

MINUTES
PLANNING COMMISSION MEETING
December 9, 2014 - 5:30 P.M.
CITY COUNCIL CHAMBERS

Planning Commissioners Present

Dan Rosensweig – Chairperson
Tanea Dowell
Lisa Green
Kurt Keesecker
Genevieve Keller
Jody Lahendro
John Santoski

Staff Present

Ms. Missy Creasy, Planning Manager
Ms. Lisa Robertson, Chief Deputy City Attorney
Mary Joy Scala, Preservation and Design Planner
Brian Haluska, Senior Planner
Matt Aflele, City Planner

The meeting was called to order by Chairman, Dan Rosensweig at 5:30.

COMMISSIONERS REPORT

Mr. Keesecker – Nothing to report

Mr. Santoski – He attended the final Free Bridge Ecological project meeting and the general consensus was it was an interesting exercise and it may not have been the best location to do this ecological project but there were some recommendations for what might happen with Free Bridge. He also attended the MPO Technical Committee meeting and there is unallocated funding for the long range transportation plan and one of the considerations is to use some of the funds for a Free Bridge related project.

Mr. Lahendro – He attended the Parks and Recreation Commission on 11/19. The discussion involved McIntire Park, schematic designs of the park with the visitor's center, the potential botanical garden and the design for the skate park. The two designs were approved for further review by City Council. He said the process for CIP funding was discussed and described.

Mr. Rosensweig – asked about the northern portion of McIntire Park including alternate smaller active use area and if these were included in the master plan?

Mr. Lahendro said there are ponds, walkways and trails and visitors center are being proposed.

Ms. Keller – reported that the PLACE Task Force will be meeting at noon in the NDS conference room on December 11th.

Ms. Green – nothing to report

Mr. Palmer – stated that the bike share pilot project is moving forward with about 90 bikes and they hope to have the full project ready by the next semester.

A. CHAIR'S REPORT – Mr. Rosensweig said the Housing Advisory Committee met on November 19th and talked about two issues of interest to the Planning Commission. One is how best to participate in the Code Audit specifically with regard to affordable housing, and the goals and vision within the housing section of the updated Comprehensive Plan; and two the ongoing work of a subcommittee to examine best practices and incentives for creating more affordable and mixed income housing. They approved a recommendation to Council regarding the scope of a comprehensive housing study. The River Committee met and discussed some next steps guided by Dan Mahon, Albemarle County Parks and Recreation, expanding the boundaries of the proposed planning area to incorporate everything north up to the Native American burial grounds across from the South Fork Soccer Park, and

to the south down to the site of Jack Jouett's crossing at the Rivanna. Everyone thought it was a great suggestion to incorporate all the historic sites along the way. The committee discussed scheduling a meeting to inform citizens what is going on and to get feedback about what are the features, the factors, and the things we hold dear collectively in and adjacent to the Rivanna River. This meeting should be scheduled with the opening of the Lewis and Clark facility at Darden Towe Park. At the next meeting of this committee, plans are to include members of the tourist industry, economic development from the City and the County, and members of the committee asked TJPDC staff to bring forwarded case studies from other cities, towns, and municipalities who have done a similar River type of project. He said Council ask the chairman's of various bodies participating in the Code Audit and Streets That Work initiative to discuss the process moving forward. Four Councilors were in the room joining the chairs of the BAR, Planning Commission, Tree Commission, PLACE Design Task Force to discuss and he felt like it was a very productive meeting. We received an update of the extensive neighborhood out-reach program conducted by the NDS staff and also discussed some higher altitude guiding principles for both the Code Audit and the Streets that Work initiatives. As the process continues we will get a summary of the public out-reach including the up-coming community day this Saturday 13th at the Jefferson School.

B.DEPARTMENT OF NDS - Ms. Creasy reported that the Saturday event will be held at Carver Recreation Center in the multipurpose room from 8 am – 11:30 am. The meeting will start with a general discussion and presentation and then move into group work, and some report out. We will have a facilitated meeting and hope we will have good attendance. Should anyone need additional information give us a call; and we do have information online at Charlottesville.org/CompleteStreets. She said she received Real Estate forms from everybody. Ms. Creasy said it's time to think about the Planning Award nominations so start thinking about who you would like to nominate for those awards. The January work session will be on the 27th and the first item on the agenda is the Unified Development Code Ordinance for discussion; and a place holder for small area plans will be the second part of that discussion.

Matters By the Public

Bill Emory – 1604 E. Market Street in the Woolen Mills, Charlottesville's waterfront, a historic garden neighborhood located at the foot of a world heritage site, cradled by the Rivanna River. I am the secretary of the WMNA and have been authorized by our neighborhood association to welcome Ms. Dowell and Mr. Lahendro to the Planning Commission and invite their active participation in our long running conversation regarding land use in the east end of the City. Staff is working on setting up a January work session to prioritize small area plans. We are on pins and needles regarding this discussion.

In 1988 Planning Commissioner Sue Lewis advised residents of the Woolen Mills to become involved in the discussion of development in our area "before something happens". We took Ms. Lewis advice to heart. We got in the queue. The queue is updated every few years, most recently, with the 2013 revision of the Comprehensive Plan. Before that Woolen Mills neighborhood concerns were voiced in the 2007 and 2001 Comp Plans. How are Small Area Plans and Land Use issues prioritized? What part does community engagement play? At small area plan subcommittees meeting in April and June of this year, the Woolen Mills and the Rivanna Corridor were mentioned dozens of times. These mentions arose from the corridor visions put forward in the Torti-Gallas early in this millennium. The mentions sprung from the incompatibility inherent in adjacent industrial and residential zoning. The mentions arose from the recreational potential of reconnecting Charlottesville with its waterfront, from the possibility seen by the Charlottesville and Albemarle County Planning Commissions of working cooperatively within the Rivanna River Corridor. The mentions arose from a desire to address a gate way to our City, High Street. As a neighborhood we ask that you consider Placekeeping. Presently, the underlying zoning in our neighborhood and in the river corridor doesn't support city's nascent vision for the area. We ask that you deal with underlying zoning in the Woolen Mills neighborhood and the Rivanna Corridor. Planning is preferable to triage. Get law on the ground in advance of development proposals so that we might realize the gifts of this unique area to the larger community.

Emily Walker – 1515A Antoinette Avenue in Johnson Village, is speaking on behalf of other families who live on Antoinette Avenue at the intersection of Shamrock. She said they have reviewed the site plans for Johnson Village Phase III and have two concerns, 1) concerned about construction and equipment in the cul de sac area at

the end of Shamrock road and 2) Michael West (represents our properties) is concerned that the plan for a barrier wall at the end of Shamrock would not serve any purpose because of elevation and his suggestion was to leave a larger barrier of the natural area instead which would be an effective natural barrier as opposed to the wall. She said the elevation would prevent it from being effective and there are a couple of other points he had made which I don't have at this time. Our neighborhood is filled with children playing in the street. We are renters but we have a strong community there and feel that the nature of our neighborhood will be irreversibly changed by the loss of that swath of trees. The forest area and the development we understand are going to change but would be right on our backyards. Please leave a section of trees along the perimeter at the top of Antoinette and the end of Shamrock. Ann Marie Park, 825 Village Road, she is a board member of the HOA for Cherry Hill and Village Place Association. She has worked with the developer over the past few years and it is fair to say that the consensus between the previous site plan and the current plan is under review and contains numerous changes. The current plan is more desirable for the neighbors on Village Place. The changes include moving the clubhouse away from the pool. The long side of the building is not facing the front side of the homes so there is less visual space. If something is going to be built, please use the current plan which is more desirable. Putting a parking lot between the apartment and the homes preserves more of the backyard space.

