

MINUTES
PLANNING COMMISSION REGULAR MEETING
Tuesday, April 14, 2015

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

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

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

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

Commissioner Rosensweig stated that because of a clerical error with the advertisement for this month's public hearings, the Commission could not make recommendations on those items, and they would be re-advertised for May public hearings. He stated that they would still hold public hearings this evening for any members of the public who wished to speak. He also noted that he would recuse himself from the item regarding the Lochlyn Hill PUD.

Commissioner Tania Dowell arrived at 5:10.

Commissioner Rosensweig asked Brian Haluska, Principal Planner if he had any notes about the agenda.

Mr. Haluska stated that there were two zoning initiations on the consent agenda that were coming before the Commission as a result of code changes by the General Assembly that the City had requested. He stated that the Lochlyn Hill Planned Unit Development site plan was being brought forward without Block 2B, which the Commission had discussed at a previous meeting. He additionally handed out some additional information on the application for 201 Garrett Street.

Commissioner Lahendro and Commissioner Keller submitted several changes to the minutes.

Commissioner Rosensweig asked if there were any questions regarding the 201 Garrett Street Special Use Permit. The Commissioners and staff discussed the parking calculations on the site. Several Commissioners had questions about the elevations the applicant had presented in the packet.

Commissioner Rosensweig asked if there were any questions regarding the William Taylor PUD Amendment. The Commissioner discussed the legal standing of a Planned Unit Development and their options when reviewing a request for an amendment of a PUD.

The meeting ended at 5:27.

Votes: No Vote or other action was taken by the Commission.

Adjournment: At 5:27 p.m. the Chair adjourned the meeting in order to reconvene in City Council Chambers at 5:30 to continue with the Commission's regular monthly agenda.

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

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

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

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

A. Commissioner's Reports:

Commissioner Lahendro reported he met with the Parks and Recreation Advisory Board on March 18th and there were three topics of conversation. The first, was the McIntire Park master plan. There was an open house in February which drew over 70 citizens to discuss the master plan with staff. The revised master plan with no south pond and a smaller north pond received City Council's approval on March 16th and now they are entering contract document phase and will be looking to coordinate a fund raising plan with the construction phasing. The skate park in McIntire Park was approved by City Council at the March 16th meeting and they are now entering the contract document phase. The Tonsler Park basketball court renovations are underway, replacing 2 ½ existing courts with three collegiate size courts. The cost of the work is roughly \$32,500. The project went to bid at the end of March and looking to complete construction by the end of April. On March 25th, the Tree Commission met. They are coordinating an Arbor Day Celebration on Friday, April 24th at 10:00 am at Emanuel Lutheran Church which is on Jefferson Park Avenue to celebrate the small tree arboretum that the Tree Commission has been instrumental in creating in the median strip of JPA. There will be a tree expert to speak briefly regarding tree and utility compatibility and a ribbon cutting. The PACC will have their first meeting this Thursday.

Commissioner Keller reported that the Place Task Force will not be meeting in April. She attended the TJPDC meeting where they are in the midst of annual budget preparations.

Commissioner Dowell no report

Commissioner Keesecker no report

Commissioner Santoski reported he attended the MPO Tech meeting, where they discussed how to add projects to the visioning plan. They were asking for guidance on how to add new projects that were outside the five year plan that was in place. He said another plan was introduced to them and they had to consider how to add it to the visioning plan. He said they decided on a general set of recommendations on how to move things forward and it will be interesting to see how the MPO handles this in the future. He said this makes it apparent that there needs to be a

process in place for folks to be able to add plans to the visioning plan to access funds in the future. The Belmont Bridge committee has not met but should be meeting in the near future.

Commissioner Green – reported C-Tech did not have a meeting this month. She received an email today from the Charlottesville-Albemarle Metropolitan Planning Organization (CA-MPO) to help them get word out for volunteers to cover the bicycle and pedestrian count on April 6th, 28th and May 2nd.

