

**MINUTES
PLANNING COMMISION MEETING
JUNE 10, 2014
CITY COUNCIL CHAMBERS**

Planning Commissioners Present

Mr. Dan Rosensweig, Chair
Mr. Kurt Keesecker
Ms. Genevieve Keller
Mr. John Santoski
Ms. Lisa Green
Mr. Michael Osteen

Staff Present

Ms. Missy Creasy, Planning Manager
Mr. Brian Haluska, Senior Planner
Ms. Mary Joy Scala, Preservation Planner

Also Present

Ms. Lisa Robertson, Chief Deputy City Attorney

The meeting was called to order by Chairman, Dan Rosensweig at 5:34 pm.

Commissioner's Report

Genevieve Keller attended the West Main Steering Committee meeting today with the consultant team Rhoadside & Harwell and reported the consultants have made a lot of progress in reconciling certain conflicts among constituents groups and concerns in the city. They have come up with a solution that is very close to something that the community may feel comfortable with in terms of addressing the concerns of religious congregations on the street, bicyclists, and businesses. The committee took a vote and all were in favor of the concept presented to them and it will be advertised to the public in the near future.

Michael Osteen reported that he attended the BAR and the Tree Commission regular meetings. Mr. Rosensweig asked about the power line arboretum project. Mr. Osteen stated that Dominion Power is mandated to contribute a certain amount to educational efforts and local funds are being used for this pilot project. The tree commission is proposing an effort in Fry Springs which is basically "right tree, right place." The trees should effectively be planted in a power line easement so the trees will not be butchered 10 years later. These trees will contribute to shade and character as well as adding an educational plaque on each tree site.

Kurt Keesecker, John Santoski and Lisa Green had nothing to report.

Chairman’s Report

Dan Rosensweig reported that the Housing Advisory Committee met May 21st to watch and discuss a video of a speech by internationally-renowned educator Dr. Ruby Payne. Her work examines the hidden rules of class and helps participants shed assumptions about people in poverty in order to begin creating relationships of mutual respect. This community event was put on by Habitat of Greater Charlottesville. The HAC is scheduled to meet July 16th to discuss revisions for Housing Policy #1 concerning the appropriate uses of the Charlottesville affordable housing funds.

Mr. Rosensweig stated that the Planning Commission was asked to participate in the recent visit by representatives from the Toole Design Group. During the week of May 26, the street design consultants conducted a number of community meetings and generated a report on how to make our streets better and more accommodating to a wider variety of user groups. This is part of the multi modal plan that will look at streets differently not just in terms of how they facilitate mobility but also in how they foster social and economic exchange, and how they allow us to support re-development in a way that creates great places to congregate. He said the commission very much appreciate the work city staff has been doing.

Mr. Rosensweig reminded the commission that the upcoming June work session will be delayed a month and all will get an overview of the update of the plans that are in the works such as the multimodal, code audit, green infrastructure planning and the bike pedestrian plans. Members of the public are welcome to attend.

There are two planning commission positions available. This is an opportunity for people to become active participants and engaged in what the city is doing. Applications are available online.

Department of Neighborhood Development Services

Missy Creasy introduced Carolyn McCray who is new on staff and will be taking care of the minutes for the boards and commissions.

Consent Agenda

Genevieve Keller has concerns regarding the January 14th minutes. Ms. Creasy stated that a transcription shall be done to clarify the statements in the minutes.

On motion by Michael Osteen, seconded by Ms. Green, which carried by a vote of 6-0, the Commission voted to approve the consent agenda with the necessary clarifications made to the minutes of January 14th.

- Rosensweig Yes
- Osteen Yes
- Keesecker Yes
- Santoski Yes
- Green Yes
- Keller Yes

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

Lena Seville, 808 Altavista Ave., stated that she attended the PLACE meeting about W. Main St. and is interested in bicycle, pedestrian, transit and trees mainly from an environmental standpoint which in her opinion makes for an interesting and healthy city. Recently council was talking about changing the charge documents for the PLACE design task force and she noticed that the Planning Commission can recommend people so in her opinion she recommends that pedestrians and transit issues should be part of the design of the city. She suggests that the city should have someone to handle pedestrians and transit in the future.

Matters by the Public Closed 5:45

Entrance Corridor Review

a. Fulton Bank (901 Seminole Trail)

Mary Joy Scala stated that this item was deferred from the March 11th meeting. The proposal has been changed from a one-story to two-story building, with more landscaping and a few more parking spaces.

