

DRAFT MINUTES

CITY OF CHARLOTTESVILLE

PLANNING COMMISSION

TUESDAY, 10 NOVEMBER, 2009 -- 5:30 P.M.

CITY COUNCIL CHAMBERS

Commissioners present: Commissioners Not Present:

Mr. Jason Pearson (Chairman) Ms. Genevieve Keller (Vice-Chairman)

Mr. Michael Osteen

Mr. Dan Rosensweig

Mr. Bill Emory

Mr. Kurt Keesecker

Mr. John Santoski

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

Staff Present:

Ms. Missy Creasy

Mr. Brian Haluska

Mr. Nick Rogers

City Council Members Present:

Mr. David Brown

Ms. Holly Edwards

Mr. Satyendra Huja

Also Present:

Mr. Richard Harris, Deputy City Attorney

II. REGULAR MEETING

Mr. Pearson convened the meeting at 5:31 p.m.

Mr. Pearson noted item 1 of the joint public hearings would be heard second while item 2 would be heard first. Item 3 of the joint public hearings had been deferred by the applicant and would not be heard.

A. COMMISSIONERS' REPORTS

Mr. Emory stated the Budget Development Committee had met. He noted it was a tough year trying to accomplish all of Council's goals for the City yet still stay within the constraints of the revenue.

Mr. Santoski had nothing to report.

Mr. Osteen stated he had been out of town when the Board of Architectural Review met. He attended the University's Outreach to the Community meeting earlier in the day.

Mr. Rosensweig attended the Housing Advisory Committee meeting at which they voted to send forward NDS's report to City Council outlining the current inventory of affordable housing and future goals for the number of affordable housing units in the City. The Committee recommended that City Council adopt the goal of increasing the ratio of supported affordable housing units relative to total housing units to 15 percent by 2025.

Mr. Keesecker stated he would be attending his first MPO Tech Committee meeting on 17 November.

B. UNIVERSITY REPORT

Mr. Neuman stated the University's Outreach to the Community meeting had been well organized and nicely attended by a cross section of Charlottesville residents and University staff. The highlight of the meeting was a presentation by Richard Wilson about the origins of the University. He stated the Board of Visitors would be holding public meetings on 16 and 17 November. Phase IV of the Alderman Road housing replacement was underway. The Bookstore expansion project would go over the existing Central Grounds parking structure.

C. CHAIR'S REPORT

Mr. Pearson stated the Thomas Jefferson Planning District Commission had met on 5 November. Digital Bridge Communications had provided a presentation on Bringing Broadband to the Under Served and Unserved Residents of the TJPDC Counties. The TJPDC will be bringing on board a new transportation planner. Mr. Pearson announced the 40th anniversary of Virginia's Scenic River program.

D. DEPARTMENT OF NDS/STAFF REPORTS

Ms. Creasy noted the next work session, which would be held 24 November, would be about the Capital Improvement Plan. She stated the staff review of the Slope Waiver regulations was ongoing.

F. CONSENT AGENDA

1. Site Plan and Subdivision approval list
2. Minutes -- October 13, 2009 -- Regular meeting
3. Minutes -- October 13, 2009 -- Pre meeting
4. Minutes -- October 27, 2009 -- Retreat Outcomes
5. Site Plan -- 135 Madison Lane

Mr. Pearson called the consent agenda next to allow City Councilors to be present to hear any matters from the public.

Mr. Osteen moved approval of the consent agenda. Mr. Rosensweig seconded the motion. The motion carried unanimously.

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

Ms. Susie Hoffman, of 1203 Augusta Street, spoke in favor of the YMCA's location in the park.

Ms. Anne Knox, of 1531 Westwood Road, also spoke in favor of the YMCA location.

Mr. Jim Moore, of 1213 Hazel Street, was present as the designated spokesperson for the McIntire Park Preservation Committee. He expressed their support for the YMCA being located at a better location. He referenced an E-mail which had been sent to the Commissioners requesting a deferral of the site plan approval.

Mr. Daniel Bluestone, of 501 Parkhill, thought the YMCA site plan lacked imagination. He also thought it lacked an ability to realize that this was a project being built in a park. He asked the Commission to insist that this building be designed and the site be used to protect the salient character of the park.

Ms. Jessica Massaliny, of 408 Wynridge Drive, was present to support the YMCA project at McIntire Park as it would be a tremendous asset to the community.

