

MINUTES  
PLANNING COMMISSION REGULAR MEETING  
Tuesday, June 9, 2015

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

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

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

Call to Order: the meeting was called to order by Vice-Chair Keesecker at 5:04 p.m.

Vice-Chair Keesecker said that the staff had requested an item be added to the consent agenda initiating the change to the Comprehensive Plan.

Chief Deputy City Attorney Lisa Robertson said that the Commission can add items to their agenda, and distributed a substitute motion for the Comprehensive Plan amendment, since the Commission's action on the matter must take the form of a resolution.

Commissioner Keller asked if the comments from the previous work session on the Bicycle and Pedestrian Plan had been incorporated into the plan.

Bicycle and Pedestrian Coordinator Amanda Poncy said that some of the comments had been addressed more fully than other because of time constraints. The staff has added additional maps, and they were still working on adding more diversity in the photos.

Vice-Chair Keesecker noted that the items on the agenda have previously come before the Commission.

Brian Haluska, Principal Planner stated that the procedure for the items on the agenda would be the same as a typical public hearing item.

Commissioner Green asked about the height and density of the Gleason and Norcross Station projects adjacent to the 201 Garrett Street proposal. She also asked that her comments be incorporated into the work session minutes.

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: Commissioners Genevieve Keller, Jody Lahendro, Taneia Dowell, Lisa Green, Kurt Keesecker, and John Santoski; UVA representative Bill Palmer

Call to Order: the meeting was called to order by Vice-Chairman Keesecker at 5:30 p.m.

A. COMMISSIONERS' REPORTS:

Commissioner Lahendro – attended the Tree Commission meeting on May 27th and there is another tree nominated to the City Council this month for the tree conservation ordinance. The JPA Arboretum has been completed and during the public comment period, there was a request by the owner of 400 West High Street to help with the dispute over removal of trees on the paper city street and staff and committee are researching that particular issue. Majority of the conversation was about the Tree planting committee and discussing their first steps to increasing the trees. He was not able to attend the Parks and Recreation Advisory Committee meeting.

Commissioner Keller – reported on the TJPDC new strategic plan that was recently adopted and elected new officers for the next year. The Place Task Force will meet this Thursday.

Commissioner Dowell – no report, but also commented on election-day

Commissioner Keesecker – attended the Board of Architectural Review meeting in May. Two projects reviewed for preliminary discussion were 550 E Waters Street which was a residential tower with a parking area next to former railroad station and the King warehouse and the BAR shared some of the same concerns that the Commission had and believes the project has been deferred. Another project next to the Mudhouse on West Main is 211 W Main. The an application is for a mini hotel with four dwelling units above the old Bogeart art gallery and there will be a retail storefront on the main floor. He said he found it interesting that the Planning Commission had recently talked about transient lodging facilities and this is a mixed use zone and the use will basically be a hotel for four units.

Commissioner Santoski – no report

Commissioner Green – no report, but announced that it is election-day and the polls are opening until 7:00 p.m.

B. UNIVERSITY REPORT: Bill Palmer – no report

C. DEPARTMENT OF NDS: Brian Haluska, Principal Planner reported the search for a new director is moving along. The city manager's office is conducting phone interviews with potential applicants and looking to narrow the field down to a reasonable number, 4-5 to do personal interviews by the end of this month or next month. The next work session will be the 23<sup>rd</sup> at 6:00 p.m. because it is a joint

session with County of Albemarle Planning Commission. The two items on the agenda are the River Corridor and a rezoning application on Franklin Street in the County because it has a close impact on the city.