B. University Report—Bill Palmer wished everyone a belated Founders Day which was a festive occasion around the University yesterday. The Thomas Jefferson Foundation honored people in the areas of law, citizen leadership and architecture and each of the recipients gave a public lecture. In law it was Honorable Joanie Donahue, the current American Judge serving on the International Court of Justice. In citizen leadership it was U.S. Representative from Georgia, John Lewis, Civil Rights Activist and Lifelong Public Servant. In architecture, it was the acclaimed Dutch Architect Herman Hertzberger. Also a tree was planted in honor of Founders Day and this year the tree honored enslaved laborers who built and maintained the University between 1817 and 1865. The tree is located in front of Pavilion 4 on the lawn.

C. Chair's Report—Chair Rosensweig reported the Housing Advisory Committee did not meet this month. The Thomas Jefferson Area Coalition for the Homeless sponsored an all-day symposium on housing and homelessness. It was informative and inspirational, and well organized. It was a day to describe the continued care that is available while people progress from homelessness through rapid re-housing, transitional housing, through long-term rentals and affordable home ownership. There were two overwhelming interests, 1) the lack of access to safety in affordable housing that has significantly downstream consequences that everyone pays for - education, jobs it all starts with housing. Also the challenges are able to be confronted as long as we continued to devote resources to it and as long as we work together strategically to increase our impact. The Housing Advisory members and other stakeholders are continuing support of a city commissioned comprehensive housing study. This week the consultants are in town to interview and check in with various stakeholders. The Rivanna River committee will meet on Thursday, to continue a discussion towards a plan to better utilize and protect the Rivanna as a resource for the community. On March 30th the Code Audit and Streets that Works steering committee had its first meeting with consultants. A representative from a broad cross-section of Charlottesville from bike advocates to tree and place committee members are going to meet regularly to keep momentum behind these two critically linked planning initiatives.

D. NDS Department Report: given by Brian Haluska, Principal Planner, He reported that the position for the Director of Neighborhood Development Services has been posted on the City Job Board and other sites. The Planning Commission's upcoming work session for April will be done in conjunction with the Smart Growth America planning process that will be ongoing at that time. There is going to be a public event at the Jefferson School from 5 pm to 7 pm.

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

1. Thomas Olivia, 4632 Green Creek Road, Schulyer, VA – He is the Vice-President of Advocates for Sustainable Albemarle Population (ASAP). ASAP is pleased to provide the Commission with copies of the just published book, Overdevelop, Overpopulation, Overshoot as

a part of our dissemination of the volume to Charlottesville and Albemarle decision makers and environmental decision makers and local libraries. Our local distribution is part of an international campaign to raise awareness about the impact of population, growth and to stimulate the search for solutions. The book is intended to illustrate the ecological and social strategies of humanity's blooming numbers and consumption. ASAP distribution of Over is undertaken within conjunction with a network of organizations and individuals through the 2015 Global Population Speak Out campaign. Speak-out is jointly administered by the Population Media Center and the Population Institute. It aims to bring world-wide attention to the crises posed by over-development in human population size and population growth. Through ASAP special focuses you probably know is local growth and limits growth in the Charlottesville/Albemarle community. Advanced copies of this globally oriented book will make it available to us for distribution because of ASAP's strong history of population activism. In addition in keeping with the now old saying we all should think globally before we act locally. We hope the beautiful but provocative pictures will stimulate your thinking, population growth, and development issues at every level; global, national, and here in the Charlottesville/Albemarle community.

2. Neil Williamson President of the Free Enterprise Association, a public policy organization. He said late last year in a meeting with local officials and business leaders, he shared the pencil story. He referenced a story about Greene County giving each applicant a green pencil to fill out forms with the slogan "Permit Us to Permit You" printed on the pencil. He said the permit us philosophy doesn't suggest staff take an approve everything approach instead it positions staff as trusted guide working with applicants to find legal ways to achieve their goals. This trusted guide methods encourages staff to take ownership of an application. Too often at all levels of government you hear the mantra no one ever got fired for saying no. He stated that one of the business leaders offered to fund him to print these pencils to be shared with local government. He gave 3 bags of pencils to the Planning Commission and staff