Mr. William Page, of 1401 Wellford Street, stated the YMCA was urbanizing the park. He stated there was no way to replace the lost open space.

Ms. Colette Hall, of 101 Robertson Lane, stated park land lost was park land lost forever. She reiterated what other speakers had said, noting no one was against the Y. She thought the Y was a great idea, it was just being put in the wrong place. If it must go in the park, it needed drastic design changes.

III. JOINT PUBLIC HEARINGS

G. JOINT PUBLIC HEARINGS

2. ZM-09-09-20 -- (834 Prospect Avenue) A petition to rezone from R-2 Residential to McIntire-5th Residential (MR), the property located at 834 Prospect Avenue. This property is further identified on City Real Property Tax Map Number 25 as parcel 5 having approximately 61 feet of frontage on Prospect Avenue and containing approximately 60,548 square feet of land or 1.39 acres. The general uses called for in the Land Use Plan of the Comprehensive Plan are for Single-Family Residential.

Mr. Rosensweig, as the Executive Director for Habitat for Humanity of Greater Charlottesville, recused himself from the matter. Mr. Keesecker, as an employee of BRW Architects, recused himself from the matter as well.

Mr. Haluska gave the staff report. This application was only for the back portion of 834 Prospect. The applicant is trying to maintain three residential lots on Prospect Avenue. The Commission should discuss if there was a need and justification for the change. The applicant intends to attach this parcel to another piece of property. The land would be oriented toward Fifth Street. Staff recommends approval.

Mr. Osteen sought clarification as to whether Entrance Corridor design control would extend through this parcel. Mr. Haluska thought the boundary would remain the same.

Mr. Huja wanted to know about the steep slope. Mr. Haluska stated the applicant would need to go through the steep slope waiver process with the site plan process.

Mr. Rydell Payne, of 605 Prospect Avenue and the Executive Director of Charlottesville Abundant Life Ministries (CALM), gave a history of Abundant Life Ministries.

Mr. Bruce Wardell, of BRW Architects, gave a brief presentation. He stated they had considered a PUD as a strategy along with considering rezoning and a couple of different permutations of rezoning.

In the lack of a quorum of City Council, Mr. Pearson suspended the public hearing and continued with regular meeting items.

IV. REGULAR MEETING ITEMS

H. SITE PLANS

1. YMCA at McIntire Park

Mr. Rogers gave the staff report. The critical slope waiver for this had been heard at the October meeting and was approved, 4-2, with conditions attached. There have been few changes in the overall site design. However, there are two major changes. Based on input from the Planning Commission, the applicant has removed the nature trail which would connect to Charlottesville High School. The applicant has also made a design change so the sewer line avoids the biofilter. The City and the YMCA would need to collaborate on a cooperative parking agreement because of the disparate land uses on one parcel. The ground lease is clear that the YMCA is to not be constructed in the area of the picnic shelters. The master plan approved by City Council conflicts with part of the ground lease area. Staff was comfortable with the applicant's response to comments. There are some lingering outstanding items which can be dealt with during the final site plan stage. Staff recommends approval of the preliminary site plan with the condition of the satisfaction of the few remaining comments.

Mr. Todd Bullard, of BMDO Architects, stated there was a master planning effort conducted by the City to identify an approximately five acre area within McIntire Park for the location of the YMCA facility. He stated the proposed design respects key aspects of that master plan; however, there have been several refinements. He then gave a brief presentation of the proposed project.

Mr. Pearson read into record a portion of the staff report to remind the Commissioners and the public of the standard of review of the Commission: "Approval of a site plan is a ministerial function, as to which the Planning Commission has little or no discretion. When an applicant has submitted a site plan that complies with the requirements of the City's site plan ordinance (§34-800 to §34-827), then approval of the plan must be granted. In the event the Planning Commission determines there are grounds upon which to deny approval of a site plan, the motion must clearly identify the deficiencies in the plan, that are the basis for the denial, by reference to specific City Code sections and requirements. Further, upon disapproval of a site plan, the Planning Commission must identify the modifications or corrections that would permit approval of the plan."

Mr. Osteen expressed his disappointment that there was still a perception that there hadn't been appropriate public input. He stated his concerns had been addressed with this application and he was comfortable with it going forward.

