

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

Planning Commissioners Present

Dan Rosensweig – Chairperson
Taneaia 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

The meeting was called to order by Chairman, Dan Rosensweig at 5:30 pm, in which he extended a welcome to the two new members of the commission, Jody Lahendro and Taneaia Dowell. Mr. Rosensweig said the commissioners are looking forward to working together to do their part in making Charlottesville a better place.

A. Commissioner's Report

Mr. Keesecker- No Report

Mr. Santoski stated that the school CIP committee will be meeting in September.

Mr. Osteen- No Report

Ms. Keller welcomed the new commissioners and stated that the Thomas Jefferson Planning District did not meet this month. Also she was absent from the PLACE Task Force meeting and therefore had no report.

Mr. Lahendro – No Report

Ms. Green stated that next Tuesday, September 16th at 10:00 am, the MPO technical committee will meet at the Water St. Center. Sarah Rhodes is moving to another position and she is unsure who the next staff person will be.

Ms. Dowell – No Report

B. CHAIR'S REPORT - Mr. Rosensweig reported that the Housing Advisory Committee met in sub-committees this month to begin a scoping exercise for two housing studies.

C. Report of the Nominating Committee

Mr. Santoski reported that he and Mr. Keesecker were on the nominating committee and spent a quite a bit of time considering the nominations for this year, and took into consideration the comments and viewpoints of some of the other planning commissioners as they were deliberating. The recommendations are Mr. Dan Rosensweig as Chairman and Kurt Keesecker as Vice-Chairman for the upcoming year. Additional nominations were called for and none were provided. At that point a vote was called to accept the slate of officers for the coming year.

The motion passed 6-1 with Ms. Green abstaining.

D. DEPARTMENT OF NDS - Ms. Creasy said the annual report is a review of what the commissioners have done over the last year and includes decisions on items, workshops offered, and topics of what was discussed throughout the last year. The majority of work sessions held during this time period focused on

Comprehensive Plan Implementation and preparation for the multiple long range projects. The following efforts began during this timeframe: Bike and Pedestrian Plan Update, Streets That Work Plan, Code and Policy Audit, and the Green Infrastructure Plan. The 2001 Bike and Pedestrian Plan update began in Spring 2014, with the assistance of Toole Design, as a part of implementing the City Council's Complete Streets resolution. The "Streets That Work" plan ties into this as well with the additional objective of providing guidance on how community streets can be designed in a manner to accommodate all modes of travel, while providing for place making within the community. The Code and Policy Audit is a comprehensive review of Charlottesville's regulatory practices to determine if they are consistent with community vision and goals.

Mr. Rosensweig asked about an update on the Standards and Design manual.

Ms. Creasy said that it is being folded into the Code Audit, since it will inform that document.

Mr. Rosensweig said he would like to see this come forward as part of a work session.

Ms. Keller said it would be useful to have regular check-ins for all of these major issues that are on-going. She said she feels it is appropriate to have a mini report at the work sessions so the Planning Commission would know where their projects are going and they could request a detailed report on some aspect as it is identified.

Ms. Creasy said the work session on the 23rd will be a joint session on the Code Audit and an additional update on the other items will be provided at future sessions.

Ms. Keller said we have a general idea of what is coming before us in our regular meetings, if you have identified projects that might come if we knew aspects of the Code and Policy Audit and Streets that Work were being worked on by staff, we would have some idea to how it is progressing rather than one big amount of information at once.

Ms. Green asked are the parking lot items being looked at because some things in the parking lot might fall into categories of things we are dealing at this time. She said one thing that was a concern was the necessity to lower the speed limits in certain neighborhoods.

Ms. Creasy stated the parking lot is a visual she looks at every day in her office and she said there are things in the forefront and we will talk about how to work these concerns into these projects.

Mr. Rosensweig said the work session plans, up to now, started with looking at the parking lot in January and trying to get as many work sessions dealing with the parking lot items but we probably have some items that are new to that list, and because of this they need to come up with another work plan.

Ms. Keller said if these issues could be identified by commissioners for the annual report with the included disclaimer that these were not the general consensus of all commissioners, but were concerns of some, and would act as a record of issues that were brought up during the year.

Mr. Rosensweig said there is a visual quality of the parking lot and will start next month re-incorporating the big visual piece of paper.