The applicant addressed the ERB's previous objections, including: the roof design, the clock tower, location of the street trees between the sidewalk and the street, making the design more distinctively Charlottesville, and giving the building more presence at this intersection.

Mr. Osteen said that there is lawn space on the bank parcel where he would like to see some trees planted.

Mr. Rosensweig asked if there were any traffic engineering reasons why the sidewalks can't be connected across Hydraulic Road with a crosswalk feature.

Ms. Scala said the question had not been discussed with the applicant.

Ms. Green asked if there was any discussion about the entrance/exit off of Hydraulic to make it an entrance only.

Ms. Scala stated that it currently functions as an entrance and exit.

Ms. Keller questioned the windows on the second floor as to whether or not it would be necessary to give an appearance of divided lights on the windows.

Ms. Scala stated that in using girded windows, it is preferable that they are true divided lines and they are bronze and the glass is clear.

Valerie Long, 321 E. Main Street, Suite 2400; representing the applicant:

Keith Snyder – Project Architect & Designer
Terry Cain - Fulton Bank

Graham Murray – Civil Engineer

Terry Cain; Fulton Financial Cooperation; 1 Pence Square, Lancaster, PA; stated concerning the landscaping of the new design, they had not laid out all of the trees yet because hiding places are a safety concern. Mr. Cain explained how they would go with a lower type flowering tree with color, but definitely on the island would be some trees.

Mr. Cain addressed the crosswalk, stating that the exit out of the branch would be an excellent place unless traffic control had issues with it.

Keith Snyder, Chesterfield, Missouri; stated that the original plan was to have six over six muntin windows on the second floor and the applicant is not opposed to having it be a clear store front window as the first floor windows are. The two sets are different because the upstairs is a mortgage department and has a different function than downstairs. Regarding the stone, Mr. Snyder said they have considered different types of stone and are open to suggestions as to what the commission would like to see on the building.

Mr. Keesecker asked if the HVAC system is ground mounted or roof mounted.

Mr. Snyder said that the HVAC system would be roof mounted at minimum of 10 feet from any building edge.

Mr. Osteen would like an administrative approved landscaping plan with a specified minimum amount of trees.

Mr. Keesecker thinks the revisions are a great improvement and he supports the design.

Mr. Santoski is concerned about the ingress and egress onto Hydraulic Road; and making a left turn onto Route 29. He, however, does support the design of the building.

Graham Murray, Civil Engineer, 200 Garrett St. Suite K; stated that when the building was revised they completely changed the layout and the plan was approved by traffic engineers with one minor change; and that was pertaining to the sidewalks.

Ms. Green said that there is an existing in and out but that there is a new use that is not the same intensification as what will be there in the future. The use that is there now does not have the same number of public visits on an hourly daily basis. Ms. Green commented that because it's there doesn't mean it is used; and she believes there are problems with traffic at that intersection. It is an intensification of use.

Mr. Murray stated that a traffic study was not required because the volume of traffic anticipated was less than expected.

Ms. Green suggestion is to delete the exit making it an entrance only.

Consensus of Approval

Revised landscaping with one tree planted

Pedestrian crossing linking the public sidewalk with the public sidewalk as deemed appropriate with the traffic engineers

Cultured stone pattern as a suggestion by staff to use a more similar to local stone
Eliminate the mutttons on the windows

Mr. Osteen would like to have a tutorial/discussion with traffic engineers about some of the principals in making these decisions.

Mr. Keller would like a clarification from staff and city attorney on the extent that the commission can impose approval conditions on ingress/egress and other site conditions on entrance corridor review.

Mr. Keesecker moved to recommend approval for the entrance corridor review of this application for the new Fulton Bank on Route 29 and Hydraulic with the following conditions:

- 1) Staff review of the tree planting plan along with final site plan to add at least one tree on the interior of the lot near the building;
- 2) Add cross walk subject to traffic engineer’s approval;
- 3) Administrative review of cultured stone;
- 4) Eliminate the muntins on the second story windows.