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

1. Bill Emory, 1604 E. Market Street stated that the Standard and Design manual is 660 pages. He said there is no mention of changing bikes lanes listed in the Standard and Design manual. He said contra-flow bike lanes are specifically called a no no and no mention of them in the manual. He commented that none of the following are mentioned in the Standard and Design manual; climbing lanes, shared road ways, bicycle signals, pedestrian refuge, and bicycle boxes. He said if a developer looks at the Comprehensive Plan and decides to put in a contra-flow lane because that is something that isn't envisioned by the Comprehensive Plan. How are they going to do that? Hopefully this is a time where the public can learn how items are added to the Standard and Design manual and there is something in there that is outrageously wild like a 60 foot turning radius; how are item potentially removed from the Standard and Design manual? He said that Ms. Poncy has pointed out that on page 59 revisions of the Standard and Design manual will be necessary and so hopefully as we go through that process and memorialize how those changes are made. He said there are paths on the wiki map of routes he wish he could ride and they are sort of in line with the idea of having an east west north south excess. He has a desire to ride the east west access seems way in the future so as we implement maybe we can figure out how we can step that up. Finally he said one thing relating to the bike-ped plan is that Buckingham Branch railroad has severed a 137 year old pedestrian connection in between Albemarle County and the City of Charlottesville shown as a collector arterial bike ped plan. They have blocked the pedestrian, bicycle and pedestrian access across the railroad at Merchant Street. He asked the Commission to think on this because we don't need to build more walls between the City and Albemarle County, we need to tear them down.

#### E. CONSENT AGENDA

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

1. Minutes – May 12, 2015 – Pre-Meeting
2. Minutes – May 12, 2015 – Regular Meeting
3. Minutes – May 26, 2015 – Work Session
4. Preliminary Site Plan – Sycamore House Hotel
- 5 Initiation of the Comprehensive Plan Amendment to add the Bicycle Master Plan

Motioned by Commissioner Lahendro to accept the Consent Agenda, seconded by Commissioner Keller, motioned passes by 6-0

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

## F. JOINT PUBLIC HEARINGS

**1. SP14-00007 – 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 171 dwelling units per acre. The site plan proposes 233 new multi-family residential units, 49,580 square feet of new commercial space, and 142 on-site 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.

Mr. Haluska presented the staff report.

Russell Nixon of Nixon Land Surveying representing Oliver Kuttner and MTE LLC, said this project is very unique in nature. Mr. Kuttner is proposing to put in small loft apartments which he wants to consider them as affordable housing for the young professionals, single folks, young married couples and elderly married couples. He said that they have submitted a site plan and have met all of the criteria that the City's ordinances call for and what the planning commission has requested. On the site plan they also included an understanding of the affordable housing requirements that are found in the City of Charlottesville's ordinance. He said some of the arguments are about traffic and parking. Technically any parking on Garrett Street right now is already being used by visitors to this building more so than any other buildings in this area. The apartments have their own onsite parking. He said they were able to come up with a 2-story parking deck that is about 141 parking spaces onsite. They have verbal approval from the parking deck behind them on the other side of the rail road tracks and the lot on 4<sup>th</sup> street. He said we will have adequate parking for the site and will not have to buy credits from the city so they are not right up against the right of way. They are ready to meet any of the city code requirements. He said after reviewing it further, Mr. Kuttner is willing to take any recommendations the Commission wanted to make. The new plan today only shows one entrance off Garrett Street. Parking garage Oliver will fund this development. He said in order for the bank to release funds to Mr. Kuttner he has to have this special use permit.

He said while the "downtown extended" zoning district allows buildings to be as tall as nine stories, the permit is needed to exceed the 60 dwelling units that could be built by-right on the 1.37-acre property at 201 Garrett St. The structure would be built above and adjacent to the existing Glass Building. The building also would have 49,580 square feet of new commercial space.

### Open the Public Hearing

Mr. Kevin Silson of 200 Garrett Street said he did not oppose the development and believes in mixed use unit development and supports this type development. He believes this development is inappropriate for the site. It talked about it being harmonious with existing patterns and he disagrees with that. He said the adverse impacts on the neighborhood such as noise. He said Mr. Kuttner is only working at night and on the weekends and the builder does not have a lot of respect for the neighbors. The massing scale is inappropriate. To Change to a mixed use

residential is very bad and is a negative impact. He believes this is inappropriate. He said if you approve this thing you must hold him to a schedule that he adheres to.

