

MINUTES
PLANNING COMMISSION REGULAR MEETING
Tuesday, July 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 UVA representative Bill Palmer

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

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 Lisa Green, Kurt Keesecker, Genevieve Keller, Jody Lahendro, and 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 was unable to attend the Park and Recreation Advisory Board meeting in June because of conflict with another Board meeting. He did attend the Tree Commission meeting on June 24th. Much of the discussion evolved around urban tree canopy assessment that the City has contracted for. This is the first time it has been done since 2009, start in September and be finish in December. It is funded by a grant and already the tree planting committee with the Tree Commission is starting to strategize on how they will be able to use this information for advocating the planting of more tree canopy. There was a presentation by the Tree Commission to the Place Design Task Force on the health problems with some trees on the downtown mall and then the Tree Commission made some recommendations for 400 West High Street, the paper street that is there and is being shared with the BAR where a decision is to be made about that space.

Commissioner Keller reported the TJPDC does not meet in July. The PLACE Task Force did have a brief meeting and the main focus was discussion about the lighting study that is being done with the City under contract and several people went around with the consultants. The Task Force requested some additional information on this. The Planning Commission will want to follow because it relates to things we have talked about such as revision to the Manual, Streets That Work, and the Code Audit. She attended the City Council meeting last week where the Council considered the William Taylor Plaza and the Council did not take any action on that and

is something they will be taken up at a future meeting. She said it became evident to her that we need to be so careful when we craft PUD or SUP approvals when they come back years later because it is really hard to determine what the intent was and that was a project that was approved without a matrix at the time. She said that was not so many years ago but some of the players are the same, but it is really difficult for people to revisit that. We need to work together to make sure we are specific in our language and site the actual drawings and supporting materials that we believe are critical in our decision so if somebody has to look at it in 8 months, 5 years or decades that there are tangible pieces of evidence to see what was intended that they can go to. In the future, she feels we should be cognizant of when we look at these requests that we are leaving a really good record for the future.

Commissioner Dowell - absent

Commissioner Keesecker reported the BAR met June 16th and reviewed a number of projects. The projects of interest to the planning commissioners were 550 E. Water Street which we have the summary in our staff report. The other two are applications for 500 Court Square, the Monticello Hotel or the Court Square Tavern building a discussion about screening of changes to the cellular infrastructure that is on top of the building that we can see from far away and we've taken a look at people trying to get something off the penthouse and bring them down to the deck level. Essentially what the BAR asked for was a coordinated building managed master plan, to bring a cohesive screening to the top of the building which is very prominent. The other project was a proposal for a small cafe on West Main Street directly across from the Flats where the Standard was going to be, the current republic, there is a small space that has some existing trees and a bus stop. They want to provide outdoor sitting without removing any trees with a covered top and then renovate that part of the building and possibly open it up as a restaurant and bring some activity to the street. He said there were some nice images and it was well done. He said the Standard is still on going, the SUP is going to stay in place. It is not going to be built not as a tent structure or masonry but it was basically precursor to the Standard being built. It would not change what we've seen for the Standard. It is a by right use.

Commissioner Santoski - absent

Commissioner Green reported that the July meeting of C-Tech was cancelled being a holiday week and lack of participation, the meeting will resume in September.

B. University Report - Bill Palmer reported that it is summer construction season over at the University. Some of the bigger projects are the Rotunda renovation which is ongoing such as the roof getting painted white, McCormick Road is completely dug up to replace utility tunnels, and near the Alderman Dorm area, the newest Dorm, Givens Hall is just about finished which is the final new dorm built across from the aquatic fitness center. Lastly, there is a large pedestrian bridge where the Alderman Dorm and Gooch-Dillard housing area which use to be upper classmen and now is first year housing which will help that community feel a little more integrated with the other first years.

