

MINUTES  
PLANNING COMMISSION MEETING  
October 14, 2014 - 5:30 P.M.  
CITY COUNCIL CHAMBERS

**Planning Commissioners**

Dan Rosensweig – Chairperson  
Taneaia Dowell  
Lisa Green  
Kurt Keesecker  
Genevieve Keller  
Jody Lahendro  
John Santoski

**Staff Present**

Ms. Missy Creasy, Planning Manager  
Brian Haluska  
Carrie Rainey  
Ms. Lisa Robertson, Chief Deputy City Attorney

The meeting was called to order by Chairman, Dan Rosensweig at 5:30 pm,

**Commissioner's Report**

Mr. Keesecker - attended the BAR work session on Tuesday, October 7th where he learned a lot about the issues that the BAR was talking about in terms to how they manage their meeting and deal with applications.

Mr. Santoski – attended a meeting held on the Free Bridge project and there will be a public hearing later this month to look at the different options that were discussed at the sessions. The project will be wrapping up in November. The meeting will be held at Water Street Center between 5-7 pm. He said he has also been appointed to the MPO Tech Committee and he will be attending that meeting as well. He plans to work with Ms. Dowell to fill her in on the School CIP and the City CIP process.

Ms. Keller said she attended the October meeting of the Thomas Jefferson Planning District Commission. One thing that was done at the meeting was to approve a contract with the Rivanna River Basin Commission to provide their administration, which is a good synergy with the joint committee between the city and the county. She also attended the monthly meeting of PLACE Task Force which will be presenting its annual report to Council soon, and at the conclusion of the meeting the Task Force conducted an informal self-evaluation on lessons learned from the SIA and West Main Street projects.

Mr. Lahendro - No Report, has not attended any of the commissions

Mr. Neuman - said the PACC Tech meeting scheduled for this Thursday has been cancelled. The next PACC Tech meeting will continue on the topic of Safety and Security, and a reminder

that trick or treat will continue to be on the Lawn on the 31st for Halloween. This Thursday evening at 7:30 pm there will be a Gravesite Commemoration at the African-American Cemetery and a variety of citizens and clergy will meet early in the day at the Jefferson School African American Heritage Center and the First Baptist Church, Main Street. The Cemetery is adjacent to the cemetery at UVA on the corner of Alderman Road/McCormick Road. Sixty-seven graves were discovered by UVA archaeologists last year. He extended thanks to Mr. Lahendro and others who contributed to this success.

Ms. Green – Absent

Ms. Dowell – No Report, has not attended any of the commissions.

CHAIR'S REPORT - Mr. Rosensweig spoke on behalf of all the commissioners to thank Mr. Neuman for his service during his tenure here and how much better the commission is for his wisdom. He thanked Mr. Neuman for his thoughtfulness and he noted it has been an incredible help to the Planning Commission.

The Housing and Advisory Committee met in September to review the work of the subcommittees. One is working on an effort to update housing policy #2 which pertains to providing incentives to builders and developers to provide affordable housing and the other is a scoping subcommittee who is helping to find the perimeters of an upcoming housing study. Additionally, several members of the HAC took part in a preliminary meeting regarding the Orangedale/Prospect neighborhood which was an encouraging and enlightening conversation where we took a slightly different tactic at examining the neighborhood. Instead of looking at all of the challenges that they or other neighborhoods might have, we started with what is working and what are some of the internal strengths, who are the leaders, and what are the institutions in the neighborhood that are doing good work with the idea of expanding what is really great about the neighborhood. He said it's a refreshing new way to look at neighborhood revitalization and he is encouraged that the group led by Housing Specialist Kathy McHugh is taking that approach. He also stated that he and Ms. Creasy met with our county counterparts Calvin Morris and Wayne Cilimberg to discuss ways to keep the momentum going following our couple of years of working together toward updates of the Comprehensive Plan, which is the one community initiative. We agreed to continue to hold periodically joint community meetings and we flagged a few topics for immediate consideration including the long range transportation plan, the River project, and some various affordable housing initiatives that affect both the city and the county. The meeting will be held on Tuesday, November 18<sup>th</sup> and the Commission will meet for an hour to talk about the CIP and then be joined by the County Planning Commission to talk about some joint planning initiatives.

