

DRAFT MINUTES

CITY OF CHARLOTTESVILLE

PLANNING COMMISSION

TUESDAY, 8 DECEMBER, 2009 -- 5:30 P.M.

CITY COUNCIL CHAMBERS

**Commissioners present: Commissioners Not Present:**

Mr. Jason Pearson (Chairman) Mr. Michael Osteen

Ms. Genevieve Keller (Vice-Chairman)

Mr. Dan Rosensweig

Mr. Bill Emory

Mr. Kurt Keesecker

Mr. John Santoski

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

**NDS Staff Present:**

Ms. Missy Creasy, AICP, Planning Manager

Mr. Nick Rogers

Mr. Brian Haluska, AICP

**City Council Members Present:**

Mr. Dave Norris, Mayor

Mr. Julian Taliaferro, Vice Mayor

Mr. Satyendra Huja

**Also Present:**

Mr. Richard Harris, Deputy City Attorney

Ms. Leslie Beauregard, Director, Budget and Performance Management

Mr. Ryan Davidson, Budget & Utilities Analyst

**II. REGULAR MEETING**

Mr. Pearson convened the meeting at 5:34 p.m.

**A. COMMISSIONERS' REPORTS**

Mr. Emory had nothing to report.

Mr. Santoski had nothing to report.

Ms. Keller attended the presentation on Public Housing and the opening of the Exhibition on Public Housing at the CCDC. She stated she had urged the Housing and Redevelopment Authority staff and their consultants to try to schedule a work session with the Planning Commission.

Mr. Rosensweig expressed his support of Ms. Keller's suggestion for a work session on preliminary redevelopment plans for public housing. He stated his committees, the Housing Advisory Committee and the Parks and Recreation Advisory Committee would be meeting 16 December.

Mr. Keesecker stated he had attended his first MPO Tech Committee on 17 November. Items from that meeting which Mr. Keesecker thought might be of interest to the Planning Commission were: the University is applying for a grant to have a bike sharing program implemented; the Zipcar program has been implemented at the University; and, reports from JAUNT and CTS indicated ridership was up. Mr. Keesecker also noted the MPO Tech Committee had been merged with the Community Mobility Committee.

## **B. UNIVERSITY REPORT**

Mr. Neuman stated the Lighting of the Lawn would be that evening; the University expected 15,000 people. Mr. Neuman stated they would be completing the two major office and classroom wings of the South Lawn Project; faculty would begin moving in during the break. Mr. Neuman explained the bike sharing program grant had been a student initiative.

## **C. CHAIR'S REPORT**

Mr. Pearson had attended the City/County Planning Commission joint work session on 1 December; the 29 corridor had been discussed. Mr. Pearson noted the Zipcar program was open, not only to members of the University, but also to members of the community.

## **D. DEPARTMENT OF NDS/STAFF REPORTS/WORK PLAN UPDATES**

Ms. Creasy stated staff would be having one more meeting about the slope waiver review on 9 December to prepare a proposal to be sent to the Commissioners by the end of the week. She also stated the sidewalk prioritization project is underway with interns identifying sidewalk gaps that exist in the City. Staff continues to work on the zoning matrix and have only one more matrix to work on in preparation for the January work session.

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

There were no matters from the public.

## **F. CONSENT AGENDA**

- 1. Site Plan and Subdivision approval list**
- 2. Minutes -- November 10, 2009 -- Regular meeting**
- 3. Minutes -- November 10, 2009 -- Pre meeting**
- 4. Minutes -- November 24, 2009 -- Work Session**

**5. Request for initiation of zoning text and map amendments -- The purpose of initiating these amendments is to allow formal consideration of the applications. These items will be scheduled for future public hearings if initiated:**

**a. Allowance for Veterinary clinic and Animal boarding/grooming facilities in HW**

Mr. Rosensweig asked that item 5 be pulled from the Consent Agenda.

Mr. Emory asked that the work session minutes be amended regarding the mitigation to include that he stressed the importance of not overlooking Moore's Creek in the future.

Ms. Keller stated in regard to that same item that she and Mr. Emory had not been the only Commissioners in support of the amendment. She had thought the general consensus was that all of the Commissioners had been in support.