C. Chair's Report Chairman Rosensweig reported the Housing Advisory Committee met in sub-committees last month. A comprehensive housing survey convened. This was a group of non-profit leaders primarily of housing organizations and agencies who volunteered to help administer the survey to target low-income populations. Previously the scope of work for housing preference had been only to target work force and didn't really have any plans to reach out to Non-profit, low income residence to find out what potential barriers to appropriate housing might be out there. Volunteers are planning to be available to conduct surveys at the annual Westhaven Days on August 1st. The Rivanna River Committee met on June 23rd to discuss the next steps in

the process of forming a plan to bring back the river as a central cultural future of the community. TJPDC, Chip Broyles give us and the Albemarle Planning Commission an update of how that process is going at our meeting on the 23rd. But among other recommendations the group is going to recommend to Council and to the Board of Supervisors some smaller planning studies at various points along the river, as well as some funding mechanism to support some of the nonprofits to help keep the river clean.

This morning the Code Audit, Street That Work steering committee met and he is happy to report that the team is making tremendous progress, thanks to the professional stewardship of planners Heather Poole and Amanda Poncy. The group met again with representatives from Toole Design Group and talked about a set of design guidelines and an implementation plan. Today the focus was on an existing conditions report that Toole Design Group has drafted. There are three community out-reach opportunities planned: July 25th, 10:30 – 2:30 as part of the African-American arts Festival Washington Park representatives of the city, the Toole Design Group, and this committee will be there talking about some of the findings and getting some perspectives about the Streets That Work. Also at Westhaven Days on August 1st, 10:00 to 1:00 on Hardy Drive, the same will take place. An open house on September 15th and 16th for the general public, the time and place will be announced. There are two things of special interest is that on both the African-American Arts Festival and the Westhaven Days, community driven street murals are going to be done in chalk, originally done as tested projects at Westhaven. The search for the Neighborhood Development Services director is still ongoing. Currently the city manager, Maurice Jones, is conducting reference checks for the top candidates. He complimented to Maurice Jones and staff for organizing a professional and fair process and looking forward to meeting the new Director of Neighborhood Development Services.

D. NDS Department Report: given by Brian Haluska, Senior planner reported the next work session July 28th and the items on the agenda is the West Main Streetscape, Development Review Policy. Today we recognized our traffic engineer Donovan Branche who will be leaving the city and we gave her a surprise farewell party this afternoon.

E. Matters from the Public – No Public Comments

F. CONSENT AGENDA

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

1. Minutes – June 9, 2015 – Pre-Meeting
2. Minutes – June 9, 2015 – Regular Meeting
3. Minutes – June 23, 2015 – Work Session
4. Site Plans and Subdivisions Approved Administratively
5. Subdivision Plat – Naylor Street

Motion by: Commissioner Green

Seconded: Commissioner Lahendro

VOTE: 5-0

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

“Nay”: None

Abstentions: None
Disqualifications: None

Planning Commission Meeting took a break until a quorum is form with City Councilors
Planning Commission Meeting Resumed at 6:00 p.m.

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

G. JOINT PUBLIC HEARINGS

1. ZM15-00001 – Longwood Drive PUD Amendment – Richard Spurzem of Neighborhood Properties LLC, has submitted a PUD amendment to add four (4) attached residential units to the existing Longwood Drive 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 acres, constructing four (4) attached residential units, additional parking, and adding 2,705 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.

Matt Alfele gave the report on the Longwood Drive PUD Amendment. The changes submitted after the May 12, 2015 public hearing is outlined below:

- The applicant has changed the development from five (5) townhomes to two (2) duplexes for a total of four (4) new units.
- The duplex facing Harris Road is two (2) stories to keep in context with surrounding properties.
- The duplex facing Harris Road would no longer have garage parking.
- The duplex facing Harris Road would have front porches to increase street life and add to the surrounding neighborhood.
- The duplex at the south end of the development has been moved to allow more separation with the existing development. That separation has increased from fifteen (15) feet to twenty-nine (29) feet. This change is reflected in the development plan and included as an additional proffer.
- Open Space has increased from One thousand five hundred sixty-five (1,565) square feet to Two thousand seven hundred and five (2,705) square feet.
- Parking has increased from seven (7) driveways to eight (8) driveways.
- Proffer statement from the previous submittal has not changed with the exception of a new proffer requiring a 29 foot setback from the southern property line.

