

**MINUTES**  
**PLANNING COMMISSION MEETING**  
**November 11, 2014 - 5:30 P.M.**  
**CITY COUNCIL CHAMBERS**

**Planning Commissioners Present**

Dan Rosensweig – Chairperson  
Tanea 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  
Mr. Brian Haluska, Senior Planner

The meeting was called to order by Chairman, Dan Rosensweig at 5:30 welcoming Mr. Bill Palmer, representative for the University of Virginia on an interim basis replacing David Neuman.

**COMMISSIONERS REPORT**

Mr. Keesecker - attended the BAR work session which they talked about a variety of projects which were relatively small scale. He said the Master Planning Council meeting is next week.

Mr. Santoski – attended his first MPO Tech meeting where they reviewed a house bill that is looking at priorities for traffic reduction. He also attended his first Belmont Bridge Steering Committee meeting and this group will be looking at the Belmont Bridge replacement with community engagement in addition to some internal meetings. He said he will be attending the Free Bridge Ecological process meeting which provides different ways of using environmental information in order to use the Free Bridge as conceptual idea for this.

Mr. Lahendro – attended his first Tree Commission meeting. Discussion included signage at the JPA small tree arboretum, tree nominations for implementation of the tree conservation ordinance, proposed design for the Water Street trail project, and an update on the Market Plaza project. He has not attended a Parks and Recreation Advisory Meeting or a PACC Technical Committee Meeting.

Ms. Keller – attended the Thomas Jefferson Planning Commission meeting and the business was to approve the annual budget. The Chairman, Allen Hale, from Nelson County, recommended that a member of each jurisdiction have an opportunity to give an update of happenings that might be of interest to other members in the district.

Ms. Green – attended her first Citizens Transportation Advisory Committee where house bill #2 was the topic of discussion. It is a statewide prioritization for transportation project selection, and the MPO members can give input on 5 categories: congestion mitigation, economic development, accessibility, safety, environmental quality. Some larger localities will add land use. The Commonwealth Transportation Board will look at projects based on this criteria and the prioritization that is set. This will impact the 6 year improvement program. On November 5<sup>th</sup> they discussed 29 solutions and proposals are due in December. Further discussion was held on the Free Bridge ecological project and the last stakeholders meeting is November 19<sup>th</sup> at the Water Street Center from 4pm-7pm. A transportation symposium will occur in the future around January or February, for patrons to understand where funding comes from and why it is allocated to certain areas, as well as provide information on House Bill #2. She also is attending the CIP Budget Review meetings.

Ms. Dowell – attended the Community Block Development Grant Committee for the 10<sup>th</sup> and Page Task Force and the topic was to focus on projects in the areas between the west side of 10<sup>th</sup> street NW and between Page and West Street. They were proposing 10<sup>th</sup> and 9<sup>th</sup> street as a better pedestrian thoroughway by making the pedestrian

experience more pleasant as well as including on 10th Street NW the light poles and curb cuts, widening the sidewalk and making connectors from the 8th street over pass to the Jefferson school center. It was also discussed to have the streets painted at crosswalks for more visibility. Another consideration is to consolidate utilities and moving them underground

Mr. Palmer thanked the Commission for having him on board. He said the Bike Share bike racks are going up this week all over the grounds as far east as Stacy Hall and as far west as Alderman Road, and as far north as the Architectural School. Hopefully you will see bikes on the racks in the next two weeks.

**A. CHAIR'S REPORT** – The Housing Advisory Committee met in subcommittees this past month. The most active subcommittee is performing a scoping exercise for City Council for a housing study. The subcommittee met with consultants from the firm RCL Co. They are in the process of finalizing a proposal of a study that will look comprehensively at existing housing inventory, the impact of new student housing units, barriers for affordable and mixed income housing, and the market for new work force housing and hopefully a resolution is forth coming and the recommendation will go to Council. The committee to explore the joint project to make the river a front door to the community also affectionally known as the “River Thing” met for the second time this month. At the meeting the Commissioners, Council and many others tried to define the limits of the area for study. Provisionally the group started with the free bridge circus ground area (the center) moving north of Darden Towe and Penn Park along the river including High Street entrance corridor and Market Street as it stretches from the river to downtown and included the Pantop’s Master Plan area. The next meeting is scheduled for Tuesday, December 9th at 10:00 am at TJPDC offices on Water’s Street. A November work session is set for next week with the Albemarle Planning Commission in the county office building in room 241. We will meet first at 5:00 pm to talk for an hour about the CIP and be joined at 6:00 pm by the Albemarle Planning Commission to discuss a couple of affordable housing initiatives, long range transportation, and to get an update on our Rivanna River Corridor Plan.