Jane Trowbridge of 200 Garrett Street said the parking issue is a very important issue. It is already difficult for people to find on street parking especially when you have family coming. She spoke about the Market Plaza and this project being elaborate projects and it will compound the parking issue. The height issue is another constraint to be taken into account. We are people who purchased home here in Charlottesville and part of the joy is the blend of old and new. She said Charlottesville is a wonderful place to live, and she wants to keep her investment sound. She said parking and traffic is the main issues, and how we are going to adjust to that.

Travis Pietila, from the Southern Environmental Law Center, said he is not opposed to having a reasonable amount of additional density on this site. He said he shares the concerns that many have already expressed about the impacts that a building of this size and scale would have on Garrett Street. He asked the commission to seek clarity in what is being proposed and urge the developer to incorporate a setback that will sufficiently protective the surrounding area.

#### Closed the Public Hearing

Mr. Nixon said this project is very unique in nature and Mr. Kuttner is proposing to put in small loft apartments which he considers affordable housing for the folks that would be living there.

Commissioner Green asked for clarification on the by-right height and setbacks required by the zoning ordinance.

Mr. Haluska said the maximum height of a streetwall shall be 50 feet, and after 50 feet there shall be a minimum stepback of 10 feet along at least 70 % on the street wall.

Commissioner Keller said it has been about two years since the approval of the Strategic Investment Area Plan, and it has been asked previously what are we going to be doing since the proposal and now here we are and this project is not in line with the SIA Plan. She said the City needed to be keeping the codes up to date with the recent knowledge that is available to us. She said she is not inclined to support this because this is 4 times the by-right density, the parking, noise and sustainability issues with duplicating facilities with numerous apartment projects. She said she was not convinced that there is a need for this type of housing. She said there are so many unknowns and we get nothing in writing or any community benefits.

Commissioner Lahendro said he doesn't see the engagement between the pedestrian experience along Garrett Street and the building itself. The comprehensive plan speaks to creating a back and forth relationship between people walking along the street and the building. He is bothered by the fact that the SIA considered Garrett Street to be a secondary street and not worthy of that kind of engagement.

Commissioner Green said she is inclined to support the proposal. She said that in the comprehensive plan we talk about density and the different housing types. She acknowledged that the City has approved several projects that are not complete. She said that speaking from a

person who lives in a very small house with four people, her mother would love to live in one of these. The street has life every day, people walking to work, there's life on this street might not be commercial retail; she agrees with the housing types and affordability for the type of people that will need housing.

Commissioner Keesecker said his sense is that there about 40 units too many in this building and added that a reduction would both decrease the need for parking and make the building smaller in scale.

Commissioner Santoski moved to recommend denial of this application for a special use permit; seconded by Commissioner Lahendro, motion passes 4-2 with commissioners Green and Dowell voting No. Chairman Rosensweig was not present.

**2. ZM15-00002 - Lochlyn Hill PUD Amendment** – Milestone Partners, acting as agent for Meadow creek Development, LLC has submitted a PUD amendment for a development located on Penn Park Lane. The original PUD was approved September 4, 2012. Changes to the approved proposal include a revised concept plan. The property is further identified on City Real Property Tax Map 48A Parcel 39 having frontage on Penn Park Lane. The site is zoned PUD and the total project area is approximately 22.47 acres.

Mr. Haluska gave the staff report.

#### Opening the Public Hearing

Woody Parrish of 110 Locust Lane Court said that he is on the Board of Directors of the Locust Meadows Association. He is speaking as an adjacent property owner and has no objection to anything they are asking for. He further addressed some of the comments that have come up in the past with the development regarding the Meadow Creek trails connections that is currently part of locust meadows property. He said the applicant has offered to make improvements to that area, but the Board of Directors has elected to let that area remain more or less as is. He said the owners are talking to the city about granting right of way for the Rivanna trail and a pedestrian connection closest to meadow creek. Pedestrian bridge shown on the plan indicates location to be determined, and the neighborhood favors a bridge further downstream.