Ms. Keller moved approval of consent agenda items 1 through 4. Mr. Rosensweig seconded the motion. The motion carried unanimously.

Mr. Pearson called for discussion of item F.5.

Mr. Rosensweig wanted to know if this amendment would be used only in Highway Corridor, or if it could potentially be used in other zones as well. Mr. Rogers explained that for this meeting, it was only for consideration for the Highway Corridor zone. Mr. Rosensweig expressed his opinion that veterinary practices were low impact businesses that could be located in other mixed use corridor throughout the city. He encouraged staff to think about other places where this might be appropriate. Ms. Creasy stated the motion could be worded to make the initiation much broader.

**Mr. Rosensweig moved to initiate a proposed amendment to the city's zoning ordinance, to wit: amending Article VI, Division 16 concerning the use matrix for the Highway Corridor district. Mr. Santoski seconded the motion. Ms. Keller asked that, when it was considered, the Commission look at the full implications of the boarding aspect of the facility. The motion carried unanimously.**

Mr. Pearson called for a brief recess while awaiting a quorum of City Councilors. The meeting stood recessed at 5:58 p.m.

Mr. Pearson reconvened the meeting at 6 p.m.

### **III. JOINT PUBLIC HEARINGS**

#### **G. JOINT PUBLIC HEARINGS**

**1. Charlottesville Capital Improvement Program FY 2011-2015:** Consideration of the proposed 5-year Capital Improvement Program totaling \$93,126,418 in the areas of Education, Economic Development, Neighborhood Improvements, Safety & Justice, Facilities Management, Transportation & Access, Parks & Recreation, Technology and General Government Infrastructure.

Ms. Beauregard stated a budget work session had been held with City Council in the prior week. She stated the current fiscal year was projected to have a 2.1 million dollar shortfall in revenue. Ms. Beauregard expressed doubt that this proposed CIP would be the final version which went to City Council. She stated they would be looking at reductions.

Mr. Davidson gave a PowerPoint presentation of the proposed CIP.

Mr. Pearson opened the public hearing. With no one wishing to speak to the matter, Mr. Pearson closed the public hearing and called for discussion among the Commissioners.

Mr. Santoski stated it would be helpful to see what the existing fund balance was in order to see why priorities were changed.

Mr. Keesecker stated he would like additional discussion about the appropriation to the Charlottesville Housing Fund.

Mr. Rosensweig concurred with Mr. Keesecker and stated he would also like to talk about parkland acquisition.

Ms. Keller stated she would like to consider the item for the 250 Interchange as well as discuss the various components of transportation and access where they relate to pedestrian and bicycle safety. She stated she would also like to consider having an endangered building fund under Transportation and Access for buildings in the Entrance Corridors.

Mr. Emory wanted to discuss the stormwater issue.

Mr. Keesecker noted the Commission had made the Charlottesville Housing Fund increasing the diversity of affordable housing their number three priority during a previous work session. He stated the Housing Advisory Committee had recommended to City Council that 1.41 million dollars would be a level that would be expected to help leverage private funds to address the citywide affordability goal; the current CIP included funding for one million dollars per year. He asked the Commission to consider a recommendation to increase the funding for the Charlottesville Housing Fund to 1.41 million dollars.

Mr. Rosensweig reminded his colleagues of discussions held in work sessions and the priorities set for the CIP of acquiring more parkland. Noting information from Parks staff that opportunities were available, Mr. Rosensweig recommended that the Parks staff have an opportunity to privately suggest what those opportunities would be and to come up with a dollar figure in excess of the currently proposed \$100,000.

Ms. Keller expressed concern that a lot of their attention in the CIP was for developed facilities such as playgrounds and aquatic centers causing her to have concern about open land especially due to her readings on green deficit disorder and the need for parks.