**B. DEPARTMENT OF NDS** - Ms. Creasy reported there will not be a work session on November 25<sup>th</sup>. She said staff has been working on streets that Work and the Code Audit. We received approval from Council and created an updated schedule. We are working toward scheduling meetings with the neighborhoods to get input from them on great streets opportunities. We have seven neighborhoods that have requested meetings with them next month. Teams are planning to go meet with them to culminate with a community event on December 13<sup>th</sup>, Saturday from 8:00 am -11:30 am at Carver Recreation Center. We will have displays, presentations and group work to get input from the community on a number of things that came up in the September 23<sup>rd</sup> work session. We have sent notice to the neighborhood presidents and representatives and have received a good response from them. For those who do not coordinate with one of these meetings, we will be having a meeting in city hall on December 2<sup>nd</sup> from 5pm to 7pm which will give them an opportunity to participate.

Ms. Keller asked what would be the format of these meetings.

Ms. Creasy said the format includes mapping opportunities, outlining concerns from a traffic and transportation standpoint and having the neighbors to look at it and validate as well as give some other areas of concern that are not listed so we can get a more comprehensive view of where concerns are from a city wide stand point and ask a number of questions from the community and get input either in a round table discussion or on paper or different manners and take that information and update the map for the larger meeting on the 13<sup>th</sup>. The meetings will be opened to the people to have an opportunity to comment on both scales.

**C. CONSENT AGENDA**

Ms. Green motioned to approve the Consent Agenda with removal of F4. Final Subdivision – Rialto Beach PUD for further discussion, seconded by Mr. Santoski, motion passes unanimously.

#### **F4. Final Subdivision-Rialto Beach PUD**

Mike Myers of Dominion Engineering, acting as agent for Rialto Beach, LLC has submitted a subdivision application for properties at unaddressed locations on Rialto Street. The applicant is proposing to divide the three existing lots to create the 19 residential lots and the extension of one public street. This subdivision is considered major because it includes more than 6 lots, the extension of a public street, and the extension of public facilities. The property is further identified on City Real Property Tax Map 59, Parcels 375, 375.1, and 379 having frontage on Rialto Street right-of-way. The site is zoned PUD (Planned Unit Development) and is approximately 2.5 acres. The applicant submitted a subdivision plan on August 25, 2014. Attached is the subdivision plan layout with engineering, landscaping and utility details. Report by Carrie Rainey

Staff recommends that the Planning Commission reject the final subdivision based on the following deficiencies:

1. The PUD approval documents denote a trail location which is not included on this plat. This needs to be appropriately designated.
2. Building sites on proposed lots need to be addressed, per Section 29-110(a) (16)
3. A lot is missing in the title block, and should be updated per Section 29-110(a) (23) and 29-111.
4. A resolution is required for the 20-foot offsite waterline easement, which needs to be dedicated as public and recorded prior to plat approval, per Section 29-111(b)(2).
5. Ensure that all easements are noted as public or private, and include appropriate dedications (all pages), per Section 29-111(b) (2).
6. Provide a Phase I environmental site assessment, along with a written plan for remediation of any contamination or conditions noted, per Section 29-111(b)(9).
7. The stormwater management provisions as outlined in Section 10-9 (b) must be approved prior to final plat approval.

Mr. Lahendro said he is concerned that we have an existing L-shape street with a cul de sac end resulting in two dead in streets.

Ms. Rainey said there is private property between the two street right of ways which would have to be connected.

Mr. Lahendro said he doesn't understand why we can't make it a requirement that it has to be connected when it is part of our comprehensive plan.

Ms. Creasy said we cannot require another owner to give that property up in order to do that.

Mr. Lahendro said is this a function of PUD being decided upon in small little concepts and not followed together.

Ms. Creasy said it is an unusual situation that that space would be left there.

Mr. Haluska said the whole road is privately held so you would be encumbering the act of the sub-division on the action of the third party which he doesn't think you can require them to negotiate with a third party for the connection of a road. He said it is not just the 4 feet of the property but the road as well.

Ms. Green asked how does this affect the lots now since they have not been platted.

Ms. Creasy stated that the plat is going to show the information as to where it is located and there is a notation on the front of the plat that gives a source of that information. We are also working through a site plan amendment which will get into the more specific details on how lots need to address that from a technical standpoint and that is not here tonight.

Ms. Green said as noted in the pre-meeting, this layout is different than the concept plan for the approved PUD. Since the lots have been re-designed from 16 to 19, will these lots have a buildable area.

Ms. Rainey said the resolution references 19 lots, it might be you are looking at the drawings that are related to the sidewalk proffer that shows 16 lots, but the text references 19 lots.