Mr. Keesecker said that they should have a broad discussion with the full Commission on the small area plan and ideas, as well in a bigger context on how to order and provide some priorities. He said the work sessions should tack on in an efficient management way to move through subject matter one item at a time.

Ms. Creasy said that Mathew Alfele is the new planner and stated interviews are beginning for the other planner position. She stated soon we will have all positions filled which will allow her to do more of the things the commissioners are asking her to do.

F. Consent Agenda

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

1. Minutes - August 12, 2014 – Pre meeting
2. Minutes - August 12, 2014 – Regular meeting
3. Minutes - August 26, 2014 – Work Session

Ms. Green pulled item #4. Major Subdivision – Woodland Subdivision and it was moved to the end of the agenda.

Mr. Rosensweig abstained from item F5.) Major Subdivision – Burnett III PUD since he serves as the Executive Director of Habitat for Humanity and they have an interest in this development. His vote will not be included for this item.

Mr. Santoski abstained from item F6. Stonehenge PUD because he doesn't feel it is consistent to vote yes for something he has been opposed to. He will be voting on all the other items but abstaining from F6.

Ms. Green and Ms. Keller also abstained from item F6. Stonehenge PUD because they don't feel it is consistent to vote yes to something they are opposed to, but will be voting on all the other items but abstaining from F6.

Mr. Keesecker motioned to accept the Consent Agenda excluding #F4, seconded by **Ms. Keller**, motion passes 7-0 with the abstaining so noted.

G. Critical Slope Waiver Request

a. St. Anne's Belfield Theater Building- Brian Haluska provided the staff report.

Mr. Lahendro stated that he has 3 children who attend St Anne's Belfield but this will no way affect his opinion on the application.

Ms. Keller said she is not disqualified from voting on this, but she is going to abstain because her major project this year at the University of Virginia will deal with the Ivy Road corridor and would prefer not to vote on this.

Ms. Green said she works for the County of Albemarle and this property is adjacent to her area for code enforcement but does not feel this will hinder her decision making ability.

The applicant provided a report and answered questions posed by the Commissioners.

Mr. Keesecker moved "to recommend approval of the steep slope waiver for Tax Map 7, Parcel 1.10, 2132 Ivy Road, based on a finding that the public benefits of allowing the disturbance outweigh the benefits afforded by the existing undisturbed critical slope, per City Code 34-1120(b)(6)(d.i) with the following conditions:

1. A preservation plan shall be developed for the 60" poplar tree identified on the plan, and that plan shall be approved by the City Arborist.

2. The limits of disturbance on the site plan and E&S plan shall adhere to the limits as shown on the page of the site plan titled "Erosion and Sediment Control Plan Phase 1" Sheet c103a, dated June 20, 2014, revision number 0.

Ms. Green seconded the motion. The Commission voted 6-0 to recommend approval of the critical slope waiver. Ms. Keller abstained from the vote.

H. Preliminary Discussion

A. Presented by Brian Haluska, Planner Neighborhood Development Services.

Market Plaza Special Use Permit (200 2nd Street SW)

PowerPoint Presentation Presented by Greg Powell, architect for Keith O. Woodard

Market Plaza: the focus of this destination complex is an half an acre civic plaza designed to be the home of the City Market on market days, and used for festivals and family recreational activities during the other days of the week, oriented southward and eastward to capture the morning sun, and accessed by a grand stairway directly aligned with First Street (the street to be closed to extend the plaza) and convenient elevator. Above the brick and stone plaza will be canvas "sail" sculptural elements providing shade for market goers and weekday visitors alike. The weekday focus of the plaza is a water fountain with several programmable vertical water jets contained in a very shallow pool flush with the plaza, illuminated in the evenings, and turned off for full plaza access to market vendors on market days.

Market Plaza will become a major focal point within downtown Charlottesville, providing a civic outdoor gathering place for the City's residents and visitors, assuring a permanent home downtown for our City Market, helping animate and complete the retail character along Water Street, while bringing 100 new downtown residents and upwards of 250 new office workers downtown to support the Mall and other downtown businesses.

The program of uses maximizes the value of one of a very few remaining downtown underdeveloped city blocks, with this mix of residential, office and commercial retail, café and events uses. It also provides 102 public parking places plus private spaces for each residential unit and for office executives (also providing office customers to lease parking spaces in the underutilized Water Street Garage).