DEPARTMENT OF NDS - Ms. Creasy said the Planning Commission has a work session on October 28<sup>th</sup> and that it is mostly going to be working through our Development Ordinance unification - trying to get the provisions of the subdivision ordinance and the site plan ordinance that mirror each other in one place to make for a more organized code. We will have some discussion on the draft as well as talk about some of the technology based things that are geared towards packets, providing information to get to the boards as well as to the public. Ms. Creasy stated that NDS is at almost full staff. We will have three planning positions filled as of the end of this month which is wonderful because we will be able to spread the work around as well as work on a lot of the larger initiatives that are under way.

D. MATTERS TO BE PRESENTED BY THE PUBLIC NOT ON THE FORMAL

## AGENDA

Mark Kavit, – 410 Altamont Street, About 10 years ago he brought to the Planning Commissions attention that people were not being properly notified concerning meetings such as this, zoning matters and other types of meetings that involve the public. About three years ago he was able to get Jim Tolbert and Maurice Jones to agree to notification. He said he has pictures of the sign that was agreed on as a method to make to the public aware of the changes. However, the public is still only getting nine to ten days of notice for something coming before the Boards that month. He had taken photos of the signs. He said these particular signs were put up so high in the air he could not read it and he was standing right in front of it. He had a picture of the sign at the rear of the property which had fallen off and he called NDS and it was put back up. He had a picture of the sign used by Albemarle County Planning Commission that he thought was a pretty standard sign used throughout the State of Virginia. He said the County puts these signs up as soon as applications are received to let the public know that there is some type of change about to take place. They put them up months in advanced. This makes the public check in with the county or city as to what's going on and keeping up to date to what is taking place. He is not speaking on behalf of NDRA but if he had more time he would like to see what some of the members of NDRA would have to say about one of the items on the agenda tonight.

Alex Hancock, - Eton Road, said the code regarding signs in the city makes it seem like people are not getting the proper notification and his comment is regarding the end of Eton Road where there is a diagonal only parking sign which creates a conflict. It should be a parallel parking sign. He said he has addressed this with Neighborhood Development Services, Traffic Engineering. The gentlemen he spoke with a number of times actually came out and posted the acceptable notice to have that sign removed. He called a couple of months ago and that gentleman is no longer with the city and he has called again in the last few weeks to Ms. Donovan Branche, who is the Traffic Engineer for the city, and the calls have gone unanswered. The notice posted by the city was a piece of paper inside of a plastic sleeve, taped or affixed to the sign which was covered with lots of over growth in which the city has chosen not to uncover and has now been removed. He said he can't figure out whether the plan set forth before to remove that sign and change the parking along there makes it safer for people coming in and out at the end of the road. He said he has not received any response from Ms. Branche whether this is something that will go forward or will the city remove the sign and correct it or whether the city has chosen to take an alternative route and keep that sign.

The other issue of notice which under pertains to the Woodland Subdivision. He doesn't understand how one person can petition the city to post a paper sign and not notify the people who live around there that something is changing in their neighborhood whether it is a right-of-way access or the way that parking is initiated on the street. This goes with many things around the city. He said he would like to see appropriate notification done. He stated that Mr. Rosensweig called him after the last planning commission meeting where Mr. Hancock was not able to speak at the end of the meeting. Mr. Hancock said he really appreciated him reaching out to him to hear what he had to say. He said it is nice when we can work together and exchange a dialogue.

### E. CONSENT AGENDA

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

1. Minutes - September 9, 2014 – Pre meeting

2. Minutes - September 9, 2014 – Regular meeting
3. Minutes - September 23, 2014 – Work Session

Ms. Keller moved to approve the Consent Agenda with the additional statement suggested by Bill Emory to be included in our minutes, seconded by Mr. Santoski, motion passes 6-0.

### **Site Plan**

#### **A. 923 & 925 East Market Street**

The report was provided by Ms. Creasy and Ms. Rainey and the time was turned to commissioners for questions.