Heather Walker, 603 Shamrock Road, President of the Johnson Village Association, noted the developers of Village Place and Cherry Hill are the same developers of Phase III and she wants to remind you of the barrier that was supposed to be left between Cherry Hill and Johnson playground but was not left. It was completely clear cut and she wants to make sure there is a wide barrier of trees to protect the homes that are on Antoinette.

F. CONSENT AGENDA

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

1. Minutes - November 11, 2014 – Pre meeting
2. Minutes - November 11, 2014 – Regular meeting
3. Minutes - November 18, 2014 – Work Session will be brought back for approval next month.
4. Site Plan – Rialto Beach PUD

Ms. Keller approves the Consent Agenda with the exclusion as noted, seconded by Mr. Santoski, motion passes 7-0.

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

G. JOINT PUBLIC HEARINGS

1. **Charlottesville Capital Improvement Program FY 2016-2020:** Consideration of the proposed 5-year Capital Improvement Program totaling \$86,852,483 in the areas of Education, Economic Development, Public Safety & Justice, Facilities Management, Transportation & Access, Parks & Recreation, technology Infrastructure, Storm water Initiatives and General Government Infrastructure. A copy of the proposed CIP is available for review at <http://www.charlottesville.org/Index.aspx?page=3637>.
Report prepared by Ryan Davidson, Office of Budget and Performance Management.

The Charlottesville Planning Commission is asked to endorse an \$18.2 million capital improvement budget for the next fiscal year, but also asked the City Council to consider adding more money for new street trees and to encourage the fire department to transition to smaller vehicles. The five-year capital plan totals \$87 million through 2020, though councilors will only adopt the first year of funding when they adopt the total budget in early April. The draft plan for next year allocates \$25,000 for "urban tree preservation and planting" but the City's Tree Commission had asked for more.

Ryan Davidson, City budget analyst explained why a capital improvement oversight committee did not recommend granting their request. He said it is not a reduction but level funding from the previous year, we feel that's adequate for what we can keep alive. He also said paying to plant more trees also would require the city to hire someone to

help make sure the new trees survive, and the committee has to take the impact to the city's operating budget into account.

Jim Tolbert, Director of Neighborhood Development Services stated this is the first year we've considered the impact of ongoing operating costs that come with additions to the capital plan. He also pointed out the \$11 million dollars allocated in the capital plan for a new streetscape for West Main includes money for street trees to be planted as well.

Mr. Tolbert said Council will hold a work session Dec. 18 to review the West Main plan created by the Alexandria-based consultant Rhodeside & Harwell. The capital plan also anticipates spending about \$6.5 million over the period to contribute to a shared district court with Albemarle County.

Mr. Davidson said the money in the capital plan is there as a placeholder though no official decision has been made by either the Council or the Albemarle Board of Supervisors. He stated the funding there is the city's portion of the cost of co-locating the Albemarle and Charlottesville General District courts at the Levy Opera House to keep all the courts in one place.

Ms. Keller stated she wants to be supportive because it is built on generations of investment in Court Square.

Mr. Rosensweig opened the public hearing.

Bill Emory of 1604 East Market Street spoke in support of increasing the amount of funding in the CIP dedicated to tree planting.

Lena Seville of 808 Alta Vista Avenue spoke in support of increasing the amount of funding in the CIP dedicated to tree planting, and incorporating first-year maintenance cost for new street trees into the cost of planting a tree in the City.

Mr. Rosensweig closed the public hearing.

Ms. Green said she served on the capital committee this year and it was the most eye-opening thing she's ever done since being on the Planning Commission. She said there's just not enough money to do it all.

Mr. Santoski said that it was nice to hear that the operational expenses for new projects was being taken into account. He asked Mr. Davidson if there were any unfunded projects.

Mr. Davidson said there is about \$58 million dollars in unfunded requests over the five-year period.

Mr. Santoski asked if there was any possibility of increasing the amount of money for bridge replacement.

Mr. Davidson said that the amount in the CIP was the amount Council felt was needed for maintenance and replacement.

Ms. Keller stated that she supported the CIP in general, but wanted to see full funding for the Tree Commission and some of the money earmarked for sidewalks set aside for a Historic and Specialty Paving Survey and Rehabilitation Plan.

Mr. Lahendro noted that the Parks Department and Tree Commission seemed to be at odds regarding additional tree planting in the City.

Mr. Rosensweig said that a conversation has to happen between Council and the Fire Department regarding smaller apparatus and structural changes to the department that would enable the City to permit small street widths. He also mentioned that the amount for parkland acquisition is a small amount for acquisition in urban areas.

Mr. Huja indicated that Council often speaks about parkland acquisition and has been able to fund acquisitions when needed.

Mr. Keesecker said that we appreciated the map that shows the CIP project locations. He stated that roughly \$6 million in the CIP were in the public realm. He also said that it would be nice if the areas designated as small area plans had local funding mechanisms in place to help fund the physical improvements in those areas.

MOTION: To approve the CIP as presented by staff with the following additions enumerated or instructions enumerated by Chair Rosensweig:

- That full funding be considered for the Tree Commission if offsets could be found.

- That some of the funding designated for sidewalks be set aside for a Historic and Specialty Paving Survey and Rehabilitation Plan.
- Revenue generated in strategic investment areas be considered in future CIPs so that the improvements are not just seen as a cost but as a revenue generator.
- Look at urban pocket parks.
- Recommendation to Council that they hold a discussion with the Fire Department regarding smaller fire apparatus.

and I further include in the motion a directive to the Director of NDS that the Planning Commission's recommendations be sent to Council accordance with the Code of Virginia.

Motion by: Commissioner Keller

Seconded: Commissioner Green

VOTE:

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

“Nay”: None

Abstentions: None

Disqualifications: None

2. **SP-14-10-09 – 722 Preston Ave** - An application pursuant to City Code sec. 34-796 for a special use permit for a mixed-use development to allow for retail space up to 10,000 square feet (gross floor area) on property located within the Central City Mixed Use Corridor Zoning District, located at 722 Preston Avenue, identified on City Tax Map 31 as Parcel 38. The subject property is located within the Central City (CC) Mixed Use Corridor zoning district and is approximately 1.89 acres or 82,328 square feet. The Land Use Plan generally calls for Mixed Use. **Report prepared by Brian Haluska, Senior Planner.**

The Applicant has submitted an application seeking approval of a Special Use Permit in an existing building at 722 Preston Avenue. The Property has additional street frontage on Albemarle Street. The proposed development plan shows locating several businesses in the structure, one of which would be a retail business of greater than 4,000 square feet of gross floor area. The building would have parking for 101 cars located in a surface parking lot adjacent to the building. The Central City Corridor zoning permits retail businesses of up to 4,000 square feet by right, and retail businesses in excess of 4,000 square feet by special use permit. The applicant has requested a special use permit for retail uses up to 10,000 square feet of gross floor area. Land Use and Comprehensive Plan

Staff finds that the proposal is supported by the City's Comprehensive Plan, that the use requested is appropriate for this location, and that the impacts of the development can be addressed through conditions placed on the special use permit.

