get into any time frame concerns.

Chair Santoski motion that we continue this item at the applicant's request in June of 2016, Seconded by Commissioner Keesecker, motion passes 6-0.

Commissioner Keller motion to adjourn at 12:26 a.m.