Ms. Creasy said that's a requirement specific in the subdivision regulations to show the building sites on the plat and will be a matter of the surveyor providing the box on each individual lot showing the area that

can be built upon. She said this is the initial platting of these lots that was a concept drawing and this is the actual.

Ms. Rainey said in the new plat it shows units 1 and 2 are attached.

Mr. Rosensweig said that is one of the recommendation by staff that the applicant has to show building lots. They will look at the proffer statement and if they haven't shown attached products it won't be consistent with the proffer.

Ms. Keller asked if there is a possibility to interchange detached with attached.

Ms. Creasy stated that they are specific in the proffer so if they chose to amend we would have to look at how they are amending it and whether it would be a substantial change needing to come back through the process.

Mr. Keesecker said it might be worth looking at note #6 on the cover where it talks about setbacks and it is the reason for side yard setbacks at 3 feet which would not apply.

Ms. Green said this is not enough information for the review. She said this is a great proffer and she doesn't want to lose it.

Mr. Keesecker said the Commission could ask staff to work through it in an administrative process to make sure all the information is correct.

Ms. Robertson said in this particular application the site plan was approved years ago and has been going through an amendment process. She said a lot of the comments provided by staff are in the context of the site plan review and this is the first submission of the subdivision plat for this development. This went straight to the final review process. She said having the two separate tracks be out of sync with one another has been somewhat confusing for the applicant and a little for staff as well. The only involvement for the applicant was the site plan review.

Ms. Creasy stated a couple of the comments are quite substantial including the water line connection to the property. Staff looked through the subdivision regulations meticulously to assure to catch all items and there are a few things that are new because they had not been commented on before but not new in that they are part of the subdivision regulations that have been there for a long time.

Mr. Santoski move to reject the proposed subdivision located at Tax Map 59 Parcels 375, 375.1, and 379 as submitted but if the applicant addresses the deficiencies noted above, the plat may be approved administratively, seconded by Mr. Keesecker, motion passes 5-1-1, Mr. Lahendro abstained.

Mr. Lahendro – abstain

Ms. Keller – Yes

Ms. Dowell – Yes

Mr. Keesecker – Yes

Mr. Santoski – Yes

Ms. Green – No

Mr. Rosensweig - Yes

- E. **SP-14-08-08 (100 Block - West Water Street):** An application for a special use permit for a mixed use development pursuant to City Code sec. 34-744, to allow for increased residential density of up to 60 units per acre, instead of the 43 units per acre allowed by right; pursuant to City Code sec. 34-742 to allow an additional 31 feet in height, in addition to the 70 feet allowed by right; pursuant to City Code sec. 34-796 to allow for Farmer's Market and Auditorium, theaters (Maximum capacity greater than or equal to 300 persons.)  
**Report prepared by Brian Haluska, Senior Planner.**

The Planning Commission held a joint public hearing with City Council on this matter at their meeting on October 14, 2014. Several members of the public expressed concern and opposition to the project. The comments cited the impacts to parking in the area around the project, the impact to the historic district, and the inappropriateness of the scale of the building.

The City held a preliminary site plan review conference on September 4, 2014. Seventeen members of the public attended along with the applicant. One of the chief points raised in the meeting was regarding the process, as the building as shown would require the sale of City land and the closure of 1st Street. The attendees also expressed concern about the scale of the building, particularly in relationship to the adjacent structures, as well as the traffic impact on the nearby streets. There was also discussion about the possibility of changes to 2nd Street and South Street in conjunction with the West Main Street study's recommendations for the intersection of Water Street, South Street, McIntire Road, 5th Street and West Main Street.

### **RECOMMENDATION**

Staff finds that the proposal is supported by the City's Comprehensive Plan, that the increase in height and density is reasonable at this location, the uses requested are appropriate for this location, and that the impacts of the development can be addressed through conditions placed on the special use permit.

Following the public hearing on October 14, 2014, the Commission directed staff to draft a more extensive list of potential conditions for the project in an effort to memorialize the development as presented, as well as guaranteeing that many of the amenities offered by the project would be tied to the additional height and density provided by a special use permit.

Staff provided a list of conditions to the Commission in advance of their work session on October 28, 2014. At the work session, the Commission reviewed a portion of the conditions.