Staff recommends approval with the following conditions:

1. The maximum gross floor area that a single retail establishment may occupy is 10,000 square feet.
2. All deliveries to the site should be directed to enter and exit via the Preston Avenue entrance.

Ms. Green asked if we did a SUP for bio-tech.

Mr. Haluska said there was a SUP for bio-tech which was a previous plan that was abandoned.

Pete Gergan, 114 Hessian Hills Ridge, said he has been working closely with Mary Joy and Brian Haluska. He said the first business should be opening in the spring. He said the reason he is here is to get 10,000 square feet and a SUP for retailers. He said they have amended their site plan to close the parking lot to Albemarle Street and all of

the deliveries will be coming from Preston. Shawn Tevendale and Blue Ridge Cycling is one of the tenants who we are excited to be in the building

Mr. Lahendro asked is there any kind of deliveries and vehicular traffic off of the side street.

Mr. Gergan said yes, we are completely closing off to the 10th and Page neighborhood for any vehicular traffic from the project to the site.

Ms. Green asked if this is a multiple retail establishment.

Ms. Smith asked if there will be pedestrian excess to Albemarle Street.

Mr. Gergan said yes, you will be able to walk the stairs into a parking lot up to Albemarle Street.

Opening the public hearing

Shawn Tevendale, is the owner of Blue Ridge Cycling located currently on Millmont Street. He is moving into the Coke Building. He said one thing they like about the building is the appeal of the location and the size of the building is the focus of being a small business oriented. He said we needed the additional floor footage for us to work from and so part of what we are looking at with this is the ability to go in with the 5200 square feet but also potentially flex up with our space if needed in the future and this is reflected in the 10,000 square feet request to the Planning Commission. We are very focused on the community access to the cycling aspect of this. We excited to be on bikeable routes and bike share lanes. We are also in the process of implementing a bike share program down on the University of Virginia grounds. We are hopefully looking at expanding that so that the bike share program can come over to where we are currently located. We currently employ 8 employees and looking to increase up to 12 in the spring time. We are excited to be moving to Preston, we just need the permit in order to do the square footage.

Marie McDaniel, 803 Anderson Street, She is in favor of this SUP.

Public Hearing closed

Ms. Smith asked the applicant if there any outdoor music.

Mr. Gergan said it could potentially be some outdoor music. Potentially going to be music outside but he doesn't know how much.

Mr. Santoski asked if there were any restrictions on decibel, loudness, and how long music can be played especially if there will be an outdoor beer garden there. If so there could be music in the spring, summer and fall and he said he is not quite sure what the restrictions are.

Mr. Haluska said whatever is covered under the city noise ordinance.

Ms. Green said this is the best use permit for the land but not the applicant and she will not be swayed.

Mr. Keesecker motioned to amend the SUP request to include pedestrian and bike access off of Albemarle into the site seconded by Mr. Lahendro, the amendment passes unanimously.

Ms. Keller motioned to further amend the SUP to increase square footage but limited it to be contained within the existing historic building because it is an individual protected property in the City of Charlottesville, seconded by Mr. Lahendro, the 2nd amendment passes unanimously.

Mr. Lahendro moved to recommend approval of a special use permit as requested in SP-14-10-09, subject to 4 conditions, because I find approval of this request is required for the public necessity, convenience, general welfare or good zoning practice. My motion includes a recommendation for the conditions referenced in the staff report dated November 24, 2014, subject to the following revisions: maximum gross floor area that a single retail establishment may occupy is 10,000 square feet, all deliveries to the site should be directed to enter and exit via the Preston Avenue entrance, remove vehicular access to Albemarle Street but keep, a pedestrian and bike excess off of Albemarle street and the use of the SUP be restricted to the existing building, seconded by Ms. Green, motion passes 7-0.

3. SP-14-10-10 – 1106 West Main Street: An application for a special use permit pursuant to City

Code sec. 34-637(2), to allow development of a hotel, at a height of up to 101 feet on the property identified on City Real Property Tax Map 10 as Parcels 64 and 65. The subject parcels, together, consist of approximately 0.458 acres of land having street frontage on West Main Street and 11th Street SW. The subject parcels are located within the West Main South (WMS) Corridor, subject to the West Main Architectural Design Control Overlay District referenced in City Code sec. 34-272, and Parking Modified Overlay Zone referenced in City Code sec. 34-971(e)(3). The Land Use Plan generally calls for Mixed Use. In the WMS zoning district, hotels are uses allowed by right; however, the maximum height allowed by right (without a special use permit) is 70 feet.

Report prepared by Brian Haluska, Senior Planner.

The Applicant, Austin Flajser, has submitted an application seeking approval of a Special Use Permit in conjunction with a site plan for a hotel located at 1106 West Main Street. The Property has additional street frontage on 11th Street SW. The proposed development plan shows a 101 foot tall building with 150 hotel rooms and a restaurant. The building would have parking for 90 cars located in structured parking in the building. The West Main South Corridor zoning permits a maximum height of 70 feet by right, and 101 feet by special use permit.

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

Staff recommends the application be approved with the following conditions:

1. The minimum required setback on 11th Street SW shall be 6 feet.
2. The minimum required stepback on 11th Street SW shall be 0 feet.
3. The frontage on West Main Street will reflect the City's approved West Main Streetscape plan.
4. The design, height, and other characteristics of the Development shall remain essentially the same, in all material aspects, as described within the application materials dated October 21, 2014, submitted to the City for and in connection with SP-14-10-10 ("Application"). Except as the design details of the Development may subsequently be modified to comply with requirements of a certificate of appropriateness issued by the City's BAR, or by any other provision(s) of these SUP Conditions, any substantial change of the Development that is inconsistent with the Application shall require a modification of this SUP.
5. Prior to commencement of any land disturbing activity on the Property, the developer shall hold a meeting with notice to all adjoining property owners and representatives of the University of Virginia, to review the proposed location of construction worker parking, plan for temporary pedestrian and vehicular circulation, and hours and overall schedule for construction activities. The city's director of neighborhood development services shall be provided with evidence that such meeting was held, and of the required notices, prior to the issuance of any building permit for the Development.
6. The developer shall submit a Traffic Control Plan as part of the proposed final site plan, detailing measures proposed to control traffic movement, lane closures, and construction entrances, haul routes, idling of construction vehicles and equipment, and the moving and staging of materials to and from, and (if planned, in public rights-of-way adjacent to the site, during the construction process. This Traffic Control Plan shall be amended, as necessary, and submitted along with any application or a building permit or other development permit applications.
7. The developer shall provide the city's director of neighborhood development services, adjoining property owners and the University of Virginia with written notice of a person who will serve as a liaison to the community throughout the duration of construction of the Development. The name and telephone number, including an emergency contact number, of this individual shall be provided.
8. If the City exists public infrastructure (public streets, sidewalks, curb, gutters, utilities, etc.) is damaged during construction of the Development, then the Property owner shall be responsible for repair and/or reconstruction of the same in accordance with applicable City standards.
9. The developer shall submit a foundation inspection, prior to commencement of construction of the first floor above-grade framing for the Building(s). The foundation inspection shall include (i) the building footprint, as depicted within the approved final site plan, (ii) the top-of-slab elevation and (iii) the first floor elevation. The foundation inspection shall be prepared and sealed by a registered engineer or surveyor,

and shall be approved by the zoning administrator prior to the commencement of construction of the first-floor above-grade framing.