The building is massed and detailed to be respectfully contextual to the neighboring buildings, while also bringing a dramatic new terraced profile to the downtown skyline.

2. Conforming to Comprehensive Plan:

Market Plaza will contribute significantly to forwarding the goals of the City's comprehensive Plan:

1. Land Use: The dynamic mix of uses planned for Market Plaza: 69 residences, 50,000 SF of office, 17,000 SF of retail, further many of the goals of the comprehensive plan for downtown, bringing new downtown economic activity and increased City tax base.

2. Community Facilities: the creation of the major urban plaza and urban park space contributes significantly to the quality of life of downtown Charlottesville.

3. Economic Sustainability: 250 new office workers and 100 new downtown residents will contribute to the growth of the downtown economy, benefitting all downtown businesses.

The scale of the project will stimulate the (re)development of the entire downtown south neighborhood and help jump start the redevelopment envisioned in the Strategic Investment Area predominantly directly south of this property. Street oriented- retail/café will reinforce and help complete the Water Street commercial street corridor, and an events space will become one of the largest meeting venues in town, overlooking the plaza fountain.

4. Environment: The streetscape around the property will provide environmentally responsible landscape design, with a bio-filter planting strip, a significant number of new trees and ground plantings to enhance the streetscape quality.

5. Housing: The project will significantly increase the downtown housing stock with the addition of 69 new urban residences to the heart of downtown.

6. Transportation: Market Plaza will provide 270 on site public and private parking, all underground so as to eliminate unsightly downtown surface parking, accessed from the Water Street arterial.

7. Historic Preservation & Urban Design: Market Plaza is designed to be respectful to its surrounding cultural and historic contexts. Its streetscape, massing, street wall detailing, generous plantings and major plaza/urban park amenity contribute significantly to enhancing the downtown neighborhood.

3. Compliance with Building Code Regulations

This high-rise vertical mixed-use complex will be designed to the latest building codes and life safety standards. Its fire resistant all-concrete structure and fully sprinklered spaces will meet today's most stringent life safety standards. Its careful planning will effectively separate its six different functions while creating a dynamic synergy between its complimentary uses. Its mechanical and electrical systems will be designed to be environmentally responsible through energy saving systems. Its storm water management system will dramatically reduce current storm water into the City system through the use of such elements as green roof, rain water bio-filter filtration and cistern storage for reuse for the development's significant landscape plantings.

4. Neighborhood Conditions

The Market Plaza concept has been carefully conceived to be respectful of its neighborhood context, urbane in its urban design, environmentally responsible, maximizing the positive economic impacts on the City and its Mall and other downtown businesses:

- Traffic or parking congestion: The project anticipates a pedestrian friendly environment. The vehicular access to the complex is only from the Water Street arterial, providing 102 public parking spaces, a private parking space for each of its 69 residential units (22 of which will be tandem spaces), and office parking at a rate of 1 space per +/- 600 SF, plus abundant underutilized available monthly parking at the Water Street Garage one block away.

- Natural environment: the proposed residential, office and retail uses are not noise or pollution generators. Mechanical systems including cooling towers to be screened on the rooftop and have sound attenuators and isolators. Any food service kitchens will be vented per stick building codes. Systems will be designed following energy conservation principles. Several "green architecture" elements will be incorporated including rain water reuse, green roofs, etc.

- Displacement of existing residents or businesses: this is one of the few properties in downtown which is totally vacant and in need of redevelopment to complete the urban fabric of the downtown south neighborhood. No businesses or residents will be displaced and we shall increase the downtown residential population by upwards of 100 residents (69 apartments) and upwards of 250 office workers (52,000 SF) who will increase business for Mall and other downtown businesses

- Discouragement of economic development: We shall increase the tax base of the City substantially through the development of 69 new residences, 20,000 SF of new office space and

more than 17,000 SF of retail/restaurant/events space. With 100+ new downtown residents and 250+ new downtown office workers, business for downtown commercial enterprises will also increase.

- Undue density of population or intensity of use: This project enhances public amenities in the City with the contribution of a major urban park and civic plaza. This scale of development is encouraged through the downtown zoning which was planned with an awareness of the existing downtown infrastructure.

Ms. Dowell stated she was mainly concerned about the noise ordinance.

