

City of Charlottesville

Planning Commission

Tuesday, September 9, 2009 – 5:30pm

Commissioners present –

Mr. Bill Emory

Mr. John Santoski

Mr. Mike Osteen

Ms. Genevieve Keller, Vice Chair

Mr. Jason Pearson, Chair

Mr. Dan Rosensweig

Mr. Kurt Keesecker

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

Staff present -

Ms. Missy Creasy, AICP, Planning Manager

Ms. Ebony Walden, AICP, Neighborhood Planner

Mr. Nick Rogers, Neighborhood Planner

Mr. Richard Harris, Deputy City Attorney

City Council Members present –

Mr. Dave Norris, Mayor

Mr. Julian Taliaferro, Vice Mayor

Ms. Holly Edwards

Mr. Satyendra Huja

Mr. David Brown

II. Regular Meeting

Mr. Pearson convened the meeting at 5:30pm

A. Report of the Nominating Committee

B. Annual Meeting

Mr. Rosensweig commended staff for compiling the Commission's annual report.

Ms. Keller moved to approve the annual report inclusive of the comments received for minor revisions. Mr. Osteen seconded. The motion passed unanimously, 7-0.

C. Commissioners' Reports

Mr. Emory and Ms. Keller had no reports.

Mr. Osteen gave an update on the BAR's work on design work associated with the side streets of the Downtown Mall project. The BAR also nominated McGuffey school to be on the National Register for Historic Places.

Mr. Rosensweig commended the two new Commissioners, Mr. Santoski and Mr. Keesecker, and looked forward to working with them.

D. University Report

Mr. Neuman noted the centennial anniversary of the Carr's Hill house, the opening of an exhibition in the newly renovated museum on Rugby Road on the history of the campus's architecture, and the annual neighborhood advisory group meeting on September 21st at the Fontaine Research Park building.

E. Chair's Report

Mr. Pearson noted that Commission recently did a retreat with staff. The topics covered were largely procedural issues in an effort to increase efficiency. The 2010 work plan was deferred to a later work session. He said citizens could come to Planning Commission meetings or work sessions to speak on issues the Commission should be examining. Mr. Pearson encouraged email input, and said the Commission was trying to address larger strategic issues and citizen input would be beneficial.

F. Department of NDS/Staff Reports

Ms. Creasy reminded the Commission of their work session on September 22nd to talk about yard sales and homework from their recent retreat.

G. Matters to be Presented by the Public not on the Formal Agenda

Ms. Amy Kilroy, of 206 5th Street SW, extended an invitation from the Charlottesville Redevelopment and Housing Authority to the Planning Commission to attend upcoming community meetings for discussion of the redevelopment process. The meetings are to figure out how to redevelop 376 units of housing. Commissioners could visit <http://cvillehousing.org/> for more information. Meeting attendees would be reviewing conceptual designs on 11 sites throughout the City and commenting on them.

H. Consent Agenda

The consent agenda included the site plan and subdivision approval list, the August 11, 2009 pre-meeting minutes, the August 25, 2009 work session minutes, and the request for initiation of a zoning text amendment for amusement centers in the Highway Corridor zoning district. The July 14th, 2009 and August 11, 2009 regular meeting minutes had not been received, and were not included in the consent agenda.

Mr. Emory moves to approve the consent agenda. Mr. Rosensweig seconded. The consent agenda passed unanimously, 7-0.

I. Site Plan - 10th & Grove PUD

Ms. Walden presented the staff report. The plan called for 20 units per acre, porous parking pads, a central open space behind the homes, and the preservation of two existing trees. Staff recommended approval.

Mr. Pearson asked if there were any major concerns. Being none, he requested a motion. Mr. Rosensweig moved to approve the site plan. Ms. Keller seconded. The Planning Commission unanimously passed the site plan, 7-0

After the vote, Mr. Osteen mentioned that this application had spurred him to apply for a position with the Commission. He applauded the applicant for sticking with the project, and appreciated the landscape plan. He encouraged the applicant to install root barriers next to trees near the sidewalk.

Mr. Pearson recessed the meeting until 6:30.