Ms. Keller did not feel the 250 Interchange was in the best interests of the City residents. She had concerns about the legality of the process. She expressed concern that the mitigation was inadequate and possibly inappropriate and that more could be done to improve pedestrian and cyclist safety. She expressed concern that the total costs of the project were not clear and that the City could incur even more costs. Ms. Keller thought this was a social, environmental, and spatial justice issue and she would like to see it excluded from the CIP. Mr. Emory noted that in this year of financial stresses, 64 percent of the CIP was for the greater enjoyment of cars originating in Greene County and going to Pantops. Mr. Pearson queried his colleagues as to how many were supportive of Ms. Keller's idea of excluding that item from the CIP. Mr. Rosensweig and Mr. Emory were supportive of Ms. Keller's idea; Mr. Keesecker and Mr. Santoski could not support the exclusion.

Ms. Keller suggested they add \$65,000 under Transportation and Access. This would be a fund that may or may not be used but would be available if there was a building endangered in one of the Entrance Corridors that the City could act to provide design assistance, financing, or other emergency measures.

Mr. Emory related to his colleagues an experience he had on a site visit where he became aware of rainwater that had mixed with wastewater and was flowing into Moore's Creek. He encouraged City Council to revisit the water resources protection plan and think about establishing a utility that would help fund this health, safety, and welfare need for the City.

Ms. Keller asked that pedestrian and bicycle safety be spelled out more specifically rather than just lumped in with all traffic improvements.

Mr. Pearson stated his understanding that the Commission was in favor of approval of the CIP as proposed with specific comments as they had heard related to the Charlottesville Housing Fund, park land acquisition, the 250 Interchange, the possibility of an Endangered Building Fund as a contingency fund, comments as articulated by Mr. Emory on the stormwater and specifically calling out bicycle and pedestrian safety.

**Mr. Pearson suggested the Commission entertain a motion on the CIP first and then individually get a sense from Commissioners if there was unanimity on these individual items and then Staff could report back to Council. Ms. Keller so moved. Mr. Keesecker seconded the motion. The motion carried unanimously. Mr. Pearson then called each discussed item:**

**-- Charlottesville Housing Fund recommendation of changing the amount from one million to 1.41 million; this item carried unanimously;**

**-- a recommendation that City Council confer with Parks staff about the possibility of increasing the amount allocated to parkland acquisition on the basis of the fact this is a good economy in which to acquire land, considering factors raised by Ms. Keller and Mr. Rosensweig about potentially providing smaller scale open space within the City for a diversity of uses, the issue identified by Mr. Emory related to the possibility of prioritizing under served areas and populations, and acknowledgment of the fact that parkland acquisition has been something prioritized by the Planning Commission in its articulation of the long range plan for the City; this item carried unanimously;**

**-- a recommendation that the 250 Interchange improvements be excluded from the CIP on the basis of the reasons articulated by Ms. Keller that this may not be in the interest of the City, the costs were unclear, and not all pieces of the project might actually get completed; Mr. Emory, Ms. Keller, Mr. Rosensweig voted for exclusion while Mr. Keesecker, Mr. Santoski, and Mr. Pearson voted against exclusion;**

**-- an Endangered Building Fund be created; the Commission had already expressed consensus on this matter; and,**

**-- Mr. Emory's recommendation and comments on stormwater which he then clarified to be the adoption of a Water Resources Protection Program Utility; Mr. Santoski and Mr. Rosensweig abstained from this item as they did not feel comfortable enough nor felt they knew enough about the matter - the other 4 members endorsed; and,**

**-- Ms. Keller's recommendation that the bike/pedestrian safety item be pulled out more explicitly from the other items which she asked to use the words safety enhancements and amenities which could include undergrounding wires, adding more seeding, street tree plantings, and curb cuts; this item carried unanimously.**

**2. 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 10 1/2 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.

Mr. Rogers gave the staff report. This plan was originally before the Commission in fall of 2007. The applicant is requesting an additional 29 dwelling units beyond the 16 by right for a total of 45 dwelling units. The increase in traffic would allow residents a number of transportation options and the projected trip generation would have a negligible impact on West Main Street. The applicant was proposing to exceed the zoning code's minimum parking requirement for the project. The sewer lines have adequate capacity for the increased density. The applicant does not intend to change any of the previously approved outward appearance of the building; however, the previously approved Certificate of Appropriateness Application from the Board of Architectural Review has expired. Staff feels the additional dwelling units would be harmonious with the surrounding properties and consistent with the Comprehensive Plan. Staff recommends approval for the additional density to be added to the previously approved Special Use Permit. Staff recommends an additional condition that binds the design of the building to substantially conform to what was approved by the BAR last year.