Mr. Haluska said the noise ordinance allowed 65 dB in the day and 55 dB at night and did not predict this venue would produce nearly that much to violate the noise ordinance.

Lisa Robertson, Deputy Attorney, stated that noise would be considered in the SUP.

After much discussion by the commissioners, it appeared that the main focus of questions was centered on the corner of 1st and South Street. Ms. Keller, Mr. Keesecker, and Ms. Green all voiced concerns for pedestrian safety.

Mr. Rosensweig asked if they would consider having on-street parking in front of the building in order to slow down traffic on the street.

Mr. Powe said that would be up to the city, but that the turn lane onto Second Street SW could perhaps be eliminated. He said he would have to adjust the form of the storm water management features. "I think we're open to discussion of that and I do share the quieting benefits of parking," Powe said. He added that it could be a benefit to potential retail establishments.

Commissioners were generally favorable to the project, but offered potential conditions.

Ms. Keller was concerned about the way First Street had been redesigned in the conceptual plan. "I'm looking for some design gestures that would delineate the traditional alignment of First Street," Ms. Keller said. "It is called out on the Downtown Mall as the center of our city."

Ms. Keller also said she wanted an archaeological study of the site to document the history of a section of one of the oldest parts of the city.

Mr. Powe said he hopes to break ground on the project by next summer.

Mr. Rosensweig summed up the general consensus of the commissioners:

1. Issues regarding impact to the pedestrians experience along 2nd and South streets in regards to eliminating street front shops and activity on level of 2nd Street and how to enhance pedestrian use of the street as they travel from Water Street to South Street.
2. Concerns about ADU requirements are going to require payment into the CHF and comprehensive plan is plastered with a preference for onsite affordable housing (if dealt with in Phase II) but we always try to have a mixture of income across all sectors of the city.
3. Pedestrian concerns at 2nd and South is a difficult design challenge and the commission would like to see more sense of how to create that life on the street along the Water's Street (perhaps in partnership with the city) by rethinking the right of way and including on street parking. How are you going to deal with the conflict of pedestrian and vehicular entrance and exit by the time you get the commercial size entrances you are talking about a very wide curb cut there and a lot of room for cars and a very

long stretch for pedestrians to travel. Mr. Rosensweig said he would like see by the next time they come forward how they are going to deal with that and make it more inviting for pedestrians.

4. To get an archeological survey to document what is underground.
5. Mr. Lahendro's concern is with the plaza. He said a lot of what appeals to us in these renderings are the sails and water feature. If they disappear it is a different plaza.

Ms. Keller said she shares that same concern. She said she is fond these days of saying everything old is new again and we are reviving a lot of things from the 1970's and Charlottesville has been fortunate that the mall has thrived and been born again but the great urban plazas have not fared well so she feels they should consider some contingencies and she is concerned for the space on market days but what adapted use could this serve should the market need to relocate for whatever reason.

Consent Agenda#4. Major Subdivision – Woodland Subdivision
Presented by Missy Creasy, Planning Manager, Neighborhood Development Services

Justin Shimp, acting as agent for AB Holding Charlottesville has submitted a subdivision application for the property located off of the Woodland Drive and Porter Avenue right-of-ways. The applicant is proposing to re-divide the nine existing lots to create the same number of lots, a new public street and close a portion of the existing Woodland Drive right of way. This subdivision is considered major because it includes more than 6 lots and a road extension. The property is further identified on City Real Property Tax Map 20 Parcels 21-25 having frontage on the Woodland Drive and Porter Avenue right-of-ways. The site is zoned R-1S Single Family Residential and the total project area is 101,009 square feet or approximately 2.32 acres. The applicant submitted a subdivision plan on December 18, 2013. Attached is the subdivision plan layout with engineering, landscaping and utility details.

Ms. Green asked if there were other lay outs as opposed to closing Woodland and creating three dead end streets.

Mr. Santoski said regarding the Huntley PUD and how it comes up to Sunset it circles around and comes up Huntley Drive and that is quite a steep hill which has to be more than 10%. He said it would seem that there would be some way to connect Woodland to the next street. Mr. Santoski stated that there is continued conversation on how the Fire Department needs to have more than one way in and out of properties when there is a fire and he is wondering why the fire chief isn't having a fit about this situation.

