

MINUTES
PLANNING COMMISISON MEETING
October 8, 2013
CITY COUNCIL CHAMBERS

Commissioners Present:

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

Staff Present:

Ms. Missy Creasy, AICP, Planning Manager
Mr. Brian Haluska, AICP, Neighborhood Planner
Ms. Kathy McHugh,

Also Present

Ms. Lisa Robertson, Deputy City Attorney
Mr. David Neuman, Ex-officio, UVA Office of the Architect

Not Present

Mr. Michael Osteen

Mr. Rosensweig announced that item #4 would be pulled from the consent agenda and heard at the end of the meeting.

I REGULAR MEETING

A. Commissioner's Report

- Ms. Keller noted that she will be attending the PLACE meeting tomorrow. She attended the TJPDC meeting last week and they are in search of a new executive director.
- Ms. Sienitsky had nothing to report.
- Mr. Keesecker attended the Master Planning Council meeting, but will allow Mr. Neuman to elaborate on the details in his report.
- Mr. Santoski attended the School CIP meeting and will be attending another meeting Friday.
- Ms. Green attended the MPO Tech meeting. A UVA graduate student is working on a regional bike model and update of the bike application. The new CAT smartphone application is undergoing beta testing.

B. University Report

Mr. Neuman provided an update of the Master Planning Council discussion, provided insight on the role and membership of PACC Tech and announced the date of the Sustainability forum at UVA.

C. Chair's Report

Mr. Rosensweig attended the HAC meeting on September 16, 2013 and provided a report on items discussed. He also announced some upcoming events and meetings.

D. Department of NDS

Ms. Creasy noted that Livability Grant products will be going to the PACC Tech for sign off next week. She reminded Commissioners about the Homelessness symposium at UVA and asked that they make sure to RSVP.

Mr. Rosensweig announced that the 803 Rugby Road subdivision has been pulled from the Consent Agenda and will be considered at the end of the meeting tonight.

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

Speakers:

- Jack Brown, 1505 Dairy Rd is in the Rugby-Meadowbrook Heights Association. He was joined by 25 neighbors who were united in opposition of the Meadowbrook Flats. They feel it wipes out green space and trees. He feels it won't do anything to make the neighborhood better, only make traffic worse.
- Kurt Woerpel is very happy that there is a Planning Commission. He feels this project is too massive and there will be a lot of traffic issues.
- Patricia Humphreys opposes the mass, scale and the increase in traffic. She feels this project violates the ERB guidelines and the developer hasn't made an attempt to conform to the guidelines.
- Robert Koester, 1808 Rugby Place explained how this project would cause a drainage problem.
- Timothy Heaphy, 2028 Barracks Rd, feels the development would take the only grassy area left on this property. There have been no environmental studies done and the scaling and massing is too much.
- Rachel Lloyd, 1810 Tunlaw Place would hate to see 803 Rugby Rd developed.
- Julia Whiting, 1221 Rugby Rd, feels that the traffic back up to Washington Park is an issue. There are a lot of water issues and critical slope issues. She feels the city has terrible streams.
- Michael BeVier, 712 Rugby Rd, is requesting the Rugby Rd item be deferred until November. He feels the current plan is not up to code. He feels it will take longer to address current issues.
- Cale Jaffe, 1853 Edgewood Ln agrees with what previous speakers have said. The focus will be on 803 Rugby Rd. He feels safety is an issue and that should be the focus since kids are there waiting for the bus.
- Richard Schragger, 1889 Westview Rd, is against Meadowbrook Flats. He feels the building height will be overwhelming and it will not be pedestrian friendly. It doesn't contribute to the long term improvement of Emmet St.
- Marlene Jones, 103 Elkhorn Rd, is the owner of property on Rugby Rd and she is a board member of the church and they are in support of the 803 Rugby Road subdivision.