10. Any structural elements that are proposed to extend into the public right-of-way, including, but not necessarily limited to, footings, foundations, tie-backs, etc., must be shown on the proposed final site plan and the property owner shall be required to enter into a written encroachment easement, in a form approved by the City Attorney, suitable for recording in the City's land records. A copy of the recorded instrument shall be submitted to the City along with the first request for a building permit for the development.

11. A Traffic Plan, showing the layout of signs, details, signals, turning lanes, entrances and exits, and pavement markings, shall be submitted to the City as part of the proposed final site plan for the development.

12. The Developer shall be responsible for the cost of constructing, in areas adjacent to the Property, any turning lane(s), traffic signals, or other public street improvements or traffic regulation devices, the need for which is substantially generated by the proposed Development.

13. In the event that the City determines, prior to the issuance of the final certificate of occupancy within the Development, that (i) relocation of any existing on-street parking, or (ii) changes to the direction of traffic on any adjacent street(s), (iii) elimination of any existing turn lane(s), and/or (iv) the addition of on-street parking adjacent to the Development Site, is reasonably necessitated by the proposed Development, then the Developer shall be responsible for the following:

a. The cost of removal of existing signage and of installation of new signs and appurtenances necessary to shift or establish on-street parking, or to change the direction of traffic along the

Development site's frontage with any existing public street; and

b. Pavement marking modifications (such as eradication of existing and addition of new markings).

14. The Development shall include one or more off-street loading docks/ areas. To the maximum extent feasible, all loading shall occur off-street, within such docks/ areas. Loading schedules shall be coordinated to facilitate off-street loading and to minimize idling by waiting vehicles. The Applicant has submitted an application seeking approval of a Special Use Permit in conjunction with a site plan for a hotel located at 1106 West Main Street. The Property has additional street frontage on 11th Street SW. The proposed development plan shows a 101 foot tall building with 150 hotel rooms and a restaurant. The building would have parking for 90 cars located in structured parking in the building.

Ms. Green asked how the drop off lane would be handled city wide. If we don't have a drop off lane and someone decides they want to do valet parking in the front instead and have valet right in front of the street, how this would be handled by the city.

Mr. Haluska said any sort of regulation regarding on street parking or anything on the street is subject to city regulation including the enforcement of parking regulations. If they wanted a legally established valet where they would not get ticketed or stopped by the police, they should certainly come in and talk to traffic engineering to make sure that arrangements works with the flow of traffic, not disrupting it in anyway. He said if anyone wanted to establish a valet program they would certainly have to talk to the planners first on how they handle the pick-ups if they are using a city street. He said it would need to be signed as such so there would be no confusion that certain on street spaces may be used for that.

Mr. Haluska said stopping in the street is some sort of violation.

Mr. Santoski asked about 11th street. Is there a bike lane on 11th street?

Mr. Haluska said not at this time. He said with the concern from the University having two north bound lanes there and having a left and right turn and if that happen you do not have a dedicated bike lane. It would be looking more like a share road situation. He said right now there is not a striped lane and if you want a dedicated one that's taking space from other potential use. He said he didn't think there was a firm plan that the city has endorsed.

Mr. Santoski asked about the west main streetscape whether or not the side streets coming on to west main were also a part of the over-all plans for that.

Mr. Haluska said he didn't think from a bike lane standpoint. He said they were certainly considered because there is a lot of traffic on Lee Street. There are a lot of people walking from the bus stop.

Mr. Keesecker asked if the conditions #7- 14 have a lot of logistical requirements related to notices repairing damage and loading dock and stuff included in the market plaza discussion. How many of those 7-14 are general

requirements of site plan approval and building permits and normal regulations Is it fair to say that those conditions are a part of the city requirements anyway.

Mr. Haluska said some are and some are not. He said seven is not. Eight would be and nine is not a current requirement. He said ten, eleven, twelve, and fourteen but thirteen was strike by City Counsel.

Ms. Keller asked Mr. Haluska to share his thoughts on the 11th street stepback and setback on conditions one and two.

Mr. Haluska said the one and two are the request from the applicant and the information he received from the BAR was split on how they saw that and some of them found it appropriate and some didn't. Looking at the street the only structure that gives you a frame of reference is the garage. The university garage has a substantial stepback on it. It is not five feet, it is quite a bit.

Mr. Rosensweig asked whether the two floors of commercial had to be on the first floor.

Mr. Haluska said this is one of the things put into the code to create a false front and everything now meets the zoning.

Mr. Huja asked why there are so many different colors on the design.

Ms. Keller questioned if the applicant had considered having your guests dropped off on 11th street.

Mr. Flajser, said yes they had and described by UVA as an important travel artery to and from the hospital and the parking garage. To have a pull off on west main and a sidewalk where currently none does not exist, is not going to be feasible in order to also maintain travel lanes. The University is looking at adding an additional travel lane in that area and certainly if we had a drop off in that location it would be impossible. Even now it would be very tight and would require coming in about two feet on sidewalk we are proposing today. We are proposing to maintain what is there as a bus drop off today and make that a car pull off and have the bus pull off drop off in front of it maintaining on street bus drop off because it is consistent with the new west main plan.

Mr. Keesecker asked have you considered an internal drop off inside the garage on the second level.

Mr. Flajser said this would further confuse the guest where you would have people confused about taking the right on 11th and further confused pulling into a garage, an urban drop off location. He said it has been done successful in other urban areas but he thinks that is only in areas where people are more use to that set up.

Mr. Keesecker said there are basically two ways people will be arriving to the hotel either driving a car or taking a taxi and if they are driving themselves they will need to find that garage.

Mr. Santoski looking at the diagram on the illustration, there are two cars in that spot and he is familiar with hotels at peak times more than two cars are trying to pull in and this will back up traffic on West Main Street one way or the other. He said the internal drop off makes a whole lot more sense.

Ms. Smith, City Councilor, stated that in the pictures there appears to be one whole side with no windows on the right side of the building.

Mr. Flajser, said that side is completely glass now rather than parking.

Ms. Smith said she is speaking of the wall face up above.

Mr. Flajser said yes that is windowless because it abuts an adjacent property where they can build up to our line so we will have to accommodate future development on that side.

Ms. Smith asked if the towers being completely different from the bottom are fairly institutional looking, is there a reason for that.

Ms. Cooper stated that their design intent is not for them to look institutional but it is slightly more modern and more contemporary in keeping with some of the more recently approved projects, the ground floor with the more terra cotta coloring, we are trying to pay homage to brick you see but yet taking a slightly more contemporary direction.

Mr. Lahendro said the loading dock and the parking entrance on 11th street right now shows a 36 feet gap in the sidewalk, asked if it possible to have a pedestrian island between the two vehicular entrances.

