

MINUTES
PLANNING COMMISISON MEETING
September 10, 2013
CITY COUNCIL CHAMBERS

Commissioners Present:

Ms. Genevieve Keller (Chairperson)
Ms. Natasha Sienitsky
Mr. Dan Rosensweig
Mr. Michael Osteen
Ms. Lisa Green
Mr. Kurt Keesecker
Mr. John Santoski

Staff Present:

Ms. Missy Creasy, AICP, Planning Manager
Mr. Brian Haluska, AICP, Neighborhood Planner
Mr. Mike Smith, Neighborhood Planner

Also Present

Ms. Lisa Robertson, Deputy City Attorney

Not Present

Mr. David Neuman, Ex-officio, UVA Office of the Architect

I. REGULAR MEETING

A. Commissioner's Report

Natasha Sienitsky attended the Parks and Recreation meeting where the financial report was presented for the Carver Recreation Center.

Lisa Green will be attending the Long Range Transportation meeting tomorrow.

Michael Osteen attended the Tree Commission meeting on August 28th. They will be taking a tree ordinance to City Council on October 7th. He went over current projects that the BAR has approved. He also announced that Mike Myers from Southern Development will be a part of the fall tree event presenting tips on when best to plant trees.

Dan Rosensweig had nothing to report.

Kurt Keesecker had nothing to report

John Santoski announced there will be an Our Town hall meeting for the Fry's Spring and Johnson Village areas this Thursday.

B. University Report – No report

C. Chair's Report

Ms. Keller has been attending some town hall meetings and has found them to be very interesting and intriguing. She encourages everyone to attend. She also attended the regular meeting at the TJPDC and went over the agenda. Ms. Keller stated how happy she has been serving as the Chairperson of the Planning Commission over the past year. It has been a very good experience for her.

D. Department of NDS

Ms. Creasy announced that the month of September will be a very busy month. She reminded everyone of upcoming meetings and the form base code training on Wednesday.

Ms. Creasy announced that Lisa Robertson will now be the City's attorney for NDS including the Planning Commission and welcomed her.

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

Kenneth Key requested assistance in getting Social Service relief. Ms. Creasy asked for his contact information so that could be shared with the correct persons.

F. Consent Agenda

1. Minutes - August 13, 2013 – Pre meeting
2. Minutes - August 13, 2013 – Regular meeting
3. Minutes - August 27, 2013 – Joint CC/PC Work Session

Motion for approval of the Consent Agenda was made by Natasha Sienitsky

Mr. Osteen seconded the motion

All in favor

Consent Agenda Passes

II. JOINT PUBLIC HEARINGS

G. JOINT PUBLIC HEARINGS

1. **ZM-13-07-11 -Water Street PUD:** An application to rezone the vacant parcel adjacent to Water Street from Downtown Extended (DE) Mixed-Use Corridor with Individually Protected Property Overlay (portion) to Planned Unit Development (PUD) with Individually Protected Property Overlay (portion) with proffers. Proffers include a contribution to the affordable housing fund and dedication of property to the City. The parcel is bordered by CSX Railroad to the south, 10th Street commercial properties to the west, commercial properties fronting along E. Market Street to the north, and the City Walk project to the east. The property is further identified as Tax Map 57 Parcel 157A having road frontage on Water Street and containing approximately 91, 911 square feet of land or 2.11 acres. The PUD zoning allows an applicant to present a proposal independent of established zoning categories for consideration by the governing body. This proposal consists of up to 24 single-family dwelling units, as well as a five-story commercial building comprised of 43,500 square feet. The general uses called for in the Land Use Plan of the 2013 Comprehensive Plan are for Mixed Use. **Report prepared by Michael Smith, Neighborhood Planner.**

The staff report was presented by Michael Smith: The proposed rezoning adequately meets the objectives desired in a planned unit development. Staff believes the proposed PUD reflects numerous goals established

within the Land Use, Housing, and Urban Design chapters of the 2013 Comprehensive Plan and presents a unique, appropriate scaled mixed-use concept along an important corridor within the City. The proposed uses would be compatible and harmonious with surrounding land uses, and the PUD provides coordinated linkages to internal buildings as well as external destinations.

Staff recommends approval of the rezoning and proffers as submitted.

Questions from the Commission or Council for staff

Ms. Dede Smith asked if there had been any communication with staff on accepting the Coal Tower and Mr. Michael Smith stated that talks with Parks and Recreation and the City Manager's office are underway.

Ms. Szakos asked if there had been any discussion with the applicant about affordable housing and Mr. Smith stated that they have discussed it.

Mr. Keesecker asked if Ms. Scala had any concerns with the Individually Protected Property and Mr. Smith stated that they had talked and she had no comments.