Mr. Alfele said that staff finds that incorporating two (2) duplexes for a total of four (4) units into the existing Longwood PUD complies with many of the goals laid out in the Comprehensive Plan, but some concerns remain.

He said the principal concern staff has is 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. Staff would also like more clarification on how proffer # (5) will be fulfilled. The addition of proffer # (6) and proffer # (9) are very much welcomed by the City. Staff recommends proffer # (9) be clarified to address just this one area of the development. As written it could be applied to other areas of the development. Staff has some reservation about the addition of a wide curb cut so close to Longwood Drive. This could be problematic for pedestrians and school children as it would create an additional obstacle to cross. The fact that the applicant is asking to expand the Longwood Drive PUD before the original development has been built-out is also of concern to staff and the surrounding neighborhood. It is the understanding of staff that the 15% affordable units have not been built yet and are planned for the southern end of Longwood Drive. The introduction of a phasing plan with timetables would be helpful so the City and surrounding neighborhoods fully understand the timeframe of Longwood Drive PUD.

Mike Myers, Dominion Engineering, gave a brief history of the project and the changes made.

Richard Spurzem said the desire for off street parking is a dedicated spot for the units. He said anyone that has a three bedroom townhouse has at least 2 cars and they want enough parking for two spots per units. The neighbors commented that they want all new units to have off street parking. The housing price is and most of the townhouses already has been sold and met the affordable price. They feel the provision has been met. They were met given the formula in the original PUD.

Councilor Szakos said the housing ordinance has to be a certain time period for this. This was outlined in the proffers. Your policy came after there.

Mr. Alfele stated the affordable units are 15% of the dwelling units and those documents are something staff had in the past.

Councilor Szakos felt that they had not completed the terms of the proffers.

Mr. Spurzem said we do not have in the documentation to fill this proffer, this proffer has been met.

Commissioner Keller just wants to make it safe for the pedestrians.

Open Public Hearing

David Hennegan, 101 Longwood Drive, Lot 116, said we appreciate the conditions that have been met. Support the spirit and the spaces are necessary.

Lisa Pisani 114 Longwood Drive, not opposed to anything being built, more of the sunlight will be block and will decrease the property value. If this new development is allowed to proceed, it will be too close to my own home and all we want is to keep it nice and quiet and peaceful the way it is.

Rebecca Quinn questioned the paving methods that will be used, does that satisfy the storm water runoff.

Closed Public Hearing

Commissioner Keller do you have a concern about the pedestrian. Is the crossing guard at that location?

Staff has concerned and this will be addressed on the site plan, wide right of way, and to have another curb cut for 2 driveways

Mr. Alfele said there is a crossing guard.

Commissioner Green said we don't need these open spaces on the PUD, we rejected it before, and we just had a conversation really spell out things. She is more in favor without those spaces there.

Commissioner Rosensweig asked Mr. Spurzem can you tell us if parking is on both sides. Mr. Spurzem said the two curves on Longwood seems to make people last likely to park on the S curve. It appears to be smaller and the S curve does not allow people to park on the street. Extension on the curve would be new to have on street parking for this community

Commissioner Keller concerns for pedestrian safety and the proffers have not been met.

Commissioner Keesecker said the double cut is close to the corners. He said it can be discussed with the site plan.

Mr. Alfele stated this was reviewed by the traffic engineer and it is more appropriate to have the large curb cut.

Staff believes that the applicant has incorporated feedback from the Planning Commission and adjacent property owners into the most recent submission. The units facing Harris Road are more appropriate to the neighborhood and have the potential to add street life to Harris Road. The units facing Longwood Drive now provide more separation from the existing development.

Staff finds the Longwood PUD amendment complies with the goals of the Comprehensive Plan and recommends approval.