Open Public Hearing

Morgan Butler – 201 West Main Street, the applicant is seeking to build to the absolute maximum height that can be permitted. Other recent request has been the Flats, 1000 West Main and the standard. All of which were granted Special Use Permits that allowing them to build to the maximum height. I've seen the universal reaction to the Flat, now that it has gone from design drawings to reality, there is a strong sentiment in the community that we need to

be much more careful to what we are permitting on West Main street. Height is only one aspect of scale but is an important one. Tall buildings can be an effective tool for advancing some city goals such as increasing density in appropriate corridors and potentially helping with advancing affordable housing. They can overwhelm nearby buildings and neighborhoods and can suffocate the pedestrian vitality which is another city goal. The communities concerns about height and scale on West Main Street has been channels into the cities ongoing work revisiting the permissible building envelopes along the street. The public last viewed this work late last summer and we understand that it will be the subject of a work session with City Council next week. The proposal will change the maximum permissible building height along this part of West Main Street from 101 feet down to 80 feet and would make other changes to the existing standards to help keep new buildings from overwhelming their surroundings and this proposal hasn't been adopted at this point but the concerns that it embodies in the general direction of which it was pointing namely down are important to keep in mind with this latest request to max out the permissible height. I want it be clear that we are not opposing a tall building on this site and the parking challenge that the applicant has identified might provide some justification why the building needs to go higher. However, we believe the city must get into the habit of requiring a truly compelling justification from applicant for pushing it right up to that maximum height allowance. Notably with the hotel the city isn't even getting some of key justifications that were mentioned during the debates on the flats as well as other proposals, specifically some of the higher residential densities and the potential of advancing the ball on affordable housing. Finally when maximum heights are proposed some of the protective elements such as stepbacks and setbacks become more important. We share the concerns of some of the BAR members and some of you have expressed about the applicants request to eliminate the stepback and to reduce the setback on 11th street where it looks like a canyon would result. It sounded encouraging tonight by the applicant saying it is possible that we would no longer need to eliminate that stepback but it's not clear that they are now saying they do plan to have the five foot stepback. He said he wanted to make a point in response to the question to staff about staffs views on the necessity on the stepback , the response seem to be well the stepback doesn't seem to make that much difference anyway so it may not be a huge deal if we let that go. I would suggest another way of looking at this, if a five foot setback is not adequate and this is a Special Use Permit request, you have the discretions to ask for conditions why we don't impose a stepback that will make a difference.

Charlie Hurt, Route 20, Scottsville, Va. as The Director of Real Estate Leasing Services, representing the University of Virginia and the Medical Center. He suggested that both on the Battle Building excess to the Children's Hospital has an interior drop off and also the pedestrian bridge from the garage from across the tracks also interior to the parking garage so we are not directing all of the pedestrian traffic into the street. He stated that their institutional interest to this project derive from concerns regarding excess to the hospital, garages, and nearby offices. We are concern about excess by automobile, public transportation and pedestrians. For the past five years the University has invested in over 170,000,000 million dollars, 140,000,000 in the children's hospital, 26,000,000 in the garage, a million dollars on West Main Street improvements and a 5,000,000 pedestrian bridge to cross the tracks. This is to improve our first class medical center. Smooth traffic flow and public transportation all contribute to our success. Maintaining two-way vehicular as well as pedestrian traffic on 11th street during construction as well as when the hotel is open is critical to the operation to the health system. The 11th street garage has approximately 1,000 spaces due to hospital staff parking in the garage turns over three times a day. This garage also accommodates all patients over flow from the Lee Street garage which has 800 spaces and is generally filled up each day by midmorning. There are approximately 1750 appointments every day at the hospital and this does not include visitors, employees and staff members who work at the hospital. He suggested to take two feet of 11th street to accommodate the parking garage may further impact necessary street improvement on 11th street. He stated as mentioned trying to make a left handed turn from 11th street onto Main Street and in further reducing the existing width on 11th street may preclude that left hand turn onto West Main Street. He said part of our goal is to get people to the hospital but to get people on their way as well. The 11th street has to excess points 11th street and the entrance off Jefferson Park, so unimpeded two way excess on 11th street is vital to moving visitors, patients and staff. The University of Virginia Foundation successfully constructed the Battle Building on 11th street because we work closely with them to schedule construction delivers during work hours minimizing the impact on health care services and patient staff commutes. Much of the work was completed at night and delivers were carefully planned. We would like for all project approvals by the city to be conditioned by the request for temporary road closures, a one way traffic determination and be coordinated with UVA. We would like for it to be a requirement that goes beyond sharing information and would like to see UVA included as a participant in any request to temporarily close the one way

street construction. He said it is challenging when you bring in a SUP and don't allow significant property owners joining not enough time to present their case so I will close. He continued saying the University would like to have an active voice in any temporary closing of one way actions during construction. We would like the bus stop and the pull off to remain active and in place during the construction and after operation. It is a major through-fare for pedestrians and closing the bus stop will make the pedestrians walk in the street to excess buses seems to disenfranchise those who use public transportation. There are four routes that use that bus stop, four, seven, and nine, thirteen bus stops between 8 and 7. We would like to minimize the fact to close 11th street and the sidewalk cause by truck deliveries that do not fully excess into the truck dock.

Closed the Public Hearing

Ms. Keller has concerns about the vehicular drop off on the West Main Streetscape current usage in terms of the City's current plan on streetscape improvements for that area one of her major concerns is the effects on West Main Street. She would like to explore ideas of her colleagues about interior access threw the parking garage. She said she does not think it to be insurmountable in finding this hotel if you are coming from out of town. She said it was interesting to hear from the University on how they handle their garages.

Ms. Dowell asked if we could make this a condition for the Special use Permit.

Ms. Creasy said you could not necessarily be specific about it being internal but you could denote the external and that may limit it to be internal.

Ms. Green said we wanted urban density and we have already approved three. She said when we do a comprehensive plan and get to this point. She said this is a great place for a hotel and she doesn't see any difference in adding this height to this hotel than she would the other three student houses. She said she has concerns about the drop off and doesn't feel it should be any difference from the University. Ms. Green said she likes wide sidewalks and has concerns about the two feet of sidewalk into the right-of-way. She also stated that this is a breath of fresh air to all of the brick. She said she likes the modern design, something different rather than the same we usually have down there.

Ms. Cooper said the existing conditions on 11th Street are less than ideal for pedestrians. She said we see at this corner is really a void in the space and we believe this is a gateway site for the Medical Center. She stated people will be coming to this building from far reaches and may not know this area, therefore, we're very concerned that if there's not a hotel drop-off, that people will just stop in the middle of the road. She also stated the pull-off would be similar to the loading zones at several places farther west, where the street becomes University Avenue.

Ms. Keller said she has concerns for the pedestrian on 11th street and the canyon affect and what that does to the pedestrian experience and the dark effect it would have on a street that is so heavily used by pedestrian. She stated she would like to see some pedestrian amenities for 11th street and she thinks she is in favor of the setback and step back along 11th street in return for increased height.

Mr. Santoski stated that he agrees with Ms. Keller that 11th is his concern that the pedestrian excess ion 11th street is not acknowledged. He said he would like to see plantings along the route. He said we trying to be a walkable city then we should be able to walk where we want to walk and not in the canyon or tight up against a building and he is concerned about keeping 11th street in the width that it could handle 3 lanes in the future to accommodate the type of traffic that the University of anticipating out of the garage.