The conditions reviewed by the Commission are listed below in the following categories:

- Conditions reviewed by the Commission that the Commission wanted to be attached to the Special Use Permit.
  - Conditions reviewed by the Commission that the Commission wanted to be forwarded as recommendations to the Board of Architectural Review.
  - Conditions the Commission was unable to review in depth at the work session.
- In addition to the conditions below, the Commission also agreed to forward a suggestion to Council that the Plaza area be made open to the public as often as possible.
- Conditions reviewed by the Commission that the Commission wanted to be attached

**The Conditions listed below have been reviewed and approved by the Planning Commission and attached to the Special Use Permit.**

#### **General**

1. The design, height, density, and other characteristics of the Development shall remain essentially the same, in all material aspects, as described within the application materials dated October 14, 2014 and November 11, 2014, submitted to the City for and in connection with SP-13-10-19 ("Application"). Except as the design details of the Development may subsequently be modified to comply with requirements of a certificate of appropriateness issued by the City's BAR, or by any other provision(s) of these SUP Conditions, any substantial change of the Development that is inconsistent with the Application shall require a modification of this SUP.

#### **Massing and Scale**

2. **Visual impacts.** The developer shall work with staff and the Board of Architectural Review in the process of obtaining a certificate of appropriateness for the Development, to achieve a final design

that will minimize the visual impacts of the building on the South Street, Second St., and S.W. and First Street elevations to the satisfaction of the BAR.

- a. In the design and layout of the Development, the City's historic street grid pattern shall be respected. Although First Street may not ultimately be used or maintained by the City for vehicular traffic, site design shall nevertheless reinforce, visually or otherwise, the historic layout which connected Lee Park and the Downtown Mall, on the north, to Garret Street, on the south. Visual and Pedestrian access shall be maintained as part of the development, by leaving the area of First Street unoccupied by buildings or structures.
- b. All outdoor lighting and light fixtures shall be full cut-off luminaires.
- c. To encourage active uses and building access, a minimum of 3-5 entrances/openings shall be established on Water Street, 2nd Street SW, and South Street as determined by the Board of Architectural Review. On South Street, these will lead to the Plaza.
- d. Balconies: Throughout the life of the Development, the owner of the Subject Property shall establish enforceable rules to regulate the use and appearance of balconies. Such rules shall be set forth within written instruments that will be binding upon the occupants of the building (for example: recorded covenants or restrictions for condominium or homeowners' associations; written leases; etc.).

#### Uses

3. **Public Use of Open-Air Plaza:** The Plaza shall be and remains an open-air plaza throughout the life of the Development and shall include pedestrian links.
  - a. The Plaza may not be designed, constructed or used as surface parking for motor vehicles. The Plaza should be perceived as a plaza/public space, not as a private parking lot, when not in use.
  - b. The general public shall have a right of access to and use of the Plaza and this right of public access shall be recognized within a written instrument recorded within the City's land records prior to the issuance of any building permit for the project. A copy of the recorded instrument, with deed book and page references, shall be submitted to the City along with the first request for a building permit for the Development. The public's right of access shall be subject to a right of the property owner, or its tenants, to reserve the Plaza, during discreet time periods, for events which may not be open to the general public. Following any such event, the Plaza shall promptly be returned to a clean condition, suitable and attractive for use as a public gathering space. First Street pedestrian access will remain open at all times (even during private events).
  - c. In order for the design and construction of the plaza and market to be such that it invites and facilitates its use as a public gathering space, the Plaza shall incorporate public amenities such as but not limited to a water feature, art, trees, benches or other seating areas, and/or other amenities that invite individuals to utilize and enjoy the Plaza in a manner similar to an urban, public park.
  - d. A plan prepared to a scale of 1 inch = 10 feet shall be provided as part of the proposed final site plan for the Development, depicting the Plaza and all amenities to be included in the Plaza ("Plaza Layout"), such as: water features, paving surfaces and materials, benches, trash receptacles, trees and landscaping, etc. Included in this plan shall be a schedule of site furnishings to be provided on the Plaza, including any shelter areas or shading devices, benches, bicycle racks, trash and recycling receptacles, and other associated furnishings. All amenities and furnishings shall be of a scale and nature that encourages public use of the Plaza and that is compatible with the character of the Development and the City's Historic District guidelines. The Plaza Layout shall include the layout for vendor stands to be located within the Plaza on City Market days ("Market Plan"). (The Market Plan may be changed, from time to time, and any such change in the Market Plan can be approved by the Director of NDS as a minor modification not requiring approval of a site plan amendment.)
4. **Noise:** on and within the open air plaza, and other exterior areas of the Subject Property, no human voice, and no instrument, machine or device, including any device that amplifies sound, shall be used or operated in a manner that causes a sound generation of seventy-five (75) db (A) or more, at a

distance of ten (10) feet or more from the source of the sound generation. The prohibition of this condition shall not apply to any sound generation which occurs as part of the Farmer's Market authorized by this permit.