F. Consent Agenda

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

Minutes - September 10, 2013 – Pre meeting

Minutes - September 10, 2013 – Regular meeting

Minutes - September 24, 2013 – Joint City County PC Work Session

Zoning Text Initiation - Affordable Dwelling Unit Requirements

A motion of approval of the consent agenda was made by Ms. Keller

Ms. Green seconded the motion

All in favor

Consent Agenda Passes

II. JOINT PUBLIC HEARINGS

G. JOINT PUBLIC HEARINGS

1. ZT-13-08-14 - Affordable Dwelling Unit Amendment: An ordinance to amend and reordain §34-12, 34-827 & 34-828 of the Zoning Ordinance and §29-110 of the Subdivision Ordinance of the Code of the City of Charlottesville, 1990, as amended, to provide reference to the correct Consumer Price Index used to calculate contributions to the City's affordable housing fund, to provide for City Council to enact regulations to implement affordable dwelling unit requirements, and to ensure that affordable dwelling unit requirements will be referenced within any site plan or subdivision plat submitted for approval. **Report prepared by Kathy McHugh, Housing Specialist.**

The staff report was presented by Kathy McHugh, Housing Specialist

Summary of the staff report

Staff has requested comment from the City's Housing Advisory Committee (HAC). The HAC did not question the need to provide regulations described herein; however, the committee did want to review and provide input relative to the proposed draft regulations as prepared by City staff. Accordingly, staff has scheduled a special meeting on October 16, 2013 to discuss this matter with the HAC. Staff recommends approval of the zoning text amendment.

Questions from the Commission and Council for staff

Ms. Green asked if a state agency set up the affordable dwelling units requirement?

Ms. McHugh stated that she was correct and the City put the ordinance in place as denoted by the state enabling legislation.

Ms. Green asked if there was a way they could go back and ask for the legislation to be changed.

Ms. Robertson said that it has been tried before and has failed. She also stated that it is a difficult process, but it can be done.

Ms. Creasy said what is in front of us is what we have to work with.

Mr. Rosensweig opened up the public hearing and with no one to speak he closed the public hearing.

Mr. Santoski moved to recommend approval of this zoning text amendment to amend and reordain§34-12, 34-827 & 34-828 of the Zoning Ordinance and §29-110 of the Subdivision Ordinance of the Code of the City of Charlottesville, 1990, as amended, to provide reference to the correct Consumer Price Index used to calculate contributions to the City’s affordable housing fund, to provide for City Council to enact regulations to implement affordable dwelling unit requirements, and to ensure that affordable dwelling unit requirements will be referenced within any site plan or subdivision plat submitted for approval.

Mr. Keesecker seconded the motion

Mr. Rosensweig stated the one thing that the HAC has had concerns with is when enacting in any regulations they want to make sure they aren’t taking away the possibility of anything happening that needs to happen. He asked Ms. Robertson if there was in wiggle room in our existing ordinance specifically regarding section 34-12c.

Ms. Robertson stated that there is little or no room to change the definition of affordable dwelling units. It may be possible to work with HAC on how to implement for sale units. There may be room to discuss whether it has to apply to specific units at the beginning or whether there can be a consistent number of units available over the 30 year period for the development as a whole.

Ms. Creasy called the roll.

Keller	Yes
Sienitsky	Yes
Keesecker	Yes
Santoski	Yes
Green	Yes
Rosensweig	Yes
Motion Passes	

2. SP-13-08-15 - The Standard (West Main Street): An application for a special use permit to allow for increased residential density of up to 89 units per acre and additional 10 feet in height in the West Main North zoning district at the property located at 853, 855 and 901 West Main Street. The property is better known as Republic Plaza. The property is further identified on City Real Property Tax Map 31 Parcels 169 and 170 with frontage on West Main Street. The site is zoned WMN (West Main North) with Architectural Design Control Overlay District and is approximately 2.517 acres. The Land Use Plan generally calls for Mixed Use. The preliminary site plan for the project shows a six-story mixed use building with 189 residential units and 12,000 square feet of commercial space. **Report prepared by Brian Haluska, Neighborhood Planner.**

The staff report was presented by Brian Haluska, Neighborhood Planner

Staff recommendation

When evaluating a request for a special use permit, it is important to focus on the standard of review, as well as the specific request that is subject to the Special Use Permit. In this case, the applicant is asking for an additional 10 feet in height, and additional density of 46 units per acre, or 116 units.