Mr. Keesecker said he had some confusion as he reviewed the ministerial function as it relates to our Standards and Design Manual for roads and entrances; and the VDOT Standards and Design. Our standards refer to VDOT's in all matters that are not specifically excluded and VDOT says that local governments can choose to adopt their own standards. He was interested in the entrances into the parking area to this building off of 10<sup>th</sup> street and the fact that there are two entrances and how close they are to each other. He asked what standard in the Standard and Design Manual lead us to think that what we see on the site plan is acceptable.

Ms. Rainey said there is not a specific standard referenced for that, it was more at the discretion of traffic engineering.

Mr. Keesecker said he found a standard in the VDOT Design Manual that said the driveway entrances that are on local streets need to be 50 feet distance from each other based on the measurement of the curb radius leading into each of those entrances. It appeared that the plan they saw did not meet the 50 foot standard with VDOT and with no additional standard in our Standard and Design Manual though maybe the commission should move to look at the VDOT standards or not realizing that this is a preliminary site plan review and some point we will move toward a final site plan. He asked if staff would look at figure 411 in the VDOT Standard and Design Manual.

Mr. Rosensweig - Yes

Ms. Dowell - Yes

Mr. Keesecker - Yes

Ms. Keller - Yes

Mr. Lahendro - Yes

Mr. Santoski - Yes

Motioned by Mr. Keesecker to approval of the preliminary site plan for 923 and 925 E. Market Street with the condition that the items included on the staff report be addressed and submitted as part of the final site plan submittal as noted in the staff report, seconded by Mr. Santoski, motion passes 6-0.

### III. JOINT PUBLIC HEARINGS (Beginning at 6:00 P.M.)

#### G. JOINT PUBLIC HEARINGS

SP-14-08-07 (708 Page Street): An application for a special use permit to allow for a Municipal/government office use in an R-3 Medium Density Residential Zoning District at 708

Page Street. The subject property is further identified on City Real Property Tax Map 31 as Parcel 293. The subject property is zoned R-3 Residential and is approximately 0.170 acres or 7405 square feet. The Land Use Plan generally calls for High Density Residential.

Report prepared by Brian Haluska, Senior Planner.

The City has zoned this block as R-3 to provide the opportunity for medium residential density development. The zoning ordinance provides for the possibility of locating a government office in an R-3 zone. While locating a large government complex like City Hall in this location would certainly present a dramatic impact on the neighborhood, the scale of the proposed use in this case is one that is in keeping with the surrounding neighborhood. Additionally, the use will provide convenient access to some clients of this office, by locating it in a residential neighborhood rather than in a commercial area.

One concern that the application raises is the potential for a governmental agency to locate on the site in a new building that would require a larger amount of parking and present a larger impact to the surrounding neighborhood. Staff has addressed this by proposing a condition that would limit the number of on-site spaces on the property. Staff does not anticipate that the noise, lights, dust, odor or vibration generated by the proposed use will be greater than what can be anticipated in a low-density residential district. The building will create additional commercial traffic through switching the use of the structure to office space. Staff anticipates that the impact to community facilities will be negligible.

Staff finds that the proposal is supported by the City's Comprehensive Plan, that the proposed use is reasonable at this location, and that the impacts of the development will not create an undue burden on the surrounding neighborhood. Staff recommends approval with the following conditions:

There will be no more than 4 parking spaces on site.

Any municipal/government office use will be limited to 2,000 gross square feet of internal space.

Kathy McHugh, Housing Development Specialist, I am acting as the applicant's representative for this request; however, Sarad Davenport is also here tonight to provide additional detail relative to the City of Promise program, staffing and potential future use of 708 Page Street.

I was previously responsible for overseeing construction of a facility for the City of Promise at 210 8th Street, N.W. (adjacent to 708 Page Street). Due to unanticipated issues (i.e., unsuitable soils and on-site drainage problems) the cost for this construction at 210 8th Street was higher than initially contemplated. Accordingly, since additional funds were needed to move forward, staff went to City Council on July 21st to ask for approval to either spend additional dollars and/or look to utilize 708 Page Street, which had been acquired through a separate process, due to drainage issues caused by the City. Due to the investment required to complete the facility at 210 8th Street, City Council voted to terminate the construction contract for 210 8th Street and allow the City of Promise to utilize 708 Page Street instead.

In order to utilize 708 Page Street, there are some work items that need to be addressed.