5. **On-site parking garage:** The on-site parking garage shall meet the following requirements:
  - a. The garage shall be designed to accommodate potential future access to/from the Property located to the east of the Development site ("Adjacent Property") through provision of alternate access design, such as knock out panels. The accommodation for the potential future access shall be depicted and labeled on any proposed final site plan and building construction plans submitted to obtain any building permits to facilitate and encourage the provision of a future access easement. The owner of the Property shall negotiate an agreement regarding operating and construction costs, maintenance, liability, hours of operation, design and traffic flow, etc. for such access, with the owner of the adjacent property, at such time as the Adjacent Property is developed or redeveloped.
  - b. To maintain ease of pedestrian and bicycle movement on Water Street, there shall be no more than one (1) vehicular entrance or exit for the Development. This single entrance/ exit shall have no more than 2 lanes of traffic, unless a traffic impact analysis denotes that more lanes are necessary. The parking garage will provide a separate entrance/exit for pedestrians.

#### **Massing and Scale**

6. The setback on Water Street shall be modified from a minimum of 5 feet to a minimum of 7 feet and a maximum of 12 feet.
7. The setback on Water Street shall be a minimum of 5 feet and a maximum of 10 feet. The minimum height of the streetwall on Water Street shall be 25 feet, and the maximum height shall be 45 feet.
8. The setback on 2nd Street SW shall be a minimum of 5 feet and a maximum of 10 feet. The minimum height of the streetwall on 2nd Street SW shall be 25 feet, and the maximum height shall be 45 feet.

#### **Uses**

9. **Farmer's Market:** The Plaza shall be designed and constructed with materials and amenities that make it desirable and convenient for use as a Farmer's Market open to the public.
  - a. The Farmer's Market shall be visible from adjacent vehicular rights-of-way, accessible from adjacent sidewalks, and shall be arranged in a manner that facilitates a flow of pedestrians among the various vendor stands within the Market and provides area(s) in which pedestrians may stand or sit out of the "flow" of circulation.
  - b. The Farmer's Market shall accommodate no fewer than 102 vendors and 100% of the Plaza area shall be available to the market on market days, including the convertible indoor space. Unless otherwise acceptable to the Farmer's Market operator, all such spaces shall be located adjacent or contiguous to each other, all on the same level/ grade, in order that all vendors participating in the Farmer's Market clearly appear to be part of one coordinated "event."
  - c. The Plaza shall be designed and constructed of materials from which wear and tear reasonably to be anticipated from the Farmer's Market use can easily be removed or repaired. Outdoor hose connections shall be provided, in a number and location that is easily accessed by Farmer's Market users for the purposes of cleaning the Plaza area after each Farmer's Market day. The Property owner shall ensure, either itself, or through agreements with the Farmer's Market or third parties, that upon conclusion of the Farmer's Market, the Plaza will be restored to a clean condition, attractive and suitable for use as a public gathering space.

## **10. Construction.**

- a. Prior to commencement of any land disturbing activity on the Property, the developer shall hold a meeting with notice to all adjoining property owners and the City's Downtown Business Association, to review the proposed location of construction worker parking, plan for temporary pedestrian and vehicular circulation, and hours and overall schedule for construction activities. The city's director of neighborhood development services shall be provided with evidence that such meeting was held, and of the required notices, prior to the issuance of any building permit for the Development.
- b. The developer shall submit a Traffic Control Plan as part of the proposed final site plan, detailing measures proposed to control traffic movement, lane closures, construction entrances, haul routes, idling of construction vehicles and equipment, and the moving and staging of materials to and from, and (if planned, in public rights-of-way adjacent to the site, during the construction process. This Traffic Control Plan shall be amended, as necessary, and submitted along with any application or a building permit or other development permit applications.
- c. The developer shall provide the city's director of neighborhood development services, adjoining property owners and the Downtown Business Association with written notice of a person who will serve as a liaison to the community throughout the duration of construction of the Development. The name and telephone number, including an emergency contact number, of this individual shall be provided.
- d. If the City's existing public infrastructure (public streets, sidewalks, curb, gutters, utilities, etc.) is damaged during construction of the Development, then the Property owner shall be responsible for repair and/or reconstruction of the same in accordance with applicable City standards.
- e. The developer shall submit a foundation inspection, prior to commencement of construction of the first floor above-grade framing for the Building(s). The foundation inspection shall include (i) the building footprint, as depicted within the approved final site plan, (ii) the top-of-slab elevation, and (iii) the first floor elevation. The foundation inspection shall be prepared and sealed by a registered engineer or surveyor, and shall be approved by the zoning administrator prior to the commencement of construction of the first-floor above-grade framing.
- f. Any structural elements that are proposed to extend into the public right-of-way, including, but not necessarily limited to, footings, foundations, tie-backs, etc., must be shown on the proposed final site plan and the property owner shall be required to enter into a written encroachment easement, in a form approved by the City Attorney, suitable for recording in the City's land records. A copy of the recorded instrument shall be submitted to the City along with the first request for a building permit for the development.