Staff finds that the request for additional density is in keeping with many of the goals in the Comprehensive Plan, and thus recommends the additional density be approved. The application proposes density in a location where the City has stated that it desires higher density development. The development will aid in the goal of placing more University students closer to the University grounds. The proposed development places increased density on one of the main routes for alternative modes of transit in the City. There is, however, the lingering issue of the supply of parking, and the influence that it might have on the

ability of the development to meet the goals of the Comprehensive Plan, as well as not present a major traffic impact on the surrounding neighborhood. To that end, staff recommends that to address the impact of parking in the area that the amount allowed be up to 348 spaces. This number of spaces would provide 1 space for each 1 and 2 bedroom apartment, 2 spaces for each 3 and 4 bedroom apartment, and additional parking for the commercial uses.

The second portion of the request is for additional height on the property. Staff feels that the applicant attempted to respond to concerns raised by the Planning Commission regarding the north face of the building, and the visual impact on the residents of the West Haven housing complex by removing the balconies on the north face of the building, and lowering the height of a portion the north face closest to Westhaven by a story to be in line with the by-right height in the zone.

Staff agrees with the recommendations of the Board of Architectural Review regarding the impact of the height on the massing and scale of the project. The applicant has attempted to respond to most of the concerns raised by the BAR. The applicant has utilized different materials along the façade in an attempt to vary the front wall of the building. Additionally, the applicant has broken the commercial space in the building into two separate units that occupy more of the street frontage than in the original proposal.

Staff finds that the additional height is in keeping with the goals of the City's Comprehensive Plan, and that the applicant has attempted to mitigate the impact of the height on the adjacent housing areas by stepping back the northern most portion of the north face of the building to lessen the impact on the Westhaven development.

Staff recommends the application be approved with the following condition:

1. The maximum parking provided on site shall be no more than 348 spaces.

Questions from the Commission and Council for staff

Mr. Huja asked if there were going to be 348 parking spaces

Mr. Haluska stated that using the current zoning for this area, they are proposing over the number of required spaces.

Ms. Keller asked if the current parking minimum is 213 and Mr. Haluska stated that it was.

Ms. Keller asked if they knew the current number of bedrooms, common space and overall bedroom count.

Mr. Haluska stated there were 189 units with 601 beds.

Mr. Santoski asked if there had been a time when they asked for a reduction in parking and Mr. Haluska stated they did with the PACE center.

Mr. Huja asked Mr. Neuman how UVA handles student parking.

Mr. Neuman stated that UVA has different locations which allow students to park their car for a small fee.

Ms. Galvin asked if the alley or the street coming from 10th St had ever been considered and Mr. Haluska stated that this is all private property.

Mr. Santoski still feels the left hand turn is dangerous and would like the left turn eliminated.

Mr. Haluska stated that the traffic engineer will only approve what is safe.

Ms. Smith asked how the developer would eliminate carbon monoxide and how they will handle the loss of power.

Mr. Haluska stated that he doesn't know the plan but the applicant may.

Applicant's response

John Matthews, and John Williams are representing the owner on this project. John Mathews noted they felt they had addressed issues brought up by the BAR, Planning Commission and the neighborhood. He presented an overview of the project to

familiarize the public and gave further details on the changes that were made from the preliminary meeting such as an increase in retail space.

John Williams gave an overview of how issues with the parking would be handled and items that were discussed with the residents of Westhaven. They will be adding a pedestrian connection and providing funds for scholarships to provide training for residents of Westhaven. He also stated that a traffic study would be done and they will make every effort to make the intersection safe.

Mr. Rosensweig opened the public hearing.