The members of the Planning Commission wanted to know which of the two options the developer wanted them to consider.

Scott Collins, the applicant's representative, was present and answered some of the previous questions. He stated that they have two options because they don't know how the market will be. They feel they are both viable projects. They feel that they took all the feedback from the previous meeting into consideration and have provided options to address.

Questions for the applicant

Ms. Sienitsky asked if the applicant knew what the price point would be and the applicant stated he was thinking in the 300,000-500,000 range per unit.

Ms. Keller asked if they would acquire help from an architect or developer and the applicant stated absolutely because they are trying to make the project as attractive as they can.

Ms. Green asked why they weren't adding the affordable housing units into the plan and the applicant stated that they have a little bit for flexibility for that with the commercial building.

Mr. Osteen inquired about the project being handicap accessible and the soil that would be used for the street trees. The applicant stated that the building would be handicap accessible from the front of the building and they will prepare the site with the right soil to allow the trees to live.

Ms. Szakos asked if they had looked at the roots breaking through the brick wall and he informed everyone that the landscaper will recommend trees that grow in the proper direction.

Ms. Galvin asked if they had considered putting the trees adjacent to the building and she inquired about the setback of the commercial building. The applicant stated that they are unable to put the trees adjacent to the building because of the right of way.

Ms. Keller opened the public hearing.

Speakers

Judith Zeigler, 200 Douglas Ave, is troubled by what is not in the plans. She feels none of the visions are in writing. She feels the architect is not designing a walkable place.

Maria Chapel, 1029 Hazel St, is in agreement with the previous speaker. She would like the city to look at traffic and infrastructure.

Shawnee West, 1204 E Jefferson St, would love to have seen this project have more affordable housing.

Heather Carp, Belmont Lofts resident, doesn't really understand the Coal Tower. She feels it is a great place for the city to have green space.

Ms. Keller closed the public hearing.

Discussion by Commissioners

The Commission is having a hard time grasping the concept of having two plans. They feel it should be a clear plan providing a mixed use solution. They feel the only way to approve something that is affordable is to include affordable units. They are in support of the proffers but having a hard time with the handling of affordable housing. They feel it wouldn't be a great idea to push the developer to do something "by right".

Mr. Tolbert suggested that Mr. Collins defer the application and that will give him time to tighten things up. It will also allow the Planning Commission to give Mr. Collins some guidelines to go by.

Mr. Collins asked for a deferral and the Planning Commission accepted his request.

The Planning Commission gave Mr. Collins a few options and guidelines that he could consider moving forward.

2. Closing of a portion of Garrett Street: A petition to close a dead end portion of Garrett Street for a distance of approximately 100 feet long adjacent to 204 Ridge Street including paved and unpaved areas, sidewalk and stairs leading to Ridge Street. The portion of this street is located adjacent to City Real Estate Tax Map 28 Parcel 143. **Report prepared by Jim Tolbert, Director.**

The staff report was presented by Jim Tolbert, Director

Staff recommendation

The City is engaged in a Strategic Investment Area (SIA) study which includes this portion of Garrett Street. Recommendations from this study are tentatively scheduled for presentation in November. Because the Garrett Street connection is important to many people and its implications for future plans are not known, staff recommends the Planning Commission deny the request until the SIA process is complete. As an alternative, staff has suggested to the applicant that we work together to determine a portion of the right-of-way that can be acquired while leaving the pedestrian access open. The SIA report will recommend that the access remain open and that a new staircase be constructed and the current steps closed. This will enhance the overall connectivity of the area. Staff will bring a report to the October meeting with the appropriate recommendations for that action.

Questions from the Commission for staff

Ms. Sienitsky asked about the timeframe the applicant should expect for the recommendation from the SIA to go into effect and Mr. Tolbert answered by saying that an exact timeframe can't be determined at the moment because it depends on funds and City Council.

Mr. Sienitsky asked if the police have any type of recommendation and Mr. Tolbert responded was that it is hard for the police to catch anyone because of the way the street is configured.

Applicant's response

Leah Watson, 204 Ridge Street (applicant), gave an overview of why she wants the street closed. They have called the police on many occasions due to the nightly use of the street for people turning around in the driveway and using the stairs as a place to sleep.

Ms. Keller opened up the public hearing.

Speakers

Michael Coslov, Bike and Pedestrian Committee, agrees that lighting and landscaping would help the area. He would like to see the area kept open for future bike and pedestrian use.

Albert ____, Hazel St, has seen a lot of problems with getting Downtown on a bike. He encourages NDS and the Planning Commission to keep this open as a way to avoid Ridge St and the Monticello Ave intersection.

Ms. Keller closed the public hearing.