Mr. Mark Kestner, of Atwood Architects, was present on behalf of the owner. He stated the proposed adjustment was not going to change any of the previously approved BAR conditions -- massing, materials, fenestration, colors. He stated all details were intended to remain the same. He stated they were trading commercial space for residential space. He stated they were committed to providing the affordable housing as required in 34-12.

Mr. Pearson opened the public hearing. With no one wishing to speak to the matter, Mr. Pearson closed the public hearing and called for discussion among the Commissioners.

Mr. Keesecker thought it was interesting that the project had more parking than was required. He wondered how many more opportunities there would be for affordable units.

Mr. Rosensweig realized there are odd entanglements related to the SUP and there was very little within the Commission's purview. Specifically he expressed frustration that the city's recently adopted ordinance on affordable housing does not allow Council to consider location of affordable housing, adjacency of affordable housing to employment centers and the integration of mixed income into communities. He appreciated the applicant's intentions to provide more affordable housing on site.

Ms. Keller expressed concern about discouraging economic development activity. She stated she was interested in the sociocultural aspects of living in higher density housing in a mixed use zone. She

expressed concern about increasing density in a building where there are no resident amenities and where there were very few public facilities available.

Mr. Pearson remembered the original submittal and that Commission having enthusiasm for the level of thought that had gone into this project.

Mr. Neuman stated he did not understand how access was going to be available to the lower level other than from West Main.

Ms. Keller stated she would feel more comfortable with the application if it had a staff component, a manager for the building, and some amenity, some recreational community use in the building, which she thought could be accommodated within the space allocated to parking.

**Ms. Keller moved to recommend approval of this application to amend the special use permit previously granted to Studio House, LLC, for the property located at 1003 West Main Street (City Tax Map 10, Parcel 51) by City Council on September 2, 2008, as follows: The original special use permit shall remain in full force and effect with the following four (4) amendments: a maximum density of 45 dwelling units at 200 dwelling units per acre shall be allowed; and the affordable housing condition previously required shall be eliminated; a resident director or manager will be accommodated on site; and there will be provision of at least 750 square feet of a resident-oriented community facility to provide for on site recreational and social activities. Ms. Keller also added that shade trees be planted on Main Street and secure bicycle storage will be provided in the building that will be exclusive of that available inside the individual residential units and approval with the condition that the submission to the BAR for Certificate of Appropriateness of the project at 1003 West Main Street will be substantially the same as the application that was approved on October 21st, 2008, for the same project. Mr. Keesecker noted the math on the dwelling units per acre might be off as the cover sheet said 118 dwelling units per acre while the motion said 200 dwelling units an acre; he suggested the motion focus on 45 total dwelling units. Ms. Keller accepted 118 dwelling units as a friendly amendment. Mr. Emory seconded the motion. Mr. Rosensweig stated this had been one of the more frustrating discussions he had been involved in because he had been so enthusiastically supportive of the initial application. He stated it was still a terrific design and he liked the mixtures of uses. Mr. Kestner stated they were committed to providing affordable housing. The motion carried unanimously.**

Mr. Pearson called for a short recess at 8:36 p.m. He reconvened the meeting at 8:45 p.m.

#### **IV. REGULAR MEETING ITEMS (Continued)**

##### **H. SITE PLAN**

###### **1. SRO -- 401 4th Street NW**

Mr. Keesecker, as an employee of BRW Architects, recused himself from the matter.

Mr. Rogers gave the staff report. At the November meeting, the Planning Commission recommended approval of a Special Use Permit for a single room occupancy facility related to the site plan. The Commission had reviewed a site plan and offered feedback to the applicant related primarily to the parking on the site and its orientation to the building as well as the landscaping. The applicant proposes 36 SRO units and 24 non-SRO units in the development plan. The building has been stepped back 10

feet, and a plethora of landscaping has been added next to the building between the building and the sidewalk. Four additional parking spaces have been added as have 15 bike lockers. The applicant has, for the most part, satisfied the requirements of the Zoning Code. Staff recommends approval.