Mr. Pearson reconvened the meeting at 6:30.

Ms. Keller read a proclamation from City Council commending Mr. Mike Farruggio on his service to the City of Charlottesville as a member of Planning Commission.

Mr. Emory read a proclamation from City Council commending Ms. Cheri Lewis on her service to the City of Charlottesville as a member of the Planning Commission.

J. Joint Public Hearing – ZT-09-07-16 (William Taylor Plaza)

Mr. Pearson read the description from the evening's agenda.

Ms. Walden presented the staff report. The rezoning would allow up to 50 dwelling units and 100,000 square feet of commercial space. The item was deferred from last month due to traffic clarifications needed. The applicant had since adding bicycle storage spaces, openings for the commercial spaces on Cherry Avenue, and additional proffer money for traffic impacts. Ms. Walden noted concern with the variable square footage proposed, and the large scale of the project in context with the rest of the neighborhood.

Ms. Keller disclosed that she is a board member of Preservation Piedmont, an organization that had taken an interest in the application. She disclosed her email discussions, and said that she could be impartial in her decision making.

Commissioners followed up Ms. Walden's report with questions on negative traffic impacts on 5th Street, clarifying the range of commercial and residential space, the visual model's representation of the building envelope and tree canopy, the prospect of using the residential space for commercial uses, the building heights in context with the rest of Cherry Avenue, and the methodology for the applicant's trip generation model.

City Council had no questions.

Mr. Charlie Armstrong with Southern Development, at 170 South Pantops Drive, addressed the topics from the previous public hearing. The proffers called for a maximum of 50 dwelling units, a 20% commercial square footage minimum, and the ground floor spaces along Cherry Avenue to be restricted to non-residential uses. Mr. Armstrong proffered flexibility in the commercial square footage amount

due to changing market forces between now and the final site plan. The visual model presented closely estimated the existing tree cover and the trees to be saved. He addressed the potential cemetery on the site and detailed an investigation dating back to 2005 that did not uncover a cemetery. He mentioned that careful attention would be paid during clearing and initial construction to look for the cemetery, and that state regulations would be followed if any remains were found. Mr. Armstrong said that the decision of a cash proffer for traffic improvements was to not step in on the City's plans, and that the proffers now specified bicycle storage within the parking structure.

Commissioners followed up Mr. Armstrong's report with questions concerning the ground floor square footage on Cherry Avenue, the proposed median in Ridge Street, the total square footage of residential units, the ownership/rental mix of the dwelling units, the affects of lowering the height of the building, the stepback of the building along Cherry Avenue, the project's LEED status, the vegetation to be removed, and the project's BAR review.

City Council had no questions.

Mr. Pearson opened the public hearing.

Mr. Tony Wash of 191 Brookwood Drive highlighted high traffic speeds on 5th Street and mentioned the additional tax revenue that the City would receive if the street corner was developed.

Ms. Adrienne Fowler of 805 Raymond Road handed Commissioners a letter with condensed comments and expressed concerns with tree preservation, the impact on the nearby historic districts, and the cemetery question. She said the process has left out much of the community that hasn't included the Ridge Street neighborhood.

Ms. Emily Johnson of 112 5th Street SE requested a tree conservation plan, an assessment of the traffic impact on intersections between the proposed development and the surrounding neighborhoods, and an archaeological survey to clarify the cemetery issue.

Ms. Antoinette Rhoades of 406 Oak Street expressed her opposition to the project and offered historical insight on the family graveyard of Alan Woodson Hawkins and Mr. Hawkins himself. She said she had tripped over gravestones and had given NDS and Southern Development information on the gravesite. She requested that the Commission require an archaeological study.

Ms. Eryn Brennan, a member of the Board of Architectural Review and the president of Preservation Piedmont, encourage the applicant to see if there were any human remains on the site and that it would be unfortunate and inappropriate to not document the resources.

Mr. Otis Douglas of 407 Oak Street expressed concerns with the two-way nature of 5th Street with cars parked on one side, and didn't not feel that the \$10,000 cash proffer would address traffic problems on 5th Street. He mentioned that traffic increases from the development would make traffic on 5th Street worse.