Discussion by Commissioners

They feel that there are a lot of issues with this intersection. Some have personally used the stairs before. They feel that a lot can be done to this area by making the stairs more useable. This will cut down on crime and make the area safer. Since the area is heavily used they feel it would not be in the best interest to close the street.

Motion

Mr. Rosensweig said, I move to deny the proposed Garrett Street closure request because doing so is not in the best long term interest of the City.

Mr. Osteen seconded the motion

Ms. Creasy called the roll

Ms. Green	Yes
Ms. Sienitsky	Yes
Mr. Osteen	Yes
Mr. Rosensweig	Yes
Mr. Keesecker	Yes
Mr. Santoski	Yes
Ms. Keller	Yes

The motion carries

- 2. SP-13-07-12 - 723 Nalle Street:** An application for an infill special use permits to subdivide 723 Nalle Street into two approximately 5,445 square foot single-family residential lots with 36 foot road frontage

for each. The property is further identified on City Real Property Tax Map 30 Parcel 40 having 73.33 feet of frontage on Nalle Street. The site is zoned R-1S and is approximately 0.25 acres or 10,890 square feet. The Land Use Plan generally calls for Low-Density Residential. **Report prepared by Ebony Walden, Neighborhood Planner.**

Ms. Sienitsky disclosed that she owns 741 Nalle St and that will not have any effect on her making an impartial decision in this case.

The staff report was presented by Ebony Walden

Staff Recommendation

Staff recommends that the Planning Commission forward this application to City Council with a recommendation for approval with the following conditions:

1. An engineered plan for the dry wells and pervious driveway be submitted and approved by the city engineer prior to approval of a subdivision.
2. The height of the structure is no more than 30 feet.
3. The existing street tree shall be replaced with 1-2 trees per lot.

Questions from the Commission for staff

Mr. Keesecker asked if they will have the option of having an accessory apartment if this is approved by council. Ms. Walden responded by saying that they would have the same rights as a single family home unless the Commission puts restrictions on the application.

Mr. Rosensweig asked if conditions could be put on the design since there were so many of them. Ms. Walden wasn't really sure but she would find out.

Ms. Smith wanted clarification on the number of parking permits one household could have on a permit parking street and Ms. Walden clarified that they could have four permits and two for guests.

Applicant's response

Thomas Southmayd, 2727 McElroy Dr., was attracted to Nalle St because of the location and the fact that it is walkable, bikeable and close to the downtown mall. He stated that the houses will share a driveway and the space will allow for two parking spaces each.

Ms. Keller opened up the public hearing.

Speakers

Ellen Markowitz, 719 Nalle St, stated that there are a lot of rentals on that street that are not kept up. She has concerns with parking and feels that two more homes will make the problem worse.

Ms. Keller closed the public hearing.

Discussion by Commissioners

The Commission discussed a few more modifications noted below.

Motion

Dan Rosensweig moved to recommend approval of this application to allow an infill special use permit in the R1-S Residential - Small Lot district for variations in minimum lot size and regulations subject to the following conditions and exceptions or modifications:

- a. Staff approval of the LID features presented on an engineered plan.
- b. The height of the structure shall be limited to 30 feet.
- c. The existing street tree shall be replaced with 1 large or two medium trees per lot.
- d. A build to line shall be established consistent with the average existing setbacks on the street.
- e. Inclusion of full front porches as referenced in the applicant’s narrative.
- f. A minimum S-1 screening established in the rear yard adjacent to the parking area.
- g. Each unit shall be limited to one parking permit and one guest permit.

This approval is based on the finding that the proposal meets the criteria for a special use permit and would serve the interests of the general public welfare and good zoning practice.

Mr. Osteen seconded the motion

Ms. Creasy called the roll.

- Ms. Green Yes
- Ms. Sienitsky Yes
- Mr. Osteen Yes
- Mr. Rosensweig Yes
- Mr. Keesecker Yes
- Mr. Santoski Yes
- Ms. Keller Yes

Motion Carries

4. SP-13-07-13 - 217 West High: An application for a special use permit to allow for increased residential density of up to 25 units per acre in the R-3 zoning district at the property located at 217 West High Street. There are currently 2 units on site and the applicant would like to add one for a total of 3 units. The property is further identified on City Real Property Tax Map 33 Parcel 131 with frontage on West High Street. The site is zoned R-3 (Multi-Family Residential) with Architectural Design Control Overlay District and is approximately 0.12 acres or 5,227 square feet. The Land Use Plan generally calls for High Density Residential. **Report prepared by Brian Haluska, Neighborhood Planner.**

The staff report was presented by Brian Haluska, Neighborhood Planner

Staff Recommendation

Staff finds that the request is consistent with the City’s Comprehensive Plan and recommends the application be approved with the following conditions:

- 1. A reduction of yard requirements on the property to 12 feet in the front yard, 2 feet on the east side yard, 7 feet on the west side yard, and 2 feet in the rear yard. These setbacks are the current setbacks on the property.
- 2. A modification of the requirements for recreational space in Section 34-366(a) (3) to allow the required recreational space be adult/mixed-use space.