- Accessibility needs to be accommodated via a ramp into the house from an off street parking space and a downstairs powder room needs to be reconfigured.
- HVAC air handler needs to be moved inside the house, removing the unit from the crawl

space where it is subject to frequent flooding.

The City building official has inspected the property and asked for a couple of other minor improvements (hand rails on inside stairwell and raised guardrails on the existing deck); however, the property is in excellent condition otherwise, having been totally renovated in 2010/11. The identified improvements will be provided subject to approval of the SUP, with no changes to the façade except for the installation of a ramp.

In working through the details for use of 708 Page Street, Risk Management suggested that the City develop an MOU with the City of Promise to address maintenance / upkeep matters. The City Attorney's office subsequently advised that an MOU is not necessary; however, staff was advised to request a Special Use Permit. The appropriate request was filed on August 26th, explaining that the proposed SUP is specifically to accommodate the City of Promise. While uncertain as to the long term use by City of Promise, City staff has no other intentions to use the facility for another governmental office. As such, if City of Promise no longer needs the facility for any reason, it will likely 1) revert to a residential use, 2) be moved to another location and/or 3) be torn down. Sarad Davenport will briefly explain the City of Promise effort and how the location of their offices at this location will facilitate programming.

Sarad Davenport, 2424 Evington Dr., City of Promise Director said the City of Charlottesville was awarded a planning grant, where we were given the opportunity to do a strategic plan and a comprehensive needs assessment in the area of 10<sup>th</sup> and Page, Westhaven, and Starr Hill. He said the objective of the organization is to build a cradle to college and career pathway for children in this area. He stated the organization is funded through the Dept. of Education and is based on a model through the Harlem Children's Home where there are comprehensive services and collaborative efforts to make sure children don't fall through the cracks and that they have what they need to be successful. He said they have been in this community for three years with staff, and one of the major intents from the beginning was to be accessible and available to people in the community. We have always wanted to be available in the community so that neighbors and students can access the support to be successful, have a safe place for kids to study, and have meetings to promote their development as youth. He said having the staff in the community offers us that possibility. We have a series of programs, agencies, and organizations that we collaborate with and this location would help us to leverage the support that is available in the community but also makes us more available to the students' families.

Mr. Keesecker – Why did you decide to pursue a Special Use permit for a municipal office when it seems like there is an educational use?

Ms. McHugh stated this is not a school.

Ms. Creasy said it was determined by the zoning administrator that this is a better fit.

Mr. Santoski asked about the hours of operations.

Mr. Davenport stated the operation is from 8-5 and tutoring sometimes until 7 pm. Also there is a meeting on Saturday morning once a month.

Mr. Lahendro asked what the breakdown of administration staff and educational space is.

Mr. Davenport said there are two administrative staff, and two program staff. He stated the

downstairs would be the space used for educational purposes and upstairs for the offices.

Ms. Dede Smith noted that when the council approved this, we were reassured this would be a temporary use, so she would like to see this put in the SUP that it is a temporary use.

Ms. Creasy – that is likely to be coming as a recommendation from the planning commission based on some of their earlier discussions and legal council will assist you all in the wording.

Ms. Dede Smith stated on page 38 – “city bought the house because of storm water problem, there are no plans to address the storm water drainage.” There will still be water under the house. She asked if this will have an impact on this decision.

Ms. McHugh said it has gravel under it and an air moving system blowing, so if water goes in it will dry quicker according to an environmental analysis. She said city officials have looked at the grade and it has been known to have problems, occasionally there will be soggy conditions in the yard but it will not impact the operation.

Ms. Dede Smith asked about parking for the site.

Ms. McHugh said parking is limited to one side of the street and it is a narrow street. In Brian’s report he notes that there is ample parking on Eighth Street in front and there is only one house there. She said being that the facility is in the neighborhood, some people will walk, the students will have an opportunity to walk to the facility, and the people they are serving will have a better access to the center.

Mr. Keesecker said there is onsite parking on 210 8th Street Northwest.

Mr. Keesecker asked if there are parking spaces on the property now.

Ms. McHugh said that there is a curb cut and we would be putting in asphalt, stripping and signage as a result of this.

Mr. Keesecker asked Brian about building an offsite parking space on an adjacent parcel and it does it not trigger a site plan.