Mr. Brian Crenshaw of 225 4th Street SW echoed Mr. Douglas's traffic concerns and noted that the proposed buildings' scale was inappropriate.

Mr. Herb Porter of 509 7 ½ Street SW encouraged Commissioners to listen to Ms. Rhoades previous statement. He alleged that the project was a continued effort to destroy Fifeville, and that the city's

green city title should be taken away. He noted that the land was the largest greenspace in the city that is not a park, and that there should be an investigation as to how the project came to be.

Mr. Pearson asked Mr. Harris to come forward to talk about the Commission's authority on the cemetery issue. Mr. Harris defined proffers as things to be offered by the applicant to mitigate negative impacts, and that they can not be demanded. He said that the Commission's role was to recommend a rezoning of the land, and that the land could be built on at that moment by-right. Mr. Harris advised the Commission to base their rezoning recommendation on the zoning code's standard of review, and that the cemetery issue was not within the Commission's purview.

Mr. Pearson clarified that a land sale had approved by City Council already, and that the legal terms of the land deal were included in the applicant's proffer statement. He said the Commission would not be considering them as a proffer but as background material.

Mayor Norris clarified that when the city was considering the sale, they were informed by an archaeologist that the only way to know if a cemetery is present is to clear the vegetation, scrape off the topsoil, and look for signs of remains. Mr. Armstrong was committed to doing this work.

Commissioners were concerned with how the buildings would fit in with the Cherry Avenue corridor, tree protection, the traffic on 5th Street going through Fifeville, the clarity of the proffers, the ambiguity between the intersection of the residential and commercial uses, and the pedestrian experience.

Mr. Pearson opened up discussion on the project's traffic issues. Mr. Osteen was concerned about traffic up 5th Street into Fifeville and making the project pedestrian friendly. Mr. Pearson highlighted the traffic engineer's analysis that the traffic proffer would mitigate the negative impacts. He noted the existing level of traffic from the analysis, and that Cherry Avenue is zoned for more intense mixed-use zoning. Ms. Keller noted the traffic changes that would come with the mix of uses, such as customer drop-off, families, and the different traffic makeup than seen there now. Mr. Santoski was concerned with the bottleneck potential of cars on 5th Street that would happen soon thereafter. Mr. Rosensweig desired a plan to account for the increased growth and density, but was supportive of the traffic proffer. Mr. Pearson polled the Commission and found that a majority felt that the traffic proffer mitigated the adverse impacts.

Mr. Pearson opened up discussion on the project's pedestrian impacts. Mr. Armstrong highlighted the \$5000 cash proffer for pedestrian improvements to the Ridge/Cherry intersection. He articulated his commitment to building a median for pedestrians in Ridge Street, but it was unclear if the median could be built due to utilities concerns, and opted for a cost sharing proffer instead. Ms. Keller expressed concerns about the pedestrian experience during the day and night. Mr. Pearson polled the Commission and found that a majority felt that the pedestrian impacts had been mitigated.

Mr. Pearson polled the Commission on the issue of building height, focusing on whether the proposed heights made sense for the Cherry Avenue corridor. Commissioners all were comfortable with this issue to varying degrees.

Mr. Pearson opened up discussion on whether the application sufficiently protects the trees to be saved. Ms. Walden noted that areas designated as open space in a PUD must remain as such. Mr. Emory felt it was nebulous as to what hours of the day the public would be allowed to enter the arboretum. Mr.

Pearson asked Commissioners if tree protection had been adequately addressed, and no Commissioners felt it hadn't.

Mr. Pearson opened up discussion on the clarity of proffers. Mr. Osteen noted that the Commission would need to accept the lowest sidewalk width in the proffered range. Mr. Neuman asked about the transit proffer, and Mr. Armstrong committed to installing a bus stop wherever CTS or NDS wanted one. Mr. Harris pointed out difficulty in enforcing the LEED proffer without inspectors to watch where site debris gets dumped. Mr. Santoski felt that a median in Ridge Street could narrow the sidewalk width.