9. Attachments

- Application
- Project Narrative
- Status of Final Proffer Conditions
- June 23, 2015 Proffer Statement
- Old Development Area Detail
- New Development Area Detail
- Perspective from Harris Road
- June 23, 2015 Amended Development Plan
- Existing Conditions on Harris Road
- Portion of Final Approved Site Plan dated March 11, 2011 for Context
- Proffer Statement Dated March 20, 2009

Commissioner Green move to recommend approval of this application to amend the development plan for the Longwood Drive Planned Unit Development with amended proffers, with the addition of the new proffer to eliminate off street parking in favor of on street parking along Longwood subject to traffic engineer approval on the basis of the proposal would serve the interests of the general public welfare and good zoning practice, seconded by Commissioner Lahendro, motion passes 5-0.

- 1. ZT14-00011 – Transient Lodging Facilities** - A proposed zoning text amendment, amend and reordain § 34-1200 and § 34-1172 of the Zoning Ordinance of the City of Charlottesville, to provide a definition of “transient occupancy”, and to provide amended regulations under which a residential dwelling unit may be used as a transient occupancy facility, within all zoning district classifications where Home Occupations are allowed. For the purposes of this proposed zoning text amendment, the term “transient occupancy” generally refers to the use of any building or structure, or portion thereof, as overnight accommodations for any individual(s), for any period(s) of 30 or fewer consecutive days, in return for a fee or charge. The lodging facilities contemplated by this zoning text amendment are temporary accommodations, or “stays”, such as those offered through services commonly known as “Airbnb,” “HomeAway,” and “Stay Charlottesville”. A copy of the proposed zoning text amendments, staff reports and related materials is available for public inspection in the Office of Neighborhood Development Services, 610 East Market Street, Charlottesville, VA 22902. Contact: planner Matt Alfele, alfelem@charlottesville.org.

Based on this information and the dialog City Council, Planning Commission, and the public had on May 21, 2015, staff recommends amending the current Bed and Breakfast Homestay ordinance and supporting regulations. These changes will accommodate Transient Occupancy in residential dwelling units in a measured and calculated manner. One important aspect of the suggested changes will require Homestay provisional use permits be issued on a calendar year basis. This will help in tracking the prevalence of Homestays in the city.

Staff Recommendations

The Planning Commission should recommend the following to City Council:

- 1) The amendment of Zoning ordinance Sections 34-1200 (to provide a definition of “Lodging,” “Occupancy, Transient,” “Residence, permanent,” and “Responsible Party;” and to amend the existing definitions of “Homestay,” “Home Occupation,” and “Guest Room”) and amend Zoning ordinance Section 34-1172 (Home Occupation) to establish regulations that would apply to any Transient Occupancy in residential dwellings (under the term “Homestay”) authorized by a Provisional Use Permit.

Nearly a year after city of Charlottesville staff was directed to study possible regulations for residential property owners who profit from hosting guests in their homes on short-term rentals, officials moved a step closer to creating rules.

As the number of entrepreneurial homeowners and businesses banking on the “share economy” continues to grow, Charlottesville and other localities are wrestling with ways to regulate property

owners offering short-term rentals through websites such as Airbnb, Stay Charlottesville and HomeAway.

Commissioner Lahendro asked do you have legal backing if the people do not comply.

Read Brodhead, zoning administrator, said 95% if not more, try to do right thing. That might slip through the cracks, but there might be some of those instances.

Lisa Robertson, City attorney, said this ordinance has definition for residential occupancy, transit occupancy added onto a residential use, you want to limit the number guest or the number of room otherwise you have a definition to transient occupancy. You need to spell it out in this ordinance.

Commissioner Green asked if the police could weigh in on this.

Mr. Brodhead said yes, we would use the police to help solve these problems.

Mayor Huja asked can they rent the house just once or twice a year.

Mr. Brodhead said no they would not be able to be operating anymore. They would not be able to do it.

Commissioner Green does not think the SUP is the best thing for this, because it changes the integrity of the neighborhood.

Commissioner Jody Lahendro said he just did not want it to be the majority of days in the year.