### **Traffic**

- a. The Developer shall be responsible for the cost of constructing, in areas adjacent to the Property, any turning lane(s), traffic signals, or other public street improvements or traffic regulation devices, the need for which is substantially generated by the proposed Development.
- b. In the event that the City determines, prior to the issuance of the final certificate of occupancy within the Development, that (i) relocation of any existing on-street parking, or (ii) changes to the direction of traffic on any adjacent street(s), (iii) elimination of any existing turn lane(s), and/or (iv) the addition of on-street parking adjacent to the Development Site, is reasonably necessitated by the proposed Development, then the Developer shall be responsible for the following:
  - i. The cost of removal of existing signage and of installation of new signs and appurtenances necessary to shift or establish on-street parking, or to change the direction of traffic along the Development site's frontage with any existing public street; and
  - ii. Pavement marking modifications (such as eradication of existing and addition of new markings).
- c. The Development shall include one or more off-street loading docks/ areas. To the maximum extent feasible, all loading shall occur off-street, within such docks/ areas. Loading schedules shall be coordinated to facilitate off-street loading and to minimize idling by waiting vehicles.

## **11. Traffic Impact Analysis.**



- a. The developer shall provide the City with a Traffic Impact Analysis (TIA), as part of its proposed final site plan for the Development, if the trip generation data for the subject Property is over 100 vehicles in any peak hour for any adjacent street.
- b. Trip generation data shall be separately provided for each and every category of use anticipated within the proposed development. Consistent with requirements of Chapter 5 of the City's Standards and Design Manual, "projected traffic" figures and data shall include trip generation data for traffic projected to result from the complete build-out of all land to be served by adjacent public streets, including traffic which may be forecasted to be generated by development, both internal and external to the Development Site.
- c. Except as otherwise required by these conditions, the TIA shall conform to the requirements of Chapter 5 of the City's Standards and Design Manual. The developer shall meet with the City's Traffic Engineer and Director of Neighborhood Development Services, or designee, to determine the scope of the TIA, prior to submission.
- d. A Traffic Plan, showing the layout of signs, details, signals, turning lanes, entrances and exits, and pavement markings, shall be submitted to the City as part of the proposed final site plan for the development.

#### **Affordable Housing**

12. The developer must declare how they intend to comply with City Code 34-12 prior to the issuance of a building permit.
13. In the event that the developer chooses to make a contribution to the City's Affordable Housing Fund to comply with City Code 34-12, no building permit shall be issued for the development until the amount of the contribution is calculated by the Director of Neighborhood Development Services, or designee, and until such contribution has been paid in full to the City.

#### **Landscaping**

14. The landscaping plan required as a component of final site plan approval for this Development shall include tree plantings along all street frontages, as well as trees on the Public Plaza subject to BAR approval. Trees on the Public Plaza shall be planted using roof planting methods and not hinder the operations of the Farmers' Market.

Ms. Green moved to recommend approval of a special use permit as requested in SP-14-08-08, subject to conditions, because approval of this request is required for the public necessity, convenience, general welfare or good zoning practice. The motion includes a recommendation for the conditions referenced in the staff report dated October 30, 2014, subject to the revisions at this meeting on November 11, 2014. Mr. Santoski seconded the motion. The Commission voted 7-0 to recommend approval of the special use permit.

Mr. Lahendro – Yes  
 Ms. Keller – Yes  
 Ms. Dowell – Yes  
 Mr. Keesecker – Yes  
 Mr. Santoski – Yes  
 Ms. Green – Yes  
 Mr. Rosensweig - Yes

#### **F. Preliminary Discussions**

##### **1. 1106 West Main Street**

Austin Flajser of Carr City Centers, has submitted a special use permit for a commercial development at 1106 West Main Street. The request is for additional height. The site plan proposes a new building with

150 hotel rooms and a ground floor restaurant. The property is further identified on City Real Property Tax Map 10 Parcels 64 and 65. The site is zoned WMS (West Main South) with an Architectural Design Control District Overlay Zone and Parking Modified Zone. The property is approximately 0.458 acres.

The applicant is requesting a special use permit for additional height. The maximum height permitted by right in the West Main South zoning district is 70 feet, with an additional 31 feet permitted by special use permit. The applicant shows a maximum building height of 101 feet.