Mr. Lahendro said the Stonehenge subdivision is more than 10%.

Mr. Rosensweig said you can't build a road less than 10% at this site. He said there's strong consensus among the commissioners that the standards are inadequate to produce the kind of urban feel that should be required on this site and can't see any other way around it if the ordinance does not allow it.

Mr. Santoski asked on either side of Woodland Road "there seems to be a property here and a property there and are you saying that this couldn't connect if it is to steep to make the turn down Woodland Drive"?

The applicant said the right of way is not wide enough to build a street because of the slope and they cannot build a road through that section.

Mr. Rosensweig said it is not wide enough to build a city standard road there.

Ms. Keller said it is too narrow and too steep and the street has already been officially closed by City Council. Does the city have the authority to change those standards?

Mr. Santoski said there should be some kind of flexibility to change the regulations.

Mr. Rosensweig said we are in agreement with these difficult conditions and want to do something outside of the box and people continue come to us because the box is so small. Staff is working very hard and he really wants to get as much changed as soon as possible.

Ms. Robertson stated the city standards say what you want development to look like right now is what you have to work with on this application. Unless there is no possible use of this property that would be allowed under these current standards before you subdivide it or with any number of lots, if there is no development that can be done then there is an issue, but you don't have to design this or make it work for somebody so let's look at the context – the number of lots they would like to be able to do and meet the street standards.

The standards you have to work with are in section 29-181a of the sub-division ordinance “All streets within and contiguous to a subdivision shall be coordinated with other existing or planned streets, and such streets shall also be coordinated with existing or planned streets in existing or future adjacent or contiguous to adjacent subdivisions, as to location, widths, grades and drainage”.

The grade requirement section is 29-181c Exceptions. The agent or commission may vary or grant exceptions to the requirements of subsection (a). (1)The agent or commission reviewing a proposed variance or exception shall consider, in addition to the matters set forth in section 29-36: (i) the engineering requirements for coordination and connection; (ii) whether the need for coordination and connection outweighs the impacts on environmental resources such as streams, stream buffers, steep slopes, and floodplain; (iii) whether there is an alternative street connection from another location in the subdivision that is preferable because of design, traffic flow, or the promotion of the goals of the comprehensive plan, including the applicable neighborhood plan.

The Layout of each street shall be configured, to the extent practicable, to conform to the natural topography, to minimize the disturbance of critical slopes and natural drainage areas, and to provide vehicular, bicycle and pedestrian interconnections within the subdivision and existing or future development on adjoining lands. Streets that do not align with existing streets shall have an offset of no less than one hundred fifty (150) feet between centerlines, unless otherwise approved by the traffic engineer”.

She also said under certain circumstances to the connectivity requirements or to the grant the engineering requirement to serve that, the grade requirement maximum allowable street grade shall be 8% traffic engineer may vary or grant exceptions to the requirement pursuant to section 29-36 above, or to no more than 10% or the layout to conform to the natural topography to minimize the disturbance of critical slopes and natural drainage areas and to provide vehicular interconnections within the subdivision and existing or future development on adjoining lands.

The applicant said he would love to have that waiver in the city but we are hindered by the ordinance. Ms. Robertson stated there is no other configuration from the property (land within the lots) then she is not clear why the existing configuration approval can't be granted.

Mr. Santoski asked from Oaklawn Court is it possible for Manila to connect to Harris?

The applicant said they do not own that land and he knows that the road cannot be built to standard. Section 189.2A

Ms. Green asked if they could at least get a second opinion on the ordinance.

Ms. Green said connectivity is what we talk about; at the very least we need to look at how Woodland Drive connects to Porter which is better than 3 dead ends.

The applicant continued to refer back to the street standards.

Ms. Creasy said at least two engineers have looked at this.

After much discussion it was moved by Ms. Keller to defer and ask staff to work with the applicants and other applicable city staff to investigate any other alternatives to make this an improved subdivision with the connectivity that the ordinance and plans desire, motion seconded by Ms. Green.

Dan Rosensweig – Yes

Tanea Dowell - Yes

Lisa Green - Yes

Kurt Keesecker - Yes

Genevieve Keller - Yes

Jody Lahendro - Yes

John Santoski – Yes

Motion passed 7-0.

Mr. Lahendro motioned to adjourn until the 2nd Tuesday in October.