Sam Speedie of Locust Court said the Lochlyn developing rationale makes good sense, but that the property is one of the few undisturbed nature left in the City. He sees the broad use of the nature of the land, mindful of the undeveloped land. He raised the issue of noise and construction activities.

#### Closed the Public Hearing

Commissioner Green has asked for construction noise to be put back in the noise ordinance.

Commissioner Green move to recommend approval of this application to amend the development plan for the Lochlyn Hill Planned Unit Development, on the basis that the proposal

would serve the interests of the general public welfare and good zoning practice. Seconded by Commissioner Keller, motion passed 6-0.

**3. CP15-00001: (Comprehensive Plan Amendment)** - The Planning Commission and City Council will jointly conduct a public hearing on a proposed amendment to the 2013 Comprehensive Plan to include the contents of the Bicycle and Pedestrian Master Plan (dated November 26, 2013) as supplemental provisions of the plan. The Master Plan Update focuses on integrating the on-street and off-street networks identified in past planning efforts to create safe, comfortable transportation corridors that appeal to a wide range of users of all abilities. It provides the recommended network improvements for Charlottesville's on-street bicycle and pedestrian corridors, as well as a phasing plan for implementation. The Master Plan, including attached maps, may be viewed at <http://www.charlottesville.org/Modules/ShowDocument.aspx?documentid=33244>. City Council has referred the Master Plan to the Planning Commission, for the Commission's review as a proposed Comprehensive Plan Amendment. Following the joint public hearing the Planning Commission may recommend to City Council that it should approve the Master Plan as Presented and make recommendations for changes to the Master Plan and recommend approval of the Master Plan with the recommended changes, or disapprove the proposed Master Plan as a Comprehensive Plan amendment.

Ms. Poncy presented the staff report.

Mr. Bill Palmer also commended Ms. Poncy on the work for the Bike Plan.

#### Open the Public Hearing

Steven Buck, 1208 Meriwether Street said the city should be commended in its choice for the design group for developing the plan. One of the great things they provided an online inter-active map that allowed anyone to take a look at the city and knowing what they were interested in, allowed for input from broader spectrum of the public. What is provided is a really good plan, its balanced, its comprehensive; the overall vision that is expressed in the detailed of the plan is consistence with the vision that the city has exposed over the last 12 years sense the last plan in 2003. With the adoption of this plan will be a great deal of progress in the next 12 years. Whoever approves this plan will be able to say I had a critical part in improving the bicycle pedestrian infrastructure in Charlottesville.

Peter Ohms, 809 Belmont Ave said the new plan does position Charlottesville well to match some of the investments that great cities around the US have started making in terms of bicycle improvements as well making the streets usable for everyone. Regarding the questions about encouraging people to disobey laws making it seems ambiguous, newer treatments are intended to make it a little bit clearer what bicyclist can or should do given they are not motor vehicles and they are not pedestrian, we have to think of them as a third tier of road users. Sometimes they need specific accommodation that can make the road safe for them. He spoke on the snow removal from the bike lanes and said West Main Street was the top priority for that and he hopes we can move forward with some implementation on that in the near future.

Commissioner Green said to the Commission and to City Council that we are mighty lucky to have Amanda Poncy on staff and it was a great move to make this position full-time. She said Ms. Poncy has worked countless hours on this plan and it looks fantastic and the entire committee for all of their work.

Commissioner Keesecker also commended Ms. Poncy on a job well done.

Commissioner Green move that the Commission adopt a Resolution:

Whereas, this Planning Commission and City Council have jointly held a public hearing on the proposed 2015 Bicycle and Pedestrian Master Plan Update, after notice given as required by law, BE IT RESOLVED that the Planning Commission hereby recommends to City Council the approval of the 2015 Bicycle and Pedestrian Master Plan Update, as an amendment to the City's Comprehensive Plan, and a copy of this Update shall be certified to City Council for its consideration in accordance with City Code Section 34-27 (b), along with a copy of this Resolution.

Seconded by Commissioner Keesecker, motion passes 7-0.

ADJOURNMENT 8:23