Open Public Hearing

Travis Wilburn said former and current city officials have told him his business which manages approximately 60 properties for short- and long-term rentals are legal. After paying \$300,000 in taxes in recent years and being told in 2014 by former Neighborhood Development Services Director Jim Tolbert that Stay Charlottesville was “a good example of how transient lodging facilities should operate,” the business could be in danger of becoming an illegal operation. Mr. Wilburn stated that this is a code for home occupations, not short-term rentals. If short-term rentals are going to be regulated, they need to be regulated individually and not as a home occupation.

Mark Kavit, said he is concerned about home turned into to Air BnB. He is concerned with the approached used for Air BnB operation. Some enforcement regulation, at least regulations some type of way to go about that, primary home, right not he know of three used for short term rental. Some enforcement regulations need to be done in these. The primary home should be addressed because they have slept there certain times a year. Jean Hyatt 1534 Rugby Ave., concerned about it and urges the planning commission to require them to be owner occupied in R1 neighborhood and to have a small unit on the property. Do not permit transient lodging in R3 into long term residents. This is unrelated

to moving out of these neighborhood are precious and limited resources, investors and homeowners

Bill Chapman, Stay Charlottesville Co-founder and member of the city's Board of Zoning Appeals, said he wouldn't have invested in this business for five years if he didn't believe it would be legal.

Ms. Joyce Guest Houses Arlington Blvd doesn't understand the second home rentals, there is a lot of growth, however that what a guest rental is. They use it part of the time. The majority are not second owners, and they came to me for a service. There is a really strong need for guest rental in this area. People would rather stay with me than a hotel room. This would accommodate people for a week or two weeks long. We are tourist town. We are a Big tourist town. Tourism promotes tourist to come and stay longer. This is her main issue. Signs she doesn't agree with. There is nothing in here for people who are leaving their homes for graduation weekend.

Closed the Public Hearing

Commissioner Green said this is a great start for this ordinance. Still not of a mind set to do the second home. Relationships with people all over the world. She would be sad that there would be a house purchased just for this reason. She said we could start with an ordinance and later we could always tweak it.

Commissioner Lahendro said his concern is about the protection of the residential community. This is like a financial temptation to start to damage residential communities. How many times to be rented to visitors before it starts to erode to connection to that community through these services.

Commissioner Keesecker said staff has been responsive to the conversation he's hearing, he has concerns about this provision may apply to the non-primary use from time to time, reservation about the definition about home occupied

Chairman Rosensweig said he thinks the thing most at stake is the character of the neighborhoods and it has to do with the density of this use in a given area. He also stated that there has to be a tipping point where it will no longer feel like a residential neighborhood.

Mr. Santoski joined in at 8:00 pm

According to a staff report, only five complaints about such units have been reported to the city zoning administrator. If the ordinance is passed, anyone in Charlottesville will be able to operate a transient lodging facility in virtually any residential property where home occupation is allowed, apartments and condominiums included, with few specific reservations.

Permits would be revoked if more than four calls for police are called on the property within a two-month period. The City Council is expected to consider the ordinance at a meeting next month.

Based on a finding that the proposed zoning text amendments will serve the public necessity, convenience, general welfare, or good zoning practice, Commissioner Green move to recommend approval of a zoning text amendment as proposed with the following changes:

- PUP
- Owner not required to be onsite
- Allowable in low density and MF condos
- No notification
- No posted evacuation plan
- Permanent owner occupation
- No one unit restriction per TMP
- 24/7 responsible party
- Yes to revocation
- No limit on number of days
- No more than 6 adults, per visit, per parcel
- Smoke alarm and fire extinguishers required
- Addition of word “Overnight” in homestay definition guests
- No signage

to Section 34-1200 and 34-1172 of the Zoning Ordinance, to allow Transient Occupancy in residential dwellings (under the term “Homestay”) with a Provisional Use Permit in every zoning district where Home Occupation is allowed to add a limit of no more than six adult guest per parcel, Seconded by Commissioner Keller, 3-3 vote and the motion failed.