Ms. Keller disclosed that she lives two blocks from the property.

Questions from the Commission for staff

There were no questions for staff.

Applicant's response

The applicant stated that they bought the property with the intention to do renovations and to have a carriage apartment.

Ms. Keller opened up the public hearing.

Speakers

No one spoke.

Ms. Keller closed the public hearing.

Discussion by Commissioners

They feel this is very reasonable and very compatible.

Motion

Mr. Santoski said, I move to recommend approval of this application for a special use permit for the increased residential density in the R-3 Residential zone for 217 West High Street, with the conditions listed in the staff report.

Ms. Green seconded the motion

Ms. Creasy called the question

Ms. Green Yes

Ms. Sienitsky Yes

Mr. Osteen Yes

Mr. Rosensweig Yes

Mr. Keesecker Yes

Mr. Santoski Yes

Ms. Keller Yes

Motion Carries

IV. REGULAR AGENDA (continued)

H. Preliminary Discussion

1. The Standard SUP – West Main Street

Mr. Haluska provided the staff report.

Questions/Comments from the Commission for staff

- Concerns over the project being over parked
- Has the applicant had any form of communication with the housing authority?
- Is this project like the plaza across the street in offering student housing?
- How does this development relate to existing West Main Street Studies?

- Is there only one entrance in and out onto Main St?

Mr. Haluska stated that the project's parking count is over what they are required to provide and the only input they have had is from the Walker Square residents. The project doesn't have to be necessarily student housing, but the applicant hasn't stated that yet. The City's traffic engineer could restrict the entrance and make it a right turn only.

John Matthews, architect from Mitchell Matthews, was present and clarified a few questions the Commission had. He stated that the company is marketing to people that want to live in between Downtown and West Main St. They have had meetings with the surrounding neighborhoods and with CHRA.

Mr. John Williams another representative for the applicant was present.

Questions/Comments for the Applicant

- What attracted the applicant to Charlottesville?
- Does the company only create university housing?
- Will the units be rented by the bed or the unit?
- Will the applicant be able to come back with pictures and details of a similar development near public housing?
- How long would the demolition take and when could construction start?
- Has there been a sun and shade study of the street?
- Concerns with on street parking on Main St.

Applicant's Response

Mr. Williams stated that they are very committed to this project and will do what it takes to make it a great project. He stated that the parking lot will be open to the public and they have had a meeting with the neighborhood and their only concern was having a pedestrian walkway. The units will attract students and they may be rented by the unit. They are hoping to start construction around March or April of the coming year.

Mr. Matthews stated that the building across the street blocks the sun. If they would do the project by right it would create a lot more traffic and there would be more problems with turning onto Main St.

Discussion

The Planning Commission feels that the applicant has not taken the residents at Westhaven into consideration by placing a towering building over them. They feel that it will turn West Main into a party place. It is appropriate for high density residential. They complimented them on hiring a great architect and feel that the architect can go back to the drawing board and come up with something since the site is so challenging.

Speaker

Mr. Blake Hurt the owner of the property feels this will be great for the area. He feels the developer should not be crucified for the past mistakes of the Planning Commission.

I. ANNUAL MEETING

1. Report of Nominating Committee

Ms. Green and Mr. Keesecker were a part of the committee and Ms. Green nominated Mr. Keesecker for Chair. Mr. Keesecker accepted the nomination, but felt this was not a good time for him to become the chair so he nominated Mr. Rosensweig for chair and Ms. Keller for Vice Chair. Ms. Keller didn't accept the nomination for Vice Chair and she nominated Mr. Keesecker if he didn't want to be chair.

2. Election of Officers

Mr. Rosensweig for Chair and Mr. Keesecker for Vice Chair the votes were done by roll call.

Green yes
Osteen yes
Rosensweig yes
Keesecker Yes
Santoski Yes
Keller Yes

Congratulations to Mr. Rosensweig on becoming the new Chairperson of the Planning Commission and Mr. Keesecker on becoming the Vice Chair.

3. Review of Annual Report

Ms. Creasy asked if there were any questions from the annual report that was a part of their packet. There were no questions so Ms. Creasy turned the meeting over to the new Chairperson Mr. Rosensweig.

The motion was made to adjourn to the second Tuesday of the following month by Ms. Green
All in favor

Meeting adjourned at 11:25 pm