Mr. Pearson asked which Commissioners held concerns about the residential/commercial interface. Mr. Keesecker said that commercial activity was not prohibited in the proffer statement on Ridge Street, and was concerned that the mix of uses could be too heavily weighted between residential or commercial on Cherry Avenue. Ms. Keller echoed those comments, and was concerned about the transition from residential use on Ridge to commercial use. The majority of Commissioners were still comfortable with the residential/commercial interface after this discussion.

Mr. Pearson noted the general sentiment amongst Commissioners that the rezoning's adverse impacts had been addressed. Ms. Keller felt that the Commission's clarifications on issues weren't in the records, and Mr. Pearson suggested that comments to Council could be made after the motion so that it was clear the Commission was not modifying or negotiating proffers. Mr. Harris said that he had not heard any substantial change in the proffers, but that any proffer changes would be best done at that time so that the applicant can get them to Council within the required seven days time. Mr. Pearson noted the time of public access to the arboretum had not been finalized, and Mr. Harris said the cleanest way to handle it would be to add it to the development plan.

Mr. Osteen was uncomfortable with the vagueness of the proffer concerning low impact development methods to control storm drainage.

Mr. Pearson requested a motion. Mr. Osteen moved to recommend approval of this application to rezone the properties located on Tax Map 29, Parcels 145, 146, 147, 149, 150, 151 and 157 from R-2, R-3 and CH to PUD, with the following changes to the submitted proffer statement:

- **That the limits of the arboretum will be clearly shown on the development plan**
- **That a retention basin for the control of storm drainage will be constructed on the property as shown on the development plan;**

on the basis that the proposal would serve the interests of the general public welfare and good zoning practice. Mr. Santoski seconded.

Mr. Emory mentioned he was not inclined to support the motion, focusing on the PUD consideration #7 from the staff report, and noted that other considerations were debatable. Ms. Keller noted the applicant's comment that the entire site would be subject to BAR approval, but that there was no requirement of this mentioned in the staff report. Ms. Walden said that the packets the Commission and the BAR received were identical, and that the BAR's comments pertained to the entire site.

Ms. Creasy called the question:

Mr. Emory – no

Mr. Santoski – yes

Mr. Osteen – yes

Ms. Keller – no

Mr. Rosensweig – yes

Mr. Keesecker – yes

Mr. Pearson – yes

The motion passed 5-2.

Mr. Pearson initiated discussion that could be attached to the motion that Council should think about. Mr. Rosensweig was concerned with how Council would divide the \$253,000 proffer for affordable housing in Fifeville or Tonsler Park, as the proffer wouldn't allow the Commission to identify how the project would impact these two things. He recommended Council use the majority of the funding for affordable housing in Fifeville. Mr. Pearson agreed, noting that no other proffers addressed impacts to affordable housing. **Mr. Pearson summarized Ms. Keller's concerns as the development's appearance and the quality of the project on Cherry Avenue. That could be addressed through the BAR but we don't have assurance that would occur at this time. There was also mention of additionally pedestrian safety measures and concerns about the possibility of commercial development which might take place on Ridge the way the PUD is currently structured. Mr. Osteen was comfortable with these comments.**

Mr. Pearson took a recess at 9:21, and reconvened the meeting at 9:30.

J. Preliminary Discussion – Sunrise Trailer Park PUD (1012 Midland Street)

Mr. Keesecker revealed that his firm had done some work with the Sunrise Trailer Park design some time ago, but has no personal interest in the project.

Mr. Emory noted that he applied for a photo documentary position related to the project, but had no existing personal interest in the item.

Mr. Rosensweig had left the room and recused himself before the break from the discussion, as he is the executive director for Habitat for Humanity of Greater Charlottesville which was the applicant for the upcoming item.

Ms. Creasy introduced the item. The Commission was tasked with providing guidance and information to the applicants for their future rezoning presentation.