Mr. Osteen moved to approve the preliminary site plan for Tax Map 45, Parcel 1, identified as the Piedmont Family YMCA at 245-365 U.S. 250 Bypass, with the stipulation that all remaining Staff comments from the Preliminary Site Plan Review must be satisfied during the Final Site Plan Review. Mr. Santoski seconded the motion. Ms. Creasy called the roll. The motion passed, 5-0-1; Mr. Emory voted present.

Mr. Pearson explained there had been a change in the agenda due to the absence of a quorum of City Council. He also reiterated Joint Public Hearing 3 had been deferred by the applicant. Mr. Pearson then returned to joint public hearing 2 for which the staff report and applicant's report had been received.

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2. **ZM-09-09-20** -- (834 Prospect Avenue) A petition to rezone from R-2 Residential to McIntire–5th Residential (MR), the property located at 834 Prospect Avenue. This property is further identified on City Real Property Tax Map Number 25 as parcel 5 having approximately 61 feet of frontage on Prospect Avenue and containing approximately 60,548 square feet of land or 1.39 acres. The general uses called for in the Land Use Plan of the Comprehensive Plan are for Single-Family Residential.

Mr. Pearson opened the public hearing.

Mr. Rosensweig and Mr. Keesecker once again recused themselves from the matter.

Ms. Jawaunta Brown, of 722-C Prospect Avenue, noted Abundant Life Ministries has been helpful, and expressed her support for the rezoning of the Abundant Life property so they could more effectively provide services to the Fifeville community.

Ms. Cathy Brown, of 778 Prospect Avenue, stated she was present not to oppose the rezoning but also not to support it. She felt there was a need for clarity on this plan to the residents of Prospect Avenue. She expressed concern about how it would affect the property values, parking, and traffic.

Ms. Dorothy Jones, of 765 Prospect Avenue, expressed her support for Abundant Life expanding in the community.

Ms. Rebecca Goodwin, of 204 Stirridge Road and formerly of 777 Prospect Avenue, expressed support for Abundant Life Ministries.

Mr. David Murphy, of 615 Bailey Road, expressed concern about the setback change which would result in a rezoning. He suggested a landscape buffer be placed in that setback.

Ms. Dorinda Johnson, daughter of a resident of 832 Prospect Avenue, noted there had been many changes in the 40 years her family had lived at the property. She stated they had a lot of concern for this change: property value, the affect on utility bills, traffic. She did not think it was relayed to the people in the neighborhood that were already there.

With no one else wishing to speak to the matter, Mr. Pearson closed the public hearing.

Mr. Santoski stated many of the issues which had been brought up were ones that he had felt early on. He didn't think the Commissioners had a lot of information about how the property would be developed

and since there were people in the immediate area who would be affected by it, unless someone could convince him otherwise, he would not be in favor of changing the zoning at this time.

Mr. Emory expressed his appreciation for what Charlottesville Abundant Life Ministries does in the community. He expressed concern about what could happen in the rezoned area. Mr. Emory wished the applicant could defer to provide additional clarity on the matter.

Mr. Osteen stated he had been more in favor of the application before the meeting than he was at that moment. He thought the applicant should have reached out to the community better since several property owners said they had had no contact. Mr. Osteen thought the concept of the rezoning was a good idea. However, he thought there should be some discussion about mitigations that could be applied to this piece of the site that would alleviate some of the concerns.

Mr. Pearson stated he remained swayed by the Staff report to be in favor of this proposal but noted three of his colleagues felt concerned about potential impacts. He sought clarification from his colleagues as to what they found problematic.

Mr. Wardell stated his client was leaning toward deferral. He wanted to correct the perception that the applicant has not been involved in the neighborhood. Mr. Wardell stated the applicant had been communicating with the neighborhood.

Mr. Santoski stated he wanted to see more clarification about the setbacks, traffic, as well as where parking would be located.

Mr. Osteen stated his other concern would be Entrance Corridor review extending across this property.

Mr. Wardell stated the applicant would request a deferral to allow them to address these issues.

Mr. Osteen moved that they accept the applicant's deferral. Ms. Creasy stated they did not need to do so.

1. **SP-09-09-19** -- (401 4th Street NW) An application for a special use permit for the property at 401 4th Street NW. This is a request to allow a single room occupancy facility in Manufacture Industrial (M-I). This property is further identified on City Real Property Tax Map Number 32 as parcel 26 having approximately 297 feet of frontage on 4th Street NW and containing approximately 32,500 square feet of land or 0.74 acres. The zoning of this property is currently M-I and general uses called for in the Land Use Plan of the Comprehensive Plan are for Commercial Use.