Speakers

- Kevin Shaffer, 705 Maple St, feels that West Main is under invested. He would love to see growth there.
- Scott Peyton, owner of Hampton Inn, stated that they have never been approached by the developers. He feels the height, density and mass is out of scale. Traffic congestion will increase and they will have more drivers cutting through their parking lot.
- Keith Rosenfeld, 283 Broad Axe Road, owner of Hot Cakes feels this will create more jobs. Approving this project will improve and upgrade our environment.
- Bud Treakle, 611 Park St, lives and works downtown. He feels it is consistent with the comp plan and doesn't see a down side to the project.
- Pat Jensen, 2351 Stony Point Road, noted that something viable is needed on Main St. This will be a great place to allow people to live downtown.
- Alex Hancock, 2712 Eaton Rd, feels criteria are needed to meet a higher standard. He doesn't like the limitation of parking.
- JR Hadley, 1106 Arden Dr., the owner of Boylan Heights and Mellow Mushroom is in favor of the project. He feels this will help with some traffic issues.
- Blake Hurt, owner of Republic Plaza stated that UVA is planning on increasing student enrollment to 21,500 by 2016 and this project will give them a place to live. He feels this project meets those goals and it will increase revenue for the city.
- Joy Johnson, 802 Hardy Dr. is a member of PHAR, but she is not speaking on their behalf. She appreciates the way the developer has taken the time to talk to them and explain the project. She is neither for nor against the project.
- Doma Gastopo, 302 8th St NW is providing a voice for the residents. He does not support the project. They need to think of the long term impact the building will have on the community.
- Matthew Crane, 4223 Earlysville Rd, didn't really like West Main when he moved to Charlottesville. Density and traffic will allow for revenue for the City and now he likes West Main.
- John Plitzoff, Plymouth Road, noted that this project should not bring in more school age children.
- William Abrahamson, 123 Stribling Ave, is in favor of the project. He feels this will boost public transportation.
- Nancy Carpenter, 727 Denali Way, noted this will increase traffic and will push traffic and revenue into the county.
- Dede Gilmore, 613 Hinton Ave, feels that this development needs to offer affordable housing. She feels that putting affordable housing near Westhaven would be the right thing to do. She feels that people like her that grew up here should be able to live in this development. She remembers the way things that use to be on West Main such as Safeway, P&J and Back Alley Disco.

Mr. Rosensweig closed the public hearing.

Discussion by Commissioners

Mr. Rosensweig asked the other Commissioners if this project meets the standard of review.

Ms. Green feels only in density and Ms. Keller doesn't think so. The other commissioners feel that it does.

Impacts

Ms. Green feels the density is appropriate and would like to see affordable housing units added. She feels adding them would be really simple.

Ms. Keller would like to hear how this will fit in with the West Main vision. She would like to see a West Main where she would love to live, shop and enjoy life. She feels this will not be a place for everyone to live.

Ms. Santoski feels it meets the intent of the comp plan. He feels this is a tipping point of what will happen on West Main St. He is really distressed by looking at the development. Making the developer address what the City of Charlottesville should have handled a long time ago isn't appropriate.

Mr. Keesecker feels the building fits with what is on Main St.

Ms. Sienitsky feels that the density and use is appropriate, but would like to see greater mix use.

Mr. Rosensweig feels more retail is preferable, the comp plan supports this and the applicant has done a really good job. He feels the Housing Authority should establish their own fence if they don't want people coming through.

Ms. Green would like to know how many people would be here supporting the project if this was affordable housing. She totally supports density in this area and this should be for the people.

Parking

Mr. Rosensweig stated that parking that is completely hidden from West Main restricts the amount of residential use.

Ms. Sienitsky has a big issue with so much parking.

Mr. Keesecker likes the idea of finding a solution and allowing the public to park.

Ms. Keller feels there is too much parking and the students will drive their cars which will put more traffic on West Main.

Ms. Green agrees with Ms. Keller.

Mr. Santoski has no problem with the parking and they should be careful with tying their hands in allowing public parking.