Mr. Haluska said yes because it is not on this particular site. It would require a plan for 208 or 210 which would be subject to one but not on this site because the improvement is not on this site.

Mr. Keesecker asked does that trigger a sidewalk on 8<sup>th</sup> street.

Mr Rosensweig opened the public hearing.

Julie Caruccio -752 Lexington Ave. said she is in support of this SUP approval. She said she works with City of Promise through the University of Virginia. She also stated that having a facility at this location for the City of Promise facilities has two important purposes in the work of this organization. One is building relationships and the other creating access. By putting the facility for the City of Promise in the neighborhood this will allow staff to be in the neighborhood, accessible throughout the day and into to the early evening hours. She said that being present is so important. Over the years she has watched the relationships that are built

and the more present the staff, the stronger those relationships are, and the more powerful the outcomes. This is the kind of community we need to provide access to and support resources, government opportunities, and the people who are going to work together having this community central to the work they are trying to do.

Jamil Fitch Warfield, 811C Hardy Drive, As a teenager living in the neighborhood, it is easy to get off the bus and go directly to the City of Promise House to get help right after school such as tutoring and anything dealing with school or asking for guidance and counseling to help us in school.

Laquisha Byrd, 832A Hardy Drive, It would be really helpful to have the City of Promise right here in the community instead of having to try to find transportation to get to them.

Vizena Howard, 10th and Page Street Neighborhood President, stated she is the parent of three children who have benefitted from the City of Promise. She said having them visible in the community is a great help. She said they have worked with her grandkids. She said having the office space visible to the community with Sarad and his staff has created a positive influence to the kids in the community. She said the City of Promise helps with homework and office support to the school and parents offering extra help as needed. The City of Promise is a positive influence that is needed during today's times because it is easy for our children to just fall away, but this keeps youth focused and involved.

Zyahna Bryant, President of City of Promise Youth Council, said to look at the website to see the mission of the City of Promise. You will see that most of kids are ages 5th through 8<sup>th</sup> grade. 11th graders do not drive so having that space in the neighborhood is easy so we can walk. She said we can be there in minutes and not have to walk across town. The Youth City of Promise have their meetings in this space so it is very important to have it in the neighborhood because when we want to look at stuff in the neighborhood, we can go right outside. She said this is the most logical answer to the space problem.

Janice Lewis - 228 Harvest Dr. , I also was resident of Hardy Drive and City of Promise gave her chance in life as she became disabled and is employed part-time by them. She said having this building there would be good for the neighbors. The building will make more at home, because we all are like family. She said the kids have really blossomed by competing against each other to get better grades. The City of Promise has really awakened the community. She does the after school program with K-4th grade and they eagerly come to do their homework and get a snack. We have a computer lab for 5th-12th grade, teaching them to write resumes and taking them to college visits.

Linda Kennedy 820 Hardy Drive, the Westhaven community will benefit greatly by having the City of Promise on site. They have safe and productive things for the kids to do like camps karate, computer learning lab, as well as positive role models which really benefit her son, who has ADHD.

Mr. Jarvey, 709 Page Street – said the area is a residential area. It is R3, but the character of the neighborhood is 100% single family. He said there is nothing in the neighborhood where a municipal building would fit. If that's the only requirement for this, as Brian said it is cut and dry legally, it is about the land and not the tenant then there are no grounds to approve the zoning change. He said everyone here today is an advocate for the City of Promise not for a municipal government building. What he is worried about is after 3 or 4 years; as he spoke



with Sarad, the City of Promise does not plan to be there forever. He said it can definitely be used as an overflow for whatever the city wants to do. There is nothing to protect the neighborhood. He stated that he is for City of Promise, and welcomes them as his nearest neighbor, because they do great work, but he is not okay with it being zoned for a municipal space without any protection in the language. He would like it to revert back to residential when this is over. He stated that he called Ms. McHugh and Mr. Haluska was told to ask that a clause be put in the motion to go back to a residential state when the City of Promise is finish with it.

Mary Smith, 802 Hardy Dr., stated she is on the City of Promise steering committee, and voiced that the City of Promise works well for the people who cannot drive and handicap people who cannot drive also. She said she feels this would be the best space for the City of Promise.

The public hearing was then closed.