Mr. Keesecker recused himself from this matter as he is an employee of BRW Architects.

Mr. Rogers gave the staff report. He noted the standard of review for Council and the Commission was more extensive; these factors were included in the written staff report. The Commission could set the maximum number of dwelling units the SRO could use. Staff found most impacts to be negligible. Affordable housing would be favorably impacted. The massing and scale would make this section of Fourth Street more pedestrian friendly. The Starr Hill neighborhood president expressed concern about the residents' ability to find jobs. The chair of the Albemarle Housing Committee expressed a desire that the level of impervious cover be reduced in an effort to help lower costs.

Ms. Allison Bogdanovic, of Virginia Supportive Housing, gave a brief history of Virginia Supportive Housing. She stated the organization builds 60-unit studio apartment buildings for formerly homeless

single adults. The current proposal is for 30 units of SRO and 30 units of affordable housing. Supportive services are provided in the building by full-time case management. The applicant then gave a brief video presentation.

Mr. Bruce Wardell stated they had tried to bring the building close to Page Street to address the idea of the street edge. He stated this was the perfect site for the proposed use.

Mr. Huja wanted to know why they did not use more pervious pavers. Mr. Wardell explained the project would be submitted for low income housing tax credits in which the cost of the project was a major component on whether it was approved, but to do the entire paving with pervious pavers would be counter productive for the cost of the overall project. Mr. Charles Dickey, project manager with BRW Architects, noted they were limited by financial limitations and noted the site was currently 100 percent paved and was a 100 percent impervious site and their proposal would decrease the impervious pavers.

Mr. Pearson opened the public hearing.

Ms. Colette Hall, of 101 Roberston Lane and president of the North Downtown Residents Association, stated this future SRO required limitations to safeguard the surrounding neighborhoods and the residents themselves. Their most important request was that the building have a resident director. They requested that non-residents have clear cut guidelines they were expected to adhere to regarding the use of each unit. Any person or persons that disregard these guidelines forfeit living there.

With no one else wishing to speak to the matter, Mr. Pearson closed the public hearing.

Mr. Pearson allowed Ms. Bogdanovic to address Ms. Hall's concerns. Ms. Bogdanovic explained there is an on site director. There are house rules that guide the residents and their visitors. Visitors have to be checked in and out, and out by 11 o'clock at night.

Mr. Rosensweig stated he was quite supportive of the application. He thought it was due time the community stepped up and provided affordable housing where it ought to be. He thought whatever motion was made, it should state it was approval for a facility of up to 60 SRO units.

Mr. Osteen agreed with Mr. Rosensweig. He wanted to see landscaping along 4th Street. Mr. Osteen thought the project was going in the right direction.

Mr. Santoski thought it was a wonderful idea and has a lot of potential. He also wanted the space to be landscaped as well as possible.

Mr. Emory expressed his support for the project.

Mr. Pearson expressed his support for the application.

Mr. Rosensweig moved to recommend approval of this application for special use permit at 401 4th Street NW for a single room occupancy facility of up to 60 SRO units with the following condition(s): one, a description of the SRO facilities rules, enforcement, operational policies, and supportive services as stated tonight be submitted to Staff and included in the City Council's ordinance; and would recommend that City Council consider granting a parking waiver as necessary to allow the project to work for the density proposed; and to allow for the best possible streetscape and open space provisions. Mr. Emory seconded the motion. Ms. Creasy called the roll. The motion passed, 5-0-1; Mr. Keesecker had recused himself from the matter.

3. **SP-09-09-21** -- (1003 West Main Street) An application to amend the special use permit for the property at 1003 West Main Street. This request is for increased density (an additional 60 residential units, for a total of 76 units). Increased building height of 10 feet (for a total of 70 feet) and a reduced setback on 10½ Street (from five feet to zero feet) were previously granted by special use permit. This property is further identified on City Real Property Tax Map Number 10 as parcel 51 having approximately 75 feet of frontage on West Main Street and containing approximately 16,656 square feet of land or 0.38 acres. The property is zoned West Main North Corridor and the Land Use Plan generally calls for Mixed Use.

This matter was deferred by the applicant before the meeting.

Mr. Rosensweig made a motion to adjourn. Mr. Osteen seconded the motion. The motion carried unanimously whereupon the meeting stood adjourned at 9:29 p.m.