Ms. Keller wanted to know what would happen if underground tanks were found on the site. Ms. Creasy stated a contract could be worded to due diligence of the site an environmental Phase I and Phase II would take place to determine if any were there and it would be a contingency clause for whether the cost of removal of whatever the concern is and who would do that.

Ms. Allison Bogdanovic, of Virginia Supportive Housing, thanked the Commission for considering the site plan. She stated 36 of the proposed 60 studio apartments would be SROs for formerly homeless single adults and 24 would be for folks earning 60 percent of the area median income.

Mr. Bruce Wardell, of BRW Architects, explained the building had been offset by 10 feet on one side to allow street trees between the sidewalk and building. He thought it would be a great idea to underground the utilities, but did not know how much it would cost.

Mr. Pearson called for comments from the Commissioners.

Mr. Santoski liked the layout of the building. Noting all the development that would be happening in the area, Mr. Santoski thought this may be the initial step into making the street look the way the Commission thought it should look.

Ms. Keller stated it provided an opportunity to reestablish 4th Street, which had once been an important street in the City.

Mr. Rosensweig thought there were many reasons to keep the sidewalk where it was. He did not think putting a planting strip between the sidewalk and the street made it a better pedestrian experience.

Ms. Keller asked the applicant if he could consider treating the plaza more like a yard with shade trees.

Mr. Pearson agreed this was an important street. He felt they should not be basing their decision on the existing precedent. He stated the best possible streetscape did not have to be what was currently there.

Ms. Keller stated she had not noticed any recycling in the proposal. She thought this was a concern in the city and something she wanted to see on site. She wondered why the bike lockers were so far removed from the building. She wondered if there were enough handicapped spaces planned. She wondered if the applicant had any plans for a garden.

Mr. Charles Dickey, of BRW Architects, stated one of the firm's civil engineers was working on a solution to the problem at that moment. He suggested moving the bike lockers to the right where the handicapped spaces were. The bank of five compact spaces could then be pushed back to give more turn around space for a JAUNT bus. Ms. Keller liked this idea.

**Mr. Santoski moved to approve the preliminary site plan for Tax Map 32, Parcel 26, identified as the Virginia Supportive Housing -- Charlottesville SRO at 401 4th Street NW, with the following suggestions: to modify the bike racks and the parking in the parking lot as proposed by the applicant. Ms. Keller offered a friendly amendment that there be a recycling provision on site. Mr. Pearson stated the Commission could not do that. Mr. Emory seconded the motion. The motion carried unanimously.**



## **I. Charley Close -- Hartman's Mill Road**

### **1. Major Subdivision**

### **2. Sidewalk Waiver**

Mr. Haluska gave the staff report. Staff has reviewed the sidewalk waiver application. There are two reasons for granting the sidewalk waiver: installation of the sidewalk would require a violation of the City standard's manual in terms of utility lines; and the configuration of the pedestrian network in this area includes Jordan Park. Staff recommends the sidewalk waiver be approved.

Mr. Emory moved to approve the sidewalk waiver for the east side of the proposed street Charley Close and the preliminary subdivision plat for the property identified as Tax Map 26, Parcel 67. Mr. Santoski seconded the motion. The motion carried unanimously.

Ms. Keller expressed concern about the subdivision being in the floodplain. She stated she did not think she could legally oppose this and she did not have sufficient information to question it more, so she would abstain on this matter.

**Mr. Rosensweig moved to approve the preliminary subdivision plat for Tax Map 26, Parcel 87. Mr. Santoski seconded the motion. The motion passed, 4-0-2; Ms. Keller abstained while Mr. Emory voted present.**

Mr. Pearson stated he would entertain a motion to adjourn.

Ms. Creasy informed the Commission that Mr. Tolbert had provided a letter CC'd to each of the Commissioners; she asked them to get a copy before leaving.

**Ms. Keller moved they adjourn until the second Tuesday in January, 2010. Mr. Pearson stated the meeting was adjourned at 10:12 p.m.**