As part of this preliminary discussion, Commissioners are encouraged to highlight areas where potential impacts from the request could occur, and to indicate any potential conditions that they would like staff to provide for discussion in the staff report.

**Austin Falser, Mike Wilson and Ashley Cooper** for Carr Hospitality stated they are a Washington investment and management company planning to build a 150-room hotel on West Main Street. Mr. Flajser is seeking approval to construct the nine-story Sycamore House Hotel on the site of the existing Studio Art Shop at 1106 W. Main. He said the corner of 11th Street and West Main is an ideal location for upscale accommodations and is within the University Medical Center district, within walking distance to the University and is a gateway between the Corner and downtown Charlottesville.

He explained the application will need City Council to approve a special-use permit for the project's height and the Charlottesville Board of Architectural Review to grant a certificate of appropriateness for the building's design and also would need to approve a demolition permit to remove a building that city records state was built in 1947.

Ms. Green said she thought this will be a good project for West Main Street.

Mr. Santoski said he felt it was good project for West Main as well. While traffic is a concern on West Main he wants to see how it will work at the 11<sup>th</sup> Street entrance and exit of the parking garage and how that ties in with the University. Mr. Santoski also mentioned concerns with the heliport at the University which may cause some issues, but he still thinks it looks good. He commented that there will be some questions about setbacks and stepbacks; and the parking garage but he feels it is good.

Mr. Palmer said 11<sup>th</sup> street is important because it's the entrance into the hospital. He said the University has been looking at traffic flow in this area both with their developments and future new developments along West Main and what affects it might have on the entire traffic system. He stated one of the recommendations on 11<sup>th</sup> Street is to possibility go from two lanes at the light at West Main to three lanes so there will be two turning lanes out on West Main in either direction. Their engineers think there is enough width to accommodate the lanes.

Mr. Lahendro said the usage is fine, but worries about the porosity on the street level. He doesn't see anything on the floor plan for the street level activity. Is that a concern for others, the location of the doors because depending upon how the retail areas are developed what he doesn't want to see is a hotel with its own restaurant and one way in and out along the street.

Mr. Flajser said it is important for the hotel's restaurant to not feel like the hotel restaurant. He said the worst thing that could be done to the hotel restaurant is to turn it over to a hotel operator. He said they are looking for a third party operator and if we have to run through the hotel, it will look, act and feel like it is running like a third party restaurant and it will have its own open space and would like to maximize glass and keep it at a pedestrian scale so you can still experience it and not be overwhelmed by it. He explained that he mentioned a visual porosity but also an

opening whether it be the French doors opening, or if we could afford it a Nano wall that according opens at that location. He said the idea is to have push pull with the street and the building so that in times of good weather you can have a bit of bleed over back and forth shared experience there.

Mr. Lahendro said one concern is making sure we see the interaction between the sidewalk and the building on the first floor. He also stated that the tower element is phony and doesn't represent anything, it's just an element, and there is still a parking garage behind the glass on the 2<sup>nd</sup> and 3<sup>rd</sup> floors, and rooms on the other floors same as the rest of the hotel. He said landscaping is a huge issue for him.

Ms. Keller has a problem with the elevation and would be looking for articulation to make it a bonus in our present zoning ordinance. She likes the idea of the concept of the restaurant as it has been described. She asked if there is some sort of indoor outdoor dining that would help to animate the street. Ms. Keller asked about the vehicular drop off at west main, is it necessary, because she sees it as an interruption in an area where the traffic is so tight. She asked if it would work to do the drop off on 11<sup>th</sup> street and have pedestrian work where there's more room and give more sidewalk that you could use for restaurant or other uses. She is generally very positive about the hotel. She also questioned about the two stores. She said a setback or stepback might be in order on 11<sup>th</sup> street.

Ms. Dowell said she doesn't understand why there is additional height. She said density is not a problem for her but is concerned about the front using West Main Street as the drop off point especially if you are trying to keep the public transportation bus stop close by and it's already a highly traveled traffic area. She said Charlottesville is vibrant and robust but at this time she doesn't feel we really need another hotel. She commented that even on game days most of the hotels are not filled to capacity.

Mr. Keesecker said he agrees with Ms. Green that this is a good use and a good place and presents this part of west main as a sub area. He said it was wise to talk about it being different from the remainder of west main because this district is higher, denser and more intense uses are appropriate providing the hotel can be good neighbors with the Medical Center.

Mr. Rosensweig asked how you came up with the number of parking spaces.

Mr. Flajser said they did a market study of usage of surrounding buildings. He said they may be a little over parked at this point but he understands that there are huge swings in this area so they have not made a final hard and fast solution to what they need.