Mr. Keesecker is concerned about the lack of sidewalks leading to the building. He said the City of Promise would benefit from having the building in this proximity. He said it seemed detrimental to not have sidewalks at least on Page St.

Mr. Rosensweig asked about available right of way for a sidewalk.

Mr. Keesecker asked if the off street parking space on 210 is a city owned lot.

Mr. Santoski stated if you have someone in a wheelchair, you would not want them to go down the middle of Page Street, but rather use a sidewalk.

Ms. Keller asked when the facility will be occupied.

Ms. McHugh said they are in the process of finalizing the design aspects of the plans for bidding right now. Ms. McHugh said if things moved forward we would make that contingent upon ultimate Council approval of the SUP. She stated according to what the architect is telling them it should be early January.

Ms. Keller asked if there will be renovations.

Ms. McHugh said the bathrooms have to be made accessible.

Ms. Keller said this is a worthwhile use and a beneficial program and she is very supportive of this and appreciates Mr. Keesecker remarks about the sidewalks, but she does not want to do something to delay the opening of the City of Promise due to funding limitations. She asked if the commission could include something in the conditions that would encourage the City to pursue a pedestrian way, not necessary a sidewalk, but some sort of safe passage but not something that would tie this up and make it take even longer.

Ms. Creasy said you would probably want to keep it very broad so you can think of creative ways to make it happen within the limited space there.

Mr. Lahendro said this seems like an appropriate use. He said this is for the neighborhood organization and is a neighborhood use. He said he does not think it could work as an overflow

for the utility department but is there anything we can do in terms of a motion.

Ms. Creasy said that there are some conditions that we can put on there that would very much limit. She said the building is not ideal for a traditional office due to the heights of ceilings, the parking constraints and other site constraints. It is highly unlikely that it would become something else that is not in this purview but it is a consideration and any other change that would be likely to occur for a more traditional office would be something that would trigger coming back to the Commission.

Mr. Rosensweig said the next use will be part of a bigger master plan that will be tied to redevelopment of public housing and this whole parcel will be looked at that way. He said he does not have any worries that this will revert to some sort of deleterious use on the neighborhood. He also commented that he agreed with everyone on picking such a good spot; given the folks it serves.

Ms. Keller moved to recommend approval of this application for a SUP for municipal government office in the existing building R3 zoned on 708 Page street, with the other conditions listed in the staff report, motioned seconded by Ms. Dowell.

Ms. Keesecker asked if sidewalks could be pursued on the adjacent parcel.

Mr. Haluska said you can do improvement on the adjacent property; it is an R-1S parcel. It would require a building permit but not a site plan.

Ms. Robertson said this is a unique situation because the property owner is the City and so she encourages you to stay within the parameters of the SUP process. She said in this case if one potential adverse impact of the use of the property is that without pedestrian access it creates potentially an unsafe conditions for people, kids trying to get there. She said it would be appropriate to make a recommendation for a pedestrian access to be improved within a certain period of time after the special use permit is approved between a year and 18 months. She said the conditions could state “upon approval of the SUP, it is recommended to be a condition that establishing a safe pedestrian access that will deliver people to the site from other places.

Mr. Santoski offered an amendment to the motion to say we amend the motion to provide for pedestrian access as soon as possible after occupancy or upon review by Council. By voice acclamation the commission voted 6-0 to approve the amendment to the motion.

Mr. Santoski commented on mold or mildew or anything that will affect the environment of the building. He said some children will have asthma and breathing problems so he advised the City of Promise to make sure there’s no standing water, there’s good ventilation and no mold and mildew. He asked that Council look into this because it can be quite costly if it’s not remediated in the beginning.

Mr. Rosensweig - Yes

Ms. Dowell - Yes

Mr. Keesecker - Yes

Ms. Keller - Yes

Mr. Lahendro - Yes

Mr. Santoski –Yes

The motion passes 6-0.

2. 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.) The subject properties are contained within the 100 block of West Water Street, and consist of approximately 1.18 acres of land with road frontage on South Street, West Water Street, and 2nd Street SW. The subject property is further identified on City Real Property Tax Map 28 as Parcels 69, 71, 72, 73, 74 and 75. The subject property is zoned WSD (Water Street District Corridor) with Architectural Design Control Overlay District, and Parking Modified Zone. The Land Use Plan generally calls for Mixed Use. Report prepared by Brian Haluska, Senior Planner.