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

1. Minutes - February 24, 2015 – Work Session
2. Minutes – March 10, 2015 – Pre-Meeting
3. Minutes – March 10, 2015 – Regular Meeting
4. Preliminary Site Plan – Lochlyn Hill PUD
5. Zoning Initiation - Revised definition of Affordable Dwelling Unit
6. Zoning Initiation – Revised sidewalk legislation

Motion by: Commissioner Keller

Seconded: Commissioner Green

VOTE: 7-0

"Aye": Commissioners Dowell, Green, Keesecker, Keller, Lahendro, Rosensweig, Santoski

"Nay": None

Abstentions: None

Disqualifications: Mr. Rosensweig recused himself from Item 4, the Lochlyn Hill PUD

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

G. JOINT PUBLIC HEARINGS

1. **SP-14-12-13 – 201 Garrett Street** - Russell E. Nixon of Nixon Land Surveying, LLC, has submitted a special use permit for a mixed-use development at 201 Garrett Street. The request is for residential density in excess of 43 dwelling units per acre, up to 168 dwelling units per acre. The site plan proposes 229 new multi-family residential units, 5,000 square feet of general office space, 4,000 square feet of retail space, and 215 parking spaces. The property is further identified on City Real Property Tax Map 28 Parcel 113. The site is zoned Downtown Extended Corridor with Parking Modified Zone Overlay. The property is approximately 1.366 acres. This is the Glass Building

Staff finds that the proposal is supported by the City's Comprehensive Plan, that the increase in density is reasonable at this location and that the impacts of the development can be addressed through conditions placed on the special use permit.

Oliver Kuttner is proposing a nine-story apartment building near the Downtown Mall and the William Taylor Plaza project off Ridge Street and Cherry Avenue. He is seeking a special use permit in order to build more than 200 residential units above and around the existing Glass Building on Second Street Southeast and Garrett Street. He wants to build 229 apartments, 5,000 square feet of office space, and 4,000 square feet of retail.

Open the Public Hearing

Several residents of the nearby Gleason building, which was constructed in 2008, took the opportunity to speak against the project. One pointed out that Mr. Kuttner's proposal is still at the conceptual stage.

Bob Maushammer, 200 Garrett St. Unit 509, said he was surprised that we are presented with the opportunity to comment on something that is not stated clearly or definitively and we don't know what the proposal is that Mr. Kuttner is making. He does not think the commission has had a chance to consider what the proposal is and he doesn't think anybody knows what the plans are, not even Mr. Kuttner. He said what Mr. Kuttner has shown so far is very much outside anything contemplated the zoning for density and parking and other rules for the downtown extended corridor were established, these are far outside of anything like that. He said the narrative is inconsistent and is hard for anybody to understand what is going on. He finds it hard to believe financing will be available for something with such a heavy concentration of single type non-family living spaces.

Jean Maushammer said she found 12 one bedroom units available around a \$1000 within walking distance of the downtown mall. She also found that City Walk which is 6 blocks away is \$1050.00 for a studio apartment including pool, parking, and guest parking. She said another one is Locust Grove has one bedroom apartment within the same range as Mr. Kuttner proposed apartments. She said she doesn't understand why the city of Charlottesville would want to allow

a special density permit to be given to a single facet of population and to the detriment to everyone else around us.

Close the Public Hearing

The project was generally favored by the commission.

Commissioner Green stated she did not have a problem with the density and she agrees that is the idea we put in our Comprehensive Plan for density and it is two blocks from the Downtown Mall. She also said the commission should have a conversation about how to encourage construction of housing units for all income ranges. She pointed out that the Gleason has high-end luxury condominiums right across the street from Friendship Court, which is restricted to low income families and individuals.

Commissioner Santoski said it does seem to be a work in progress and he would hope by the time we see it next month there is some specificity so we can feel more comfortable with it.