On motion by Mr. Kurt Keesecker, seconded by Ms. Keller, which carried by a vote of 5-1, the Commission voted to approve entrance corridor review (the new Fulton Bank on Route 29 and Hydraulic Road) with the necessary conditions listed:

Rosensweig	Yes
Osteen	Yes
Keesecker	Yes
Santoski	Yes
Green	No
Keller	Yes

Public Hearings 6:20 pm

ZM-13-01-01 (Lyman Street): A petition to rezone the property located on Lyman Street from R-1 Single Family Residential District and Planned Unit Development (PUD) to Downtown Extended (DE). The property is further identified as Tax Map 58 Parcels 289.2 and 358E having road frontage on Lyman Street and containing approximately 8,613 square feet of land or 0.2 acres. The general uses called for in the Land Use Plan of the Comprehensive Plan are for Industrial.

Report prepared by Brian Haluska, Neighborhood Planner.

Mr. Keesecker recused himself from this item and left chambers.

Mr. Haluska gave the staff report highlighting the following:

- 1. Use of the Subject Property will be restricted to the uses on the DE Matrix attached to this document highlighted in yellow on the matrix. No other uses even if otherwise permitted by the City’s Zoning Ordinance within the Downtown Extended Zoning District will be permitted on the Subject Property.
- 2. Building Height on the Subject Property, regardless of building type or use will be

limited to no less than 18'-0" and no greater than 38'-0" as measured from the top of the curb at the midpoint of the property line on Lyman Street to the mid-point of the roof.

3. All Parking, regardless of type, located on the Subject Property shall be for use only in conjunction with the use located on the Subject Property above, and will not be shared with adjacent properties. No more than 12 parking spaces shall be located on the Subject Property.

4. The development of the Subject Property shall include no more than 6 residential dwelling units.

5. Parcel 'X' and Parcel B5 will be combined into a single parcel.

Ms. Keller wanted to know if the acreage of the open space of the existing PUD.

Mr. Haluska said this piece of land does not take it below 18% right now. Mr. Haluska also stated that the parcel transferred from the City to the Development Group in 2002. It was sub-divided in 2006. The current owners are the only owners of record.

Mr. Rosensweig stated that they sub-divided it prior to it turning over the common area ownership to the home owners.

Ms. Green wanted to clarify the word "property" instead of "parcels." She asked if they would be combined when the commission has a discussion about the property?

Mr. Haluska said the property is combined as shown by proffer #5 that is it a single parcel.

Ms. Green questioned the uses that would be allowed. The proffer says 6 units which would be multi-family.

Mr. Haluska and the commissioners continued to discuss Bed and Breakfasts and homestay codes.

Mr. Santoski spoke about his opinion of PUDs. He questioned if we had ever re-zoned a portion of a PUD.

Mr. Haluska agreed that the City has not rezoned a portion of a PUD.

Mr. Santoski wondered if setting a precedent by rezoning this PUD parcel would open other PUDs to come forward asking for rezoning of their parcel because they won't fall below the minimum of required open space.

Mr. Haluska said each rezoning is a unique circumstance. He stated that the surrounding properties are unique so it does not set a precedent unless you have an exactly similar situation.

Ms. Keller asked what the date was when council approved the existing PUD.

Mr. Haluska had the staff report from the original PUD approval to show the area that was removed from the development.

Mr. Bruce Wardell, architect and owner of the two parcels, said he also looked for the PUD plans and he could not find them either. The original proposal is to rezone these two pieces of property to

Downtown Extended. The Downtown Extended district seems to be the most reasonable one because it is adjacent to the same kind of zoning. R1 and R2 are not exactly adjacent to this parcel. The Belmont Lofts PUD extends across the street to the 4 units built on Lyman Street.

Mr. Wardell said they met with the neighborhood association and took the zoning matrices. He said they went through the uses and discussed the uses and were comfortable with the ones that they wanted to use and came away from that meeting with some level of consensus. The proffers listed allow for two (2) parcels to be created to be as similar to those across the street as possible. He stated that they had eliminated at least 80% of the Downtown Extended uses. He also stated that one modification from Mr. Haluska's explanation is the limitation to business and professional offices not general offices.

Ms. Keller asked if the original parcel created is part of the development and how the parcel did come to be the size it is today.

Mr. Wardell answered that it is two parcels and the one fronting on Lyman Street was a residual piece disconnected from the main property of the PUD. He stated that the piece of property was separated off and given to him. Mr. Wardell also realized that there was another parcel left over from a series of transactions between the railroad and the city.