Motion

Mr. Santoski made a motion to recommend approval of this application for a special use permit for additional height and density in the West Main North zone for 853, 855 and 901 West Main Street, with the conditions as follows:

1. The maximum parking provided on site shall be no more than 499 parking spaces and the applicant plans to make any parking spaces not leased to tenants available to the public.
2. The Traffic Engineer (TE) will work with the applicant to conduct a traffic study of the area. This study must be acceptable to the TE and performed at the cost of the applicant. A voluntary traffic study scoping meeting will be held prior to the study beginning and include UVA, City and other applicable parties to assist in the discussion. Any recommendations in relation to bicycle, pedestrian (pedestrian signals could be included) and traffic signaling that are recommendations from this study will be installed at the cost of the applicant.
3. The applicant will close the court yard to West Main Street in order to provide at least 7000 SF of retail on the street or will keep the court yard open with the requirements that windows and doors on the arcade be present and open to the commercial spaces adjacent.
4. Reservation of a 5 feet easement on the East side of the building for future access
5. Construction of a pedestrian access way on the West side of the building
6. Bicycle parking internal to the building will equal at least 20% of the number parking spaces on site and publicly accessible bicycle parking will be at least 1 bicycle space per 1000 SF of commercial space on site."

Ms. Sienitsky seconded the motion

Ms. Creasy called the role.

Keller	No
Sienitsky	Yes
Keesecker	Yes
Santoski	Yes
Green	No
Rosensweig	Yes
Motion Carries	

IV. REGULAR AGENDA (continued)

H. Meadowbrook Flats -1138 Emmet Street Critical Slopes Waiver Request

Mr. Haluska provided the staff report.

Questions from Commissioners for staff

Does the critical slope waiver come before the site plan?
If the building is shifted would they still need a critical slope waiver?

Mr. Haluska stated that the critical slope waiver comes before the site plan and they would still need a waiver if the building was shifted.

The applicant's representative, Valerie Long, gave a brief PowerPoint presentation showing how the building would sit on the property as well as a rendering of each side of the building.

Questions for the applicant

Will students be eligible for the affordable housing?

Mr. William Park, developer, explained why the units qualified as affordable housing and why most students would not be eligible for them.

Ms. Keller made a motion to recommend for denial of this critical slope waiver as proposed to City Council.

Ms. Sienitsky seconded the motion

Discussion

Mr. Rosensweig is very frustrated that he is unable to support the motion.

Ms. Green felt that justification of a public benefit was not met.

Ms. Creasy called the roll.

Keller	Yes
Sienitsky	Yes
Keesecker	Yes
Santoski	Yes
Green	Yes
Rosensweig	No

Motion for denial is approved.

Entrance Corridor Application Review

Mr. Rosensweig gavelled out of the Planning Commission meeting into the Entrance Corridor Review Board.

Ms. Mary Joy Scala presented the staff report and stated that staff recommends a deferral until City Council votes on the critical slope waiver.

Mr. Santoski made a motion to defer the application

Mr. Keesecker seconded the motion.

Ms. Creasy called the roll.

Keller	Yes
Sienitsky	Yes
Keesecker	Yes
Santoski	Yes

Green Yes
Rosensweig Yes

Motion Carries.

Mr. Rosensweig gavelled out of the Entrance Corridor Review Board and back into the Planning Commission meeting.

Subdivision – 803 Rugby Road (Preliminary and Final)

Ms. Ebony Walden provided the staff report.

Questions from commissioners for staff

Mr. Keesecker asked when was it established that the parking lot was conforming or non-conforming.

Ms. Walden stated that it was established in the 1980's.

Mr. Santoski asked why the item was pulled and why this is an issue.

Mr. Rosensweig provided time for public comment

Speaker

Katie Coughlin, 2505 Angus Rd is a member of the church and would like to see the project move forward.

Ms. Green made the motion to approve the subdivision for 803 Rugby Road as presented.

Mr. Santoski seconded the motion.

Ms. Creasy called the role.

Keller Yes
Keesecker No
Santoski Yes
Green Yes
Rosensweig Yes

Motion carries.

Mr. Keller made a motion to adjourned to the second Tuesday in November.

Meeting adjourned at 11:33 pm