While the commission largely favored Mr. Kuttner's proposal, however there were questions concerning the price of the apartments and the square feet of the units. The commission was also concerned about the height on Garrett Street conflicting with the SIA which has been incorporated in the Comprehensive Plan. Mr. Kuttner said most of the units will be between 450 and 700 square feet and the building will be built in phases. He said he hopes all units will be below \$1,000 a month including utilities.

Commissioner Keller applauds his efforts, but wonders who would to live in a small apartment with amenities in less than 400 square feet.

Commissioner Green observed that individual apartments of 400 square feet are adequate for quite a few citizens.

2. ZM-14-12-14 – William Taylor Plaza PUD Amendment - Southern Development acting as agent for Cherry Avenue Investments, LLC has submitted a PUD amendment for a development located on the northwest corner of Ridge Street and Cherry Avenue. The original PUD was approved November 2, 2009. Changes to the approved proposal include a revised proffer statement, parking configuration, parking lot screening, and Arboretum requirements. A revised proffer statement and development plan reflecting these changes has also been submitted. The property is further identified on City Real Property Tax Map 29 Parcels 157, 150, 149, 147, 146, 145, and 151 having frontage on Ridge Street and Cherry Avenue. The site is zoned PUD and the total project area is 125,321.5 square feet or approximately 2.90 acres.

The applicant, in amending the 2009 PUD development plan and proffer statement had an opportunity to address concerns from staff and Planning Commission not covered in the original PUD. A use matrix, phasing plan, and building envelopes are all details staff would have liked included in PUD applications. By including these elements the neighborhood and community at large would have a better understanding of the development future for this important site.

Staff finds that the proposed amendments are not of equal or higher quality than the original 2009 PUD and recommends denial based on Sec. 34-490(1) To encourage developments of equal or higher quality than otherwise required by the strict application of zoning district regulations that would otherwise govern.

The Planning Commission was not receptive to the new request from Southern Development to amend a previous rezoning plan for the William Taylor Plaza, a proposed mixed-use development at the corner of Ridge Street and Cherry Avenue.

Matt Alfele, city planner stated Southern Development wants to move in a direction that would embrace a lot of the changes that have been suggested. The existing zoning requires 90 percent of the parking on the site to be in a structure, but the company wants that lowered to 60 percent.

Charlie Armstrong, Southern Development's vice president, said the design changes you'll see in May are really aimed at activating the Cherry Avenue streetscape including a formal entrance with a large entryway into buildings there. Our intent is to get people onto that street. He stated they are no longer asking for the LEED certification requirements to be dropped and wants to increase the amount of the property set aside for an arboretum.

Commission Santoski said he admires Mr. Armstrong's tenacity in bringing this forward again and trying to make some minor changes however, he felt that it still looks the same as it has always been.

Mr. Armstrong argued the plaza would be the first step in revitalizing Cherry Avenue, pointing out that nothing new has been built on the street for many years.

Commissioner Keller said she wanted more certainty than that. She stated she is not looking for could or would but looking for what will-be.

Commissioner Santoski commented that Cherry Avenue has been waiting for the right project, and in his estimation this isn't the right one so, we can wait a little bit longer

Open of Public Hearing

Travis Pietila, Southern Environmental Law Center, stated that this request should not be granted unless it will improve upon the original PUD approved in 2009. Based on the limited information provided for tonight's meeting, his organization is skeptical that this would be the case. Two of the key benefits of the original proposal were: (1) its protection of significant natural features and open space on an environmentally-sensitive site; and (2) its potential to better activate the street along Cherry Avenue. Not only does this new proposal not seem to advance these objectives beyond what was in the originally approved plan, it could be a step backwards by diminishing its value in both of these areas.

Overall, his organization believes this proposal will not be an improvement over the existing PUD, and they remain concerned (as they were in January) that these changes, if approved, could set a precedent for allowing an applicant to renege on commitments that were important factors

in the project's approval. He urged the Commission to deny this request as staff has recommended.

The commissioners indicated they are not likely to change their mind on the application.