Ms. Green asked if the two parcels were combined, would it meet the requirements to be zoned R1.

Mr. Wardell said it would not.

Lisa Robertson, Asst City Attorney, said that Brian Haluska gave the correct legal answer, that no one has an absolute right to expect that zoning of the property is not going to change, including property within the perimeter of a PUD. It is at that moment and time whether you believe that the rezoning you have is reasonable to what you want it to be, versus what is being proposed at any given time. Every piece of property and set of circumstances will be different. It is very important to understand the relationship of this one parcel to the existing PUD. She also stated that Parcel X used to be the Lyman St. right of way. Lyman Street was constructed in a place that wasn't within the Lyman St. right of way.

The original Lyman St. right of way was closed and a portion of it was reserved in a particular lot but it set between the original right of way and the place where Lyman St. had been constructed.

Mr. Rosensweig opened the public hearing

Lena Seville, 808 AltaVista Ave; stated the original PUD said it would be open space and said she thought this should be honored.

Loes van Riel, 201 Douglas Ave; stated she would love to see this parcel as a park. Something high on the corner will close everything and there is a very large building on the other corner. She also stated that the traffic is a total nightmare and signs were put up saying slow down. On the other side of Lyman, the parking is so narrow and you can't see other cars and some have had to back up to pass each other. She ended by saying that if all else fails, she would agree to see Mr. Wardell's request with the proffers because he will make it look like a cohesive neighborhood.

Judy Zeitler, 200 Douglas Ave; has concerns about the 6 units and the 12 parking places.

She stated that she is not opposed to development but the safety issue is what she is concerned about. She also said that at the neighborhood meeting there was no consensus other than they all wanted open space because of the safety issue.

Phyllis Ross 210 10th St. NE, #502; Ms. Ross said she is not against something being built there but her main concern is the height of the building.

Stanton Braverman, 226 Douglas Ave; Mr. Braverman said with continuing poor planning, the value of homes is going to go down. He said that if the city bought it, the increase in real estate value would pay for the park. Mr. Braverman firmly stated that nobody on Goodman, Graves, or Douglas Street wants this.

Allison Ruffner, 735 Graves Street, Ms. Ruffner said this area is not designed to take on more traffic. She said that her car is always getting sideswiped; but she is in favor of a park with additional parking.

Kathleen Maier, 208 Douglas Ave; Ms. Maier stated she is in favor of a park and does not remember a consensus either.

Christine Palazzolo, 214 Douglas Ave; Ms. Palazzolo said that she thinks it is a wise idea to go back and see what the PUD is about. She is also in favor of the park as well. She feels that the zoning is going to change.

Adam Frazier, 707 Graves Street; Mr. Frazier said that the traffic level on Graves St. is larger than what the street can handle. He is in favor of a park as well.

Janice Kavanaugh, 209 Douglas Ave; Ms. Kavanaugh said she has observed a large traffic change in the past. She stated that it is a traffic nightmare there.

With no one left to speak, Ms. Rosensweig closed the public hearing.

Regarding the city acquisition of the property as park land, Mayor Huja said “If the price is right, he would be open to it.”

Discussion:

The Commission discussed whether the existing zoning is reasonable and should they consider the property as two parcels combined or independently. The question is should the commission evaluate whether the proposed zoning classification on one or the other parcel or the combined parcels is reasonable.

Ms. Keller said that she doesn't see how the commission could evaluate them jointly because of the complex history and that the PUD needs to be re-evaluated as an amended PUD.

The commissioner's agreed that they have an obligation as the planning commission to consider the PUD as it exists now, and consider it later when it is reconfigured or this parcel X is lost.

Mr. Santoski said that he would like to see tax payer's money spent on a park.

Chairman Rosensweig asked would the commissioners like to defer or go forward and consider the request.

The commissioner's would like to have more information, specifically the original code of development and the original PUD.

Ms. Keller said she would like to see the final site plans and any other graphic illustrations showing this in context would be useful to them.

On motion by Ms. Keller, seconded by Mr. Santoski, which carried a vote of 5-1 the commission voted to defer action on this application so that staff and the applicant can provide the commission with additional information to make a more informed decision.

Rosensweig	Yes
Osteen	Yes
Santoski	Yes
Green	No
Keller	Yes

On motion by Mr. Osteen, the meeting was adjourned at 8:05 pm.