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.

Staff recommends approval, subject to the following conditions:

1. The setback on Water Street shall be modified from a maximum of 5 feet to a maximum of 12 feet.
2. A step back of 5 feet after 45 feet in height on 2nd Street SW.
3. The property shall be subject to section 16-10 "Sound levels; Downtown Business District." of the City Code.

Mr. Powe stated he is here seeking approval of a Special Use Permit in conjunction with a site plan for a new mixed-use building located at the 100 block of West Water Street. The proposed development plan shows a 101 foot tall building with 70 residential units (i.e., density of 60 DUA); 56,660 square feet of office space (inclusive of the events space for which SUP approval is requested); 19,311 square feet of interior retail space; and a 24,390 square foot open plaza that would host a weekly Farmer's Market. The building would have parking for 279 cars located in structured parking under the building.

Mr. Powe said they have proposed to change the direction of Second Street SW permanently to build 20 more stalls and a sidewalk on South Street and a lot more market stalls and growth could happen with that.

Mr. Keesecker asked about the evaluation differential between the plaza levels, 2<sup>nd</sup>, and South Street. He stated the presentation was different from what he just saw last month.

Mr. Powe said starting at zero (the intersection of Water St. and 1st Street) they go up 16 feet along Water St. to 2nd Street, then they go up another 4 ft. from Water St. to South St., 6ft above the plaza at the far corner and then come back down to a 12 foot drop at 1st and South, and 1st and Water where the stair goes up the 12 ½ feet.

Ms. Keller asked Mr. Powe to elaborate more on his final comments about the stair and the comments the BAR made.

Mr. Powe said the BAR agreed with comments you made to maintain 1st Street as a visual pedestrian and thru street we should move elements that we have within that street right of way out of the way. We are looking to close in the opening we have down to garage in that right of way so it will be all plaza and proposing to move elevator off to one side to make ADA accessible which will allow a straight shot through up the stair across the plaza with no obstacles.

Ms. Keller asked if the grand stair still be the focal point to 1st Street.

Mr. Powe said the grand stair is the transition back to the mall level. He said we are also extending the treads to make it a gentler gracious stairs.

Ms. Keller asked when we will have the revised drawings.

Mr. Powe said if successful on receiving Council approval on November 2<sup>nd</sup>, and getting the Planning Commission tonight, they will appear before the BAR at Nov 18th which means we will have to submit before the end of this month the revised plans. He said we cannot go to BAR to respond to their comments until we get the SUP blessed by Council. He said we are prepared to have a condition to reappear before council after we finish with BAR and that might work nicely with the property transfer opportunity and have another public hearing.

In September, members of the Charlottesville Board of Architectural Review insisted the road closure should only be allowed if the project maintains views of the city's warehouse district. However, some commissioners questioned whether that could be accomplished.

City staffers are expected to spend several weeks working with the applicant on a revised plan and conditions before the project returns to the Planning Commission and ultimately to the City Council.

Mr. Powe stated they are looking at a legal structure that will allow the best of what the public and private sector can do. He said legal minds are looking at that so we can meet the goal of a public, safe, active, well maintained, highly programmed space and the building also might come with a new traffic pattern.

Mr. Powe stated their plan is to have an exciting place to live, work and play, and that is what the downtown is all about and that is what the Comprehensive Plan calls for.

The proposed 101-foot-tall building would require special-use permits for additional height and residential density. It also depends upon the closure of First Street between South and Water streets.

## Public Hearing

Carolyn Meyer - 107 West Water Street, said she lives in a dense apartment building which is across from this parking lot. She stated that parking did not used to be this bad and really wants the Commission to pay close attention to this particular plan. In only requiring that 105 spaces be put into this building and then closing 1<sup>st</sup> street you've defectively decrease the amount of public parking that is available. According to the developer, he is saying there's going to be 100 residents and 300 office workers. Subtracting 105 public spaces from the 279

that are going to go into the building, you get 174 spaces for 300 office workers and 100 residents. She said the Water's street parking garage doesn't work for residents particularly because it costs an extra \$125-\$135 a month just to park your car. She said we have 24-7 access and free parking at night and would appreciate this not changing. Lastly she thanked the commission for trying to put the noise ordinance into place.