The Amended Motion

Based on a finding that the proposed zoning text amendments will serve the public necessity, convenience, general welfare, or good zoning practice, Commissioner Keller move to recommend approval of a zoning text amendment as proposed with the following changes:

- PUP
- Owner not required to be onsite
- Allowable in low density and MF condos
- No notification
- No posted evacuation plan
- Permanent owner occupation
- No one unit restriction per TMP
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- No signage

to Section 34-1200 and 34-1172 of the Zoning Ordinance, to allow Transient Occupancy in residential dwellings (under the term “Homestay”) with a Provisional Use Permit in every zoning district where Home Occupation is allowed to add a limit of no more than six adult guest per parcel, (Council consider some feasible time limit) Seconded by Commissioner Green, 4-2 motion passed. (Commissioners Keesecker and Rosensweig voting no)

2. **SP15-00002 – 550 East Water Street** – Core Real Estate and Development has submitted a Special Use Permit application to increase height from 70 feet to 101 feet. The property is further identified on City Real Property Tax Map 53, Parcel 162.3 with road frontage on East Water Street. The site is zoned Water Street Corridor with Architectural Design Control District Overlay and Parking Modified Zone Overlay. The parcel is approximately 0.28 acres or 12,200 square feet. The Land Use Plan calls for Mixed Use.

The applicant has submitted an application seeking approval of a Special Use Permit in conjunction with a site plan for an expanded mixed-use building located at 550 East Water Street. The proposed development plan shows a 101 foot tall building with 7 residential units and 11,487 square feet of new commercial office space. The building as proposed would have parking for 15 cars and 16 bicycles located in structured parking under the building. The Water Street Corridor zoning permits a maximum height of 70 feet by right. The maximum height permitted is 101 feet by special use permit.

Mr. Andrew Baldwin, developer, explained that the current plan is to break the building into two components. The section next to the former C&O train station would be constructed to a maximum height of 40 feet, while the section next to the King Building would rise to 101 feet.

Mr. Robert Nichols, architect, said the intention is to displace building mass and the interior volume of the building to make a different composition to make a better experience on the street. The project would feature three stories of office space on the quarter-acre lot with a single residential unit on each of the remaining six floors.

Commissioner Rosensweig said he could have supported the additional height, but the impact on Water Street would be too great. He added he liked the concept of splitting the building into tall and short sections, but 101 feet was too high.

Open Public Hearing

Mark Kavut – 400 Altamont Street, said he is not against the tall story building, but it should not have nine stories. The project plan for office space and condos, condo unit 2 million dollars, parking problems for the area, problem with loading.

Morgan Butler Southern Environmental Law, said this is out of scale for the location, we are not opposed to this particular site, between 2 historical buildings. Would triple the height of these buildings. The propose tower height is the reason why. We don't see that as a reason tries to do too much for this site. Any by right will need to be reviewed by the BAR or place conditions on the By right. Trying to do too much for this building.

Samuel Hellmann, a resident of the Holsinger, located across the street from the proposed site, said the proposal drastically overburdens the triangle-shaped property. He said the worst thing you can do in a street is put a tall building on the south side, and have it shield the sun and will completely be in the sight line of almost every place on the Downtown Mall. Mr. Hellman questioned whether granting the permit was worth it to the city, given that only six residential units would be created. He hopes he gets the contract and be able to build something that pleases the neighborhood. Why is there a tower, 6 luxury apartments and some parking. This is better it is the lesser of two evils, he considers and over burdens. More modest but does make water street just a canyon.

John Lawrence 213 West Main Street, said he has been a business owner since 1993 and is familiar the developer and the project. The irregularity in the downtown area is something that makes it interesting and makes Charlottesville progressive and forward-thinking. He said in Virginia we like how things used to be in the old days, but I love how Charlottesville over the last few decades has really thoughtfully developed itself.

Tim Michel said this is really too much. It's too dense and impacts us too high, and we'll be in shadow for a good bit of the day. However, the owner of the former train station said he supported the permit.