Mr. Keesecker said the application is for a reduction on a setback that would normally be 10 feet on 11th street. He asks without the SUP, they would have a 5 foot stepback, and they have asked for 6 and 0.

Mr. Rosensweig asked if there are other concerns about impacts of the additional height and the other request for a reduction in setback and stepback.

Mr. Keesecker said only the concerns mentioned so far and he doesn't have any new ones to add.

Mr. Rosensweig said the commissioners can probably craft some conditions to approve ultimately the variance on 11th street. Mr. Rosensweig complimented the applicant to the changes to the street wall on West Main and he incorporation of human space on all four levels at least on the west side of the building is a huge success and compliments by making that corner the tower feature by making that corner feature brings it to the front without bringing the whole tower to the front. He would like to memorialize that into a condition. One of our conditions is that the plan conforms to the SUP package, but he would like to incorporate the illustration of the building as well from the power point.

Ms. Robertson said since it's significantly important to you, you should call it out in the conditions and the same thing is true with any additional right-of-way along 11th street that they are offering to provide rather than rely on a general reference to the application materials. She stated that the application material as submitted is offering the additional two feet. In this sense, the conditions are memorializing another key component of the application that is of interest to you.

Ms. Smith, Council Member asked if an 8 foot sidewalk goes to a 10 foot sidewalk, does that start changing its potential for multi-use. She said for some reason she thinks that's illegal.

Ms. Creasy said she did not know the specifics about that.

Ms. Robertson said trails and sidewalks are different when you start going to something like a 10 foot sidewalk you more potential for things like outdoor cafes in that type of area, like a small plaza area instead of a true sidewalk.

Ms. Keller said a condition that restricts any vehicular access on the West Main Street corridor up to the building.

Mr. Keesecker said he agrees with Ms. Keller and Mr. Lahendro.

Mr. Santoski agrees with Kurt the biggest point is the drop off entrance on West Main Street.

Mr. Rosensweig said there has to be space for the entrance to the restaurant from West Main Street.

Mr. Huja, Mayor of Charlottesville, suggested that the applicant have a chance to speak.

Mr. Flajser gave a brief round-up of reasons to support the West Main South Corridor zoning permit; at a maximum height of 70 feet by right, and 101 feet by special use permit.

Mr. Lahendro inquired about tress and landscaping on 11th street.

Mr. Haluska said this is an ongoing problem having to dis-encouraging trees planted in far too low volume of soil for the tress to thrive. He is not saying it's impossible but be sure to word the condition so that we get trees that are going to do well there without interruption to recognize that there is not a huge amount of room.

Ms. Keller said could we have a condition that there be landscaping and pedestrian amenities that are consistent with the theme of the West Main Street plan.

Ms. Robertson asked if the side streets are referenced in the plan.

Ms. Keller said only in the terms of connectivity and we haven't looked at anything from West Main in a while but if it is vocabulary of landscape material that are consistent with West Main Street then it would work.

Ms. Green move to recommend approval of a special use permit with increased height as requested in SP-14-10-9, subject to conditions, because I find that approval of this request is required for the public necessity, convenience, general welfare or good zoning practice. My motion includes a recommendation as outlined by Ms. Creasy conditions referenced in the staff report dated, subject to the following revisions 1. Subject to approval by the City traffic engineer, the developer shall construct an 8 foot wide sidewalk on the Subject Property's 11th St., S.W. frontage. 2. There will be no pull-off on or along West Main Street for vehicles picking up or dropping off patrons of the building. The Subject Property's frontage on West Main Street will be developed in a manner consistent with the City's approved West Main Streetscape Plan in effect at the time of site plan approval. 3. The design, height, and other characteristics of the Development shall remain essentially the same, in all material aspects, as described within the documents dated October 21, 2014 submitted to the City for and in connection with SP-14-10-10 ("Application"), as supplemented by additional drawings, elevations and other written materials presented to the Planning Commission at its meeting on December 9, 2014 ("12/9/14 Supplemental Materials") (collectively, the "Application Materials"). Except as the design details of the Development may subsequently be modified to comply with requirements of a certificate of appropriateness issued by the City's BAR, or by any other provision(s) of these SUP Conditions, any substantial change of the development that is inconsistent with the information or representations contained within any of the Application Materials shall require a modification of this SUP. 4. Among the 12/9/14 Supplemental Materials is a building elevation ("12/9/14 West Main Elevation") depicting the West Main Street frontage of the development. The proposed development shall adhere to the details depicted on the 12/9/14 West Main Elevation, including, without limitation: a. Space located on the building's second and third floors (located over the area designated within the Application Materials as being planned for a ground-floor restaurant) shall be finished interior space. b. Plantings shall be provided along West Main Street, in the depicted locations. 5. Prior to commencement of any land disturbing activity on the Subject Property, the developer shall hold a meeting with notice and invitation sent to all adjoining property owners, and to representatives of the University of Virginia, for the purpose of reviewing the proposed location(s) of construction worker parking; the plan for temporary pedestrian and vehicular circulation during construction; and the hours and overall schedule for

construction activities. The city's director of neighborhood development services shall be provided with evidence that such meeting was held, and of the required notices, prior to the issuance of any building permit for the development. 6. The developer shall submit a Traffic Control Plan as part of its proposed final site plan, detailing measures proposed for the control of traffic movement, lane closures, construction entrances, haul routes, idling of construction vehicles and equipment, and the moving, storage and staging of excavated and fill materials and building materials to and from the development site during construction. Such plan shall specifically indicate whether any such activities are planned and requested to take place within public rights-of-way adjacent to the site. Following final site plan approval, this Traffic Control Plan may be amended, as necessary, with the approval of the City Engineer and director of neighborhood development services, and the currently-approved Traffic Plan shall be attached to any application for a building permit and to other development permit applications. 7. The developer shall provide the city's director of neighborhood development services, adjoining property owners and the University of Virginia with written notice of an individual who will serve as a liaison to the community throughout the duration of construction of the development. The name and telephone number, including an emergency contact number, of this liaison shall be provided. In the event the identify and/ or contact information of the designated liaison changes prior to completion of construction, the developer shall provide updated information to the director, adjacent property owners, and the University of Virginia.

8. If the City's existing public infrastructure (public streets, sidewalks, curb, gutters, utilities, etc.) is damaged during construction of the development, then the Property owner shall be responsible for repair and/or reconstruction of the same in accordance with applicable City standards.

9. The developer shall submit a foundation inspection, prior to commencement of construction of the first floor above-grade framing for the building(s). The foundation inspection shall include (i) the building footprint, as depicted within the approved final site plan, (ii) the top-of-slab elevation, and (iii) the first floor elevation. The foundation inspection shall be prepared and sealed by a registered engineer or surveyor, and shall be approved by the zoning administrator prior to the commencement of construction of the first-floor above-grade framing.

10. Any structural elements that are proposed to extend into the public right-of-way, including, but not necessarily limited to, footings, foundations, tie-backs, etc., must be shown on the proposed final site plan and the property owner shall be required to enter into a written encroachment easement, in a form approved by the City Attorney, suitable for recording in the City's land records. A copy of the recorded instrument shall be submitted to the City along with the first request for a building permit for the development.