Mr. Rosensweig said he has no problem with use, height and density. He said any negativity would allude to massing and scale. He said he strongly encourages them to consider an entrance to the street which might end up as a condition.

Ms. Green said the drop off is just not a problem for the bus top but a major problem for bikes so having the pull off and pull out is a major safety issue.

Ms. Keller said it is also heavily pedestrian traveled as well.

Mr. Rosensweig said that cars parked in a parallel fashion along west main is an amenity for pedestrians whether it is a parallel parking or a drop off space, the adverting of the retail space is open to the public as oppose to a sidewalk immediately adjacent to the travel lane.

Ms. Keller some of the visitors will arrive by car but probably not use the car very much once they are staying because they are choosing an in town university location. She said that is what concerns her with having the drop off because it encourages visitors to park there while picking up keys instead of entering from 11<sup>th</sup> street so that you have a primary pedestrian entrance on West Main Street and maybe a way to accommodate the transit if not successful in relocating it to another area. She said the visitors may use the trolley or walk to their destinations. She is worried about the drop off as to what it will do to the pedestrian, bike and transit experience.

Ms. Green said the bike lane parking is better because it's long term because of short term in and out. She feels it might become a taxi stand.

Ms. Ashley Cooper said that there is not enough width on 11<sup>th</sup> street to have parking on the street. She said they are having discussions with the stakeholders in the area and there will be further discussion with UVA in order to have two turning lanes at that intersection. She said they will definitely take all the comments under consideration. She also asked how to present to the public the benefit of having the extra height or what does other applicant introduce as the convincing factor to having extra height.

Mr. Keesecker said most of the applicants private space on the street level is generally given over to public pedestrian experience and because that is usually turned over to broader sidewalks, you are basically pulling your building footprint in and go up to compensate for it. He said it seems a logical trade off in some ways in that the impact of height is compensated by an enhanced pedestrian realm on the street level.

Mr. Lahendro said parking underground is far more expensive, if that was done it would allow you to have two floors of public and office usage on the building and have that type of activity, would that might allow additional height to offset the cost of underground parking.

Ms. Cooper said they have been actively working with the University in this process and one of the unique things about this site is that we are directly across the street from Core Lab and that is the nerve center of the University which is a sensitive operation with sensitive devices and that is a primary reason why they chose non-traditional means of parking because with the University being so close, you cannot do that type of construction.

Mr. Rosensweig said going down is one means of getting more parking but you are high on your parking count, (this is a pedestrian oriented town) and this is a highly pedestrian friendly area in the early evening. He commented that Mr. Palmer said that right across the street is a new Bike Share facility so he encourages them to trim where you can because parking spaces are expensive relative to the pay off, and if there is another way to program the front of the building and eliminate parking, he strongly advises you to look into that.

Ms. Cooper said another way to get more cars in is to have valet parking.

Ms. Keller said valet parking has been explored before so this may be an opportunity to provide a model to share with other uses on the street. She encourages them to talk to staff about this.

Mr. Lahendro commented on the pedestrian level on 11<sup>th</sup> street. It is a very narrow sidewalk with little opportunity for landscaping. He asked if this is appropriate for 11<sup>th</sup> street.

The Commissioners commented on this being a busy intersection with people crossing there and bit of a wasteland for pedestrians that are forced into the street.

Ms. Keller asked about their market and fee structure.

Mr. Flajser said they are in the process of branding. He said they did a third party study so he is aware of other charges in the area. This hotel's rates will fall in between the Courtyard Marriott type and the Keswick Hall and Boars Head high end facilities. He also stated that this is very unlikely be an extended stay product.

Mr. Keesecker said regarding the facade on west main, the articulation of the materials and the change in the visual interest of the tower element, the higher guest room portion from a distance would be great, but most of the people on the street are not going to pick up on that because not only will it be 45 feet above their heads but there will be a stepback and the part they will experience which is this orangey-reddish thing down close by or the absent of any detail on the glass wall on the retail that lack in the detail. We keep pointing to the Battle Building as a precedent but it does a super job of enhancing the pedestrian street experience with really nice detail where people can touch it and realize it. He said the tower element could be stronger and bigger and closer to street if it helps you get more square footage and you could pull back and

have different places to do drop offs or more pedestrian space on the street, trade square footage up top for more space down below.

Ms. Keller asked if the Planning Commission could get a progress report on the Landmark Hotel. Ms. Creasy said there have been discussions and we will know more after the first of the year.

Ms. Keller moved to adjourn until the second Tuesday in December, Ms. Green seconded.

Adjourned at 11:35 pm.