Mr. Don Franco of KG Associates presented on behalf of Sunrise Park, LLC, whose sole member is Habitat for Humanity of Greater Charlottesville. Mr. Ryan Jacoby from Habitat for Humanity was also in attendance. Mr. Franco mentioned the commitment to the original residents that they would be housed during the redevelopment of the site. The rezoning would be to PUD and include six lots on Carlton, Rives, Nassau, and Midland. The development plan is for 60 dwelling units with some commercial space, replacing 16 mobile homes onsite. Surrounding features included commercial and light industrial uses, another mobile home park, single-family detached houses, and an individually protected property. Mr. Franco described the plan, which called for an alley system, rear-loaded properties, no parking lots,

buildings pulled close to the street, front porches, and a transition from higher density along Carlton to duplexes on the south. The plan incorporated 75 parking spaces.

Mr. Franco requested input on six separate issues:

- Nonresidential uses – the applicants would be proposing a number of uses, and he wanted feedback on the uses that had been selected
- Parking – the applicants would be requesting a waiver for a portion of the site’s parking
- Demolition of the adjacent building at 1106 Carlton Avenue
- Phasing – Mr. Franco proposed to develop the western portion of the site first, while relocating residents to another part of the site during construction. The residents’ replacement housing would be at the northwest corner of the site
- Zoning administrator authority to add new uses to the PUD and avoid a rezoning
- Landscaping – the applicants would prefer relief from the code’s street tree spacing requirement

Mr. Franco said that nine dwelling units would be deeply affordable to residents making no more than 18% of the area median income, that the remaining affordable units would be targeted to residents making between 25-60% of area median income, with the rest being market rate.

Mr. Pearson began with questions on the 1106 Carlton Avenue house. Mr. Emory asked how the project would relate to the building. Mr. Franco said the focus had been on the massing and scale of the buildings, with a total footprint of 40’ by 40’. The building would contrast with the rest of the site. Ms. Keller felt it reasonable for the owner to document the building and salvage any usable materials.

Mr. Pearson asked Commissioners how much detail they would like to see about the deeply affordable units. Mr. Franco noted that the residents would be renters and only pay 30% of their income. Ms. Keller appreciated that the residents’ displacement was being addressed early on. Ms. Creasy advised Commissioners that the applicant could sell the PUD to another developer, and the PUD language would remain with the new owner. Mr. Pearson asked what level of affordability would be maintained in the PUD application, and Mr. Franco noted that the next presentation would show 15 units as home ownership opportunities to an affordable group. Mr. Keesecker was concerned with income monitoring and moving people out who increased their income beyond the deeply affordable threshold.

Mr. Pearson asked Commissioners for feedback on the nonresidential uses. No Commissioners objected to specific uses. Ms. Creasy asked why grocery stores were allowed throughout the development. Mr. Franco said they should only be allowed in the northern part. Mr. Keesecker expressed concerns with the traffic impacts on interior travel ways. Mr. Franco said that less intense uses would be permitted in the south in a live-work setting. Commissioners discussed the merits of having uses primarily tailored for the residents versus the impacts of the larger community using the commercial vendors. Mr. Franco noted that the day care would serve less than 30 children.

Mr. Harris said the PUD was a legislative act by Council, and the authority to grant additional land uses could not be delegated to the zoning administrator.

Mr. Pearson asked Commissioners for their thoughts on the landscaping. Mr. Franco said the applicant was committed to meeting the tree canopy requirements, but not with large shade trees. Mr. Osteen was comfortable with this approach. Mr. Keesecker mentioned that the two roads could be distinguished from one another by trees. Mr. Emory requested the words and illustrations to agree with one another. Mr. Santoski desired a maximum amount of trees that were natural and felt right for the site.

Mr. Pearson asked for comments from the Commission on the parking. Mr. Osteen preferred the developer to maintain the pervious paving, felt that sidewalks on each side of the alleys was excessive, and that less sidewalks could mean more room for trees. Ms. Keller was concerned with accessibility for the young and old. Mr. Keesecker preferred parking on the perimeter of the site instead of the interior. Mr. Santoski advised to have enough room for parking, but not a shortage that would result in a spillover into the adjacent neighborhoods.

Mr. Emory motioned to adjourn to the second Tuesday in October. Mr. Osteen seconded. The motion passed unanimously, 7-0.

The meeting adjourned at 10:49