11. The development shall include one or more off-street loading docks/ areas. To the maximum extent feasible, all loading shall occur off-street, within such docks/ areas. Loading schedules shall be established and coordinated to facilitate off-street loading and to minimize idling by loading and unloading of vehicles and by other vehicles traveling in adjacent rights-of-way.

12. There shall be at least two pedestrian entrances to the building on the West Main frontage, and at least one pedestrian entrance to the building on 11th Street SW.

13. The Subject Property's frontage along 11th Street SW shall be landscaped, and the landscape treatment shall provide pedestrian and landscape amenities consistent with the City's approved West Main Streetscape Plan in effect at the time of site plan approval, subject to approval by the City Arborist. This landscape treatment, approved by the City Arborist, shall be included as part of the final site plan for the development.

14. There shall be a dedicated pedestrian entrance/exit from the parking garage; Seconded by Mr. Santoski, motion passes 7-0.

Mr. Lahendro - yes
 Ms. Keller - yes
 Ms. Dowell - yes
 Mr. Keesecker - yes
 Mr. Santoski - yes
 Ms. Green - yes
 Mr. Rosensweig - yes

4. **ZT-14-10-11 – Transient Lodging Facility:** A proposed zoning text amendment, to add a new § 34-1176 to the City's Zoning Ordinance, and to amend and re-ordain § 34-420, § 34- 480, § 34-796 and

§ 34-1200 of the Zoning Ordinance of the City of Charlottesville, to provide a definition of “Transient lodging facility”, and to allow any dwelling unit to be used as a transient lodging facility, subject to compliance with a Provisional Use Permit, within all zoning district classifications where residential uses are allowed. For the purposes of this proposed zoning text amendment, the term “transient lodging facility” generally refers to any dwelling unit offering guest rooms or other lodging rented out for continuous occupancy for fewer than 30 days, excluding any bed and breakfast. The lodging facilities contemplated by this zoning text amendment are temporary stays in dwelling units, such as those offered through services commonly known as “Airbnb”, “HomeAway”, and “Stay Charlottesville”. Currently, such uses would fall within the Zoning Ordinance definition of “hotel/motel” in City Code sec. 34-1200, and are not currently authorized in any residential zoning district.

Report prepared by Read Brodhead, Zoning Administrator and Matt Alfele, City Planner.

Ms. Keller questioned transient lodging regarding someone staying in a one room or someone staying in a one bedroom house, will they all be treated the same?

Mr. Alfele stated that is correct they all will be treated the same.

Ms. Dowell asked is this information gathered from AirBnB networks.

Mr. Alfele said yes that why the numbers are in the report, but if you looked on the website today the numbers would be different. We are looking at different models than we have in the past and we are trying to keep it fair to everyone while respecting homeowner right.

Ms. Green asked if the rules are not followed, will there not be another permit issued annually. She asked if the rules are not followed would the permit be revoked.

Mr. Alfele said we would revoke the permit.

Ms. Green said this is listed under all provisional but she doesn’t understand the staff report recommendations. Why separate R1-U since RI-SU is smaller lots and there is more parking. Why wouldn’t you take out of M1? It is still industrial. She said she doesn’t understand the matrix’s that was considered in the staff report and why it is appropriate in some areas and not in others.

Mr. Alfele said we tried to keep it inclusive as possible. The thought behind R1-U is it is the most restricted area and your most typical neighborhoods and the added difficulty of being near the University and there is a lot of stress between those two and so they thought it would be another added level of stress for the neighborhood.

Ms. Green said in looking at the Comprehensive Plan, how the goals match up and encouraging small businesses to enhance the neighborhoods .

Mr. Alfele said he understands her comments but this is just their recommendations.

Ms. Green stated if you are the own a condo can you rent it out?

Mr. Alfele said yes you can if you own the condo.

Ms. Green said since there is no cap on the amount of homes, you can have transient lodging everywhere, especially in the university area. She questioned how you would regulate the 30 days when you are eliminating certain neighborhoods.

Mr. Alfele stated in some areas where enforcement is an issue.

Ms. Dowell asked is this a bigger issue because of the people operating the small businesses or transient lodging are not paying taxes or the transient lodging taxes due to the city and state. She said she didn’t see any reference to taxes being part of the issue.

Mr. Alfele stated that this would fall under getting your business license. He said we have found that the people want to pay their taxes but we cannot enforce taxes in the NDS capacity.

Ms. Creasy said once you get your business license the Commissioner of Revenue will follow up with that portion.

Mr. Santoski said if he wanted to rent out his house as long as he is not in the home can he rent it out.

Mr. Alfele said some do cap a number and certain permits they allow per year or census block. Some will do it on density.

Mr. Santoski said if he rented out his house for three days or 30 days regardless what it’s for and I am not in the house it would fall under this.

Mr. Alfele said you would fall under the “HomeStay”.

Mr. Rosensweig said have there been any additional abuses of this.

Mr. Alfele said some places cap the number of permits per year, some by density and some by amount of census blocks.

Mr. Santoski asked is there protection for the renters.

Ms. Robertson said this goes through the fair housing act and this would be leased through the landlord to the renter.

Mr. Brodhead stated that the majority of complaints are noise and parking around the University area.

Opportunity for Public to Speak

Travis Wilburn, 400 E. Water's Street, He manages many businesses in Stay Charlottesville. He felt there are a lot of discrepancies in the zoning code. He said the people who like to stay with them are people who do not want to go to hotel, families coming together for Christmas, a family for graduation, or just coming to experience Charlottesville. Our company employs 4 full people and 10 part-time people. We have helped various people with short term rental that has experienced repo homes. We have been in this business for seven years. There are folks who will talk to anyone here for free to help this city with regulations that work.

Joyce Kasswandic, 1310 Timber Branch Court, the owner of Guest Houses established in 1976 and she is the third owner of Homestay for many years. The tourist industry has grown home rental is a big part of their business. In looking at the proposal and she thinks it's a good idea. Her main competition has been AirBnB. Is a one bedroom cottage treated the same as a 3 bedroom house. This business was started during UVA weekend. She disagrees that R1-U zone should be excluded. The proposal states we should notify neighbors and she has never notified her neighbors. She does not feel this proposal is going to eliminate all of the problems. She said there are properties not paying taxes that should be enforced. Lastly she said she wants to continue the use of Guest Houses as is.

David Vanderveer, 224 Mulberry Drive, Standards Ville, VA, He is an AirBnB host and no complaints from the neighbors. His guests are fantastic and wonderful people to have around. According to local zoning there should be only 2 people per bedroom. He keeps his property in good condition and has great reviews. He said people that stay longer are usually the noise makers while weekenders are there to get away from noise and be in a peaceful quiet place.

Alana Speidel, 2666 Jefferson Park Circle, we have resided there since 1984. JPA circle is a quiet place to live. The house next to us has changed owners four times and the new owners are a family with two small children. We did not realize the new folks were preparing the house for weekend rentals. About a year later we started to notice large groups of people around the house on weekends. These groups were noisy, using a considerable amount of alcohol while standing around a fire built in a metal container which was about 50 feet from the side of our house. We were told that this house is used for weekend rental without the residents present. We looked online and found a website for rental of 7 bedrooms in the home. Is this in compliance with the city codes? She said this is a business and the question is, is a business acceptable in a residential neighborhood. This can damage the quality of our neighborhood and my security. Gone is the comfort in knowing who the people next door are and the quality of life this affords. Increase noise and vehicular traffic is stressful.