3. ZM-15-02-02 – Longwood Drive PUD Amendment - Longwood (PUD) Amendment- Richard Spurzem of Neighborhood Properties Inc. has submitted a PUD amendment to add (5) attached residential units to the existing Longwood PUD development. The additional units will be located on the southwest corner of Harris Road and Longwood Drive. The original PUD was approved July 20, 2009. Additions to the approved proposal include expansion of the existing PUD by 0.20 acre constructing (5) attached residential units, additional parking, and adding 2,000 square feet of open space. The property is further identified on City Real Property Tax Map 21A Parcel 104, having frontage on Harris Road and Longwood Drive. The site is zoned R-2 and the total project area is 8,712 square feet or approximately 0.02 acres.

Staff finds that incorporating five (5) additional townhomes into the existing Longwood PUD complies with many of the goals laid out in the Comprehensive Plan, but some concerns remain.

The principal concern staff has is with the fulfillment and documentation of the 2009 proffers. The applicant has stated that three (3) of the proffers have been satisfied, but staff would like more detailed documentation on how that was determined. The addition of proffer # (6) is very much welcomed by the City.

Staff finds the Longwood PUD amendment complies with the goals of the Comprehensive Plan and all documents required by the code have been submitted by the required deadline to warrant a decision from Planning Commission. With that said, staff recommends deferral so that feedback from the April 8th Fry's Spring meeting can be incorporated into staff's recommendation. This would also give the applicant an opportunity to provide more clarity/detailed information as to how certain proffers have been fulfilled, which could help Planning Commission in their decision.

Mike Myers, Design Engineer, stated the PUD Amendment proposal is for the construction of 5 new townhome units with associated parking at the intersection of Harris and Longwood. He said Mr. Spurzem had always wanted to include these lots in the PUD, but it had only been recently that he was able to purchase this property. The ultimate goal of the development is to "bookend" Longwood Drive with new townhomes and upgrades the existing duplexes in the middle. The developer is also providing 15% of the units as affordable, and has promised contribution of an additional \$10,000 to the Charlottesville affordable dwelling fund (in addition to \$50,000 already provided with the original PUD approval).

Open the Public Hearing

David Hennegan, 101 Longwood Drive, Lot 116 – said when he moved into his current townhouse he believed that he had a 25 foot rear yard behind his townhouse. The way the project was originally laid out there was a very large space in the middle so the two new buildings would

have a wonderful setback, but they have squeezed it right up to the back of his unit. He said there is no reason why the 3 units unit cannot be shifted over 15 feet more as originally plan which would give him his 25 foot rear yard that he thought he would always have. They are asking for a lot when they are asking for a PUD to make up their own zoning practically. Another concern is because this is a PUD they can administratively file to change the plan; and he would like them to agree to in terms of the setback to be in a proffer because otherwise he will have to worry about this until the day they start pouring concrete. He said they were already concerned with rain runoff.

Closed the Public Hearing

Commissioner Keller is concerned about the PUD creep, required the lot at the corner which assume was a habitable house perhaps with a basement apartment and also concerned about the way it takes the PUD into Harris. She stated that Harris has a specific kind of the single family character and a different character and she is not supportive of this and share concerns with the existing properties.

Commissioner Lahendro said this is a vast improvement and he appreciates the effort in what the applicant has done.

Commissioner Rosensweig said that bringing the elevation down on Harris trying to make it more compatible architecturally and feel with the rest of the street scape on Harris is an important value. He said he is not able to say what is the right or wrong architecture solution on Harris because it is not our job but he does agree that what we are seeing is inappropriate. He said he does believe there is an appropriate architectural alternative to this problem.

H. Request for Zoning Initiation

1. Telecommunications Ordinance

Lori H. Schweller, Esquire stated this presentation is just to initiate the subject of the telecommunications ordinance.

Chairman Rosensweig said the commissions' purpose is to approve the initiative of the study.

The Commission agreed to continue discussion of the telecommunication ordinance in the May work session.

Motion by Commissioner Green
Seconded Commissioner Santoski
Motion passes 6-1, (Ms. Keller opposed)

Commissioner Green motion to adjourn, seconded by Commissioner Santoski.