Neal Sansovich said he is in favor of it and thinks what this makes the downtown exciting is the juxtaposition between new architecture [and old architecture] from good architects that can do something different that makes vibrancy that is so important.

Patty Myatt commented if Charlottesville loses its distinctive character, people will stop coming here because they don't want to come to just another version of Northern Virginia or Virginia Beach. We will lose our drawing power. Please do not approve this tall building.

Emilie Johnson 112 Fifth Street S.E said the proposal scale and massing the heights, setback and step back, located on the Southside, all have an open space. There are site lines from every direction. The water street elevator show discrepancies show the relationship toward the train station and the King Building. Shares concerns with loading and traffic, especially since Water is the main E/W quite a few concern, landscaping will make it a com, the size of the building, she thinks the street frontage street wall a concern, is actually very very lively, not technically development, the building scale, there are similarly, the new water house, the Omni, all are very large, the north of the building, the parking lot, Omni parking to the North. This structure casting shadows over her apartment. Lack of a loading zone.

David Myatt said he lives at the Holsinger, adverse impact on the neighborhood. Note that at BAR it has been said the commercial use is light duty transient office space, if that the case the applicant should be held to that commitment. It should be preserved. Street closure could be extreme. Heavy volume of traffic. At this location the street is not wide enough for two way traffic.

Lisa Hogan said she supports the argument raise 1. Waterhouse unoccupied, 455 South same solution the requirement of these properties, garage that was referenced, pleased that it is there. Proposed By right building, even that structure is longer and lower throughout the area and charming. Conducive to the lower class housing.

Close the Public Hearing

Mr. Nichols said the site is part of the downtown core and should reflect the city's growing urban character. We are clearly participating in the Fifth and Water Street intersection, and that's where we've put the bulk of occupancy.

Mr. Baldwin said the project is in the spirit of the Comprehensive Plan. Revitalization of dead areas within the city of Charlottesville is what we need to focus on and provide in a project of this scale. He added that he would create pocket parks on either side of the development and install wider sidewalks than currently exist.

Mr. Santoski move to recommend denial of this application for a special use permit, Seconded by Ms. Keller, 4-2, motion passes.

Mr. Baldwin said he was willing to defer his vote to return with a smaller building, but Commissioner Santoski was not willing to withdraw the motion.

Commissioner Keesecker and Commissioner Rosensweig voted against the motion to recommend denial. The City Council will review the project at a future meeting.

Ms. Keller left the meeting at 11:25 pm

H. ENTRANCE CORRIDOR REVIEW

5. 1725 Jefferson Park Avenue

The applicant is requesting approval of a certificate of appropriateness to construct a six-story apartment building with 19 units, and garage parking for 32 cars and 20 bicycles. The site abuts Jefferson Park Avenue and Montebello Circle.

The vehicular circulation includes two entrances off Montebello Circle that provide access to two levels of parking. There is an existing 5-foot sidewalk along JPA, and a proposed 5-foot sidewalk along Montebello Circle. Proposed street trees include 7 Red Maples along JPA and 3 Red Maples along Montebello Circle. Additional landscaping in front yard on JPA includes 5 Redbuds, and Holly and Abelia shrubs. Building materials consist of traditional red brick with light colored precast base and white Hardie on the top floor, white roof overhang, and white double-hung windows. Signage is proposed over the main entrance.

Staff Recommendations

Staff believes the project meets the standards and guidelines for a certificate of appropriateness in the Entrance Corridor. Staff recommends approval of this application.

Recommendations for changes are

- A low, stone site wall should be constructed along the JPA sidewalk to relate this project to others in the Oakhurst Circle area.

After a brief discussion by commissioners:

Commissioner Keesecker moved to approve the Entrance Corridor Certificate of Appropriateness application for the new apartment building at Jefferson Park Avenue and Montebello Circle, with the following conditions: The applicant will work with Ms. Scala to get the appropriate stone design for the retaining wall if the wall is deemed necessary, seconded Commissioner Green, 5-0 motion passes.

Adjournment 11:40 pm