Janet Mathews, 500 Lexington Avenue, she purchase the house from Martha Jefferson Hospital who used it as a boarding house for doctors who were on call. She has renovated it to be a Homestay and has an excellent experience with the management of the property. She was encouraged to comply with all parking regulations, talk to her neighbors in advance and she has never had one complaint. She keeps in close touch with them. She is in favor of regulations and she pays taxes through her business and she will be happy to get a business license but would like an introduction to zoning text after more public discussion.

Martin Killian, University Circle, the neighborhood association is opposed to this because of neighborhood under stress, not enough parking, 8-15 people in a house, football games, and alcohol. The city has known for two years that these houses do not comply with the zoning laws. He said if you enforce this proposal you will not have enough man power to enforce your own laws. He is very much against it.

Karen Doogle, 20 University Circle, She agrees with her neighbors Mr. Killian and Ms. Speidel. She said there is no supervision and there are all kinds of events at these two homes. Everybody invites their friends. There are wedding parties, football games, Fox field, and up to 10-12 cars at one house. She said Mr. Brodhead cannot run around all weekend to check on these houses and it is a huge problem on our circle.

Scott Wiley, 812 Rose Hill Drive, He is a nurse and he lives in town. The ability to rent a house has helped him to continue to afford to live in town. He supports this with some revisions.

Todd Divers, The Commissioner of Revenue, said this is a taxable activity and we have been unable to tax many of these folks for fear of lending legitimacy to an activity that is currently illegal. He said there's a ton of activity out there and we aren't getting any revenue from it. The city is reviewing the issue partially at the request of companies that are facilitating the practice. He feels that most of these people would be happy to pay. This is a big deal from a revenue standpoint.

Greer Murphy, 725 Hinton Avenue, We have lived in our house for 15 years and seen monumental changes in their neighborhood, mostly for the better. About 6 or 8 months ago we were approach by our neighbor which is a driveway away from our house and been a rental. The tenants were very kind but very noisy, meeting with friends, working on their cars and being social with their friends. I have to small children which is a constant nuisance to us. She stated that her family always used transient lodging and found it an enjoyable experience. She said she is the neighbor and certainly understands, but some are doing it correctly and some are not. She supports some rules and regulations that makes this work for everybody but thinks this is a great value to the city for them to pay taxes.

Janice Cavanaugh, 209 Douglas Ave, She has been rented out half of her house for over 6 years and has had great experience and her neighbors are aware of it and certainly agree that there are some bad apples causing havoc on some neighborhoods and has to be dealt with and certainly that if they have three strikes against them they should get their business license taken away. It is a great amenity for family that travels giving more space than a hotel room.

Cynthia Walters, University Circle, the neighborhood is trying to keep its intactness over time. Being close to the University we get a lot of family to rental which starts a trend, so you wonder if you want to be in that neighborhood anymore and what will it look like in 20 years because if it becomes transient all around you, you will not want to be there anymore. She doesn't think this is a good idea long term for the neighborhoods that are under pressure to fall.

Closed the Public Input

Ms. Green agreed with Mr. Killian's concern and said the city needs to take time to get the regulations right to make sure they will hold up in court.

Ms. Green said when you have the regulations, there's something to fall back on. However, the city does not have enough zoning officers to keep up with enforcement.

Ms. Keller said she is opposed to opening up the city to additional business uses in residential areas. She said she thinks temporary rentals will decrease the city's affordable housing stock. She also stated we've heard about people buying houses deliberately to make them transient lodging facilities and those are all houses now where families do not live. The other commissioners agreed the issue needs to be addressed through a change to the zoning code.

Mr. Lahendro said clearly, there is money to be made with this and I can see it growing and I can see the abuses getting worse.

The commissioners discussed Transient Lodging Facility at length, and reported its specific findings and recommendations to City Council.

5. Entrance Corridor – Johnson Village Phase III

The applicant is requesting Entrance Corridor review for the preliminary site plan for 241 units, including 31 townhouse units in four blocks, and 210 multi-family units in six buildings. Townhouse blocks range from 5-12 units. Most of the townhouse units have garages. There are also two freestanding garage/storage buildings. A total of 409 parking spaces are provided: in surface lots, in driveways, in garages, and along Cleveland Avenue. Recreational uses include a clubhouse, pool with paved deck area, two pocket parks with benches, and wooded open space area with 5 ft. wide natural trails. Landscaping consists of large shade trees, understory trees, evergreen trees, and shrubs. The applicant has proposed a well- designed community. The development as presented addresses the criteria outlined in the Entrance Corridor regulations.

The commissioners discussed and agreed on another point of access as a condition the issue needs to be addressed through a change to the zoning code. The staff proposed no conditions. The lights are a part of the ordinance.

Mr. Santoski move to approve the Entrance Corridor certificate of appropriateness application for the Johnson Village PUD Phase 3, with the additional pedestrian connection to Cleveland Avenue, seconded by Mr. Keesecker, motion passes 6-1.

Mr. Lahendro - yes
 Ms. Keller - yes
 Ms. Dowell - yes
 Mr. Keesecker- yes
 Ms. Green - no
 Mr. Rosensweig – yes

6. Site Plan – Johnson Village Phase III

The applicant has proposed a well- designed community. The development as presented addresses the criteria outlined in the Entrance Corridor regulations.

Staff recommends approval as submitted.

Ms. Green questioned the critical slopes on this project. She said this new reconfiguration doesn't do that in her opinion.

Scott Collins of Collins Engineering, acting as agent for New Visions Properties, LLC, Inc. is requesting approval of a preliminary site plan to construct 141 dwelling units in a planned unit development at the intersection of 5th Street and Cleveland Avenue. City Council approved a rezoning for a PUD at this site at their March 1, 2004 meeting.

Mr. Collins said he remembers talking about the critical slopes and the biggest problem was they were impacting the slopes for a lot of additional units which was a lot of back and forth discussion on that. They have moved all of the units away from the critical slopes. The impact that is still there is the same footprint of the other critical slopes is the entrance road that comes in. At the very top is two apartment units back up against the top but we have pulled those apartments away from the residents and added a wall back there as well to keep us off the slopes as much as possible.

Ms. Green said so the road impacts the slopes not the building.

Mr. Collins said yes and the site changes elevations from 380 at the entrance up to 465 at the very top so in order to get up to the site.

Ms. Keller said she noticed that there were 3 pages of questions and comments and wondered how they all were addressed.

Mr. Alfele said most of the comments and questioned have been addressed. The engineers have work very close with Hugh Blake, NSD Engineer who has addressed the comments as well.

Mr. Keesecker move to approve conditioned on the satisfaction of remaining comments during the final site plan review and entrance corridor approval, seconded by Mr. Lahendro, passed 6-1.

Mr. Lahendro - yes
 Ms. Keller - yes
 Ms. Dowell - yes
 Mr. Keesecker- yes
 Ms. Green - no
 Mr. Rosensweig – yes

Ms. Keller move to adjourn at 12:10 a.m. until the second Tuesday in January, 2015.