Brent Nelson - 1629 Brandywine Drive, stated he is an adjacent property owner of 214 South Street, a house he has owned for 30 years just 150 feet from the project under consideration. While he is in support of the development of a mixed use development that would keep the city market in this location, he has serious concerns with both the review process and SUP request. For City Council to encourage applicants to develop a proposal to close 1<sup>st</sup> street without seeking the guidance of the appointed BAR and their appointed Planning Commission is unfair to the developer. He said it was expressed at the BAR and Planning Commission meetings as "a done deal". He also commented that closing off the warehouse district to the downtown mall with the current design of this project is both unthinkable and planning at its worst. Inclusion of the 1<sup>st</sup> street right of way into the project should only be done with a design that adheres to the topography of the current street and permits at minimum a pedestrian connection from the mall to the warehouse district. He stated proposed stepping of the structure will do little toward mitigating the cavernous visual impact of the additional 31 feet in building height that is created on Water's street. There is a reason the by-right height for this district was changed from 9 stories back to 7 just a very few years back. He said no one seems to understand when stepping a building does or does not work until it is built then it is too late. He said we have another request for a 9 story building on Water's street and if 9 stories are appropriate for this site then why not 9 stories on the adjacent CPC parking lot east. Once that happens, Water Street and the south side of the downtown mall will be a planning wasteland. He said selling tax payer's property for a development that is largely residential yet un-bash able make no attempt to meet the city housing objections providing only to the well to do is an insult to the hard working taxpayers in this city and once again unthinkable.

Roulhac Toledano - said she owns and lives in the Pink warehouse directly across from the proposed building. She said she is a preservationist and a person who is active in the development of the guidelines for natural historic districts for the Department of Interior. She said the enemy of the tenants and property owners of this National Historic District is the city not the developer because the city asked the developer to do all of these things that required variances. Ms. Toladono said she is quite concerned about the height and Mr. Huja keeps telling her that anything can be as high as the Monticello Hotel and the Well Fargo Bank. She said it should be the same percentages of the new buildings. She said we already have Lewis and Clark and Water House but more important is the mass of this new development will be larger than the previously mention buildings. This will be in affect breaking the written rules to what a historic building is and people want the historic district not because of rules but because of their respect to Thomas Jefferson and the people who laid out this city. She reiterated that this is an historic district and why are we having the biggest mass in the city, "looks like two cruise ships to her".

Mary Gilliam - said she owned property at 218 W. South Street and she agrees with both of her neighbors about the size and mass of this building. She said in the 1990's she also saw what her neighbor saw which was the holding of buildings to a 40 feet height limit in the area. She said respecting the original fabric of the neighborhood, it then went up to 9, then zoned back down 7. She said she is perfectly willing to live with a 7 foot height limit.

Mark Kavit - 400 Altamont St., said there would have been a larger turn out tonight if more people had been notified. He said he wanted more knowledge on the matter such as a Public Hearing. He said he is in favor of urban density buildings and thinks this is a good thing for the city but questions when does it become too much.

He said good comments have been made regarding parking, streets affected, and towers. He felt like other material could be used to make it look more traditional. He suggests that the Planning Commission not act on this tonight.

Mary Butcher - 235 10th Street, said her concerns are with the plaza and questioned accessible to the public on market days. She said as the plaza is designed with the elevation no one can see the plaza from Water Street and if someone is walking down Water street they would not be enticed to walk up those stairs to a plaza as a public space. She stated she uses the 1<sup>st</sup> Street connection from South Street to Water as a safer connection instead of 2nd street through town. She feels that handicap access is very limited.

Lena Seville - 808 AltaVista Ave asked whether the city owns the plaza, the developer or the land owner, she has heard that it will be a long term lease. She asked if it will be an option for the city to renew the lease 100 years from now when land is even more valuable than it is now we will lose that as a public space. She said the Comprehensive Plan talks about encouraging connections and vibrant public spaces and asked if it was still going to be a public space on non-market days. She said the view from South Street is only shown from height and not from a pedestrian level. She commented that trees were in the way of the streetscape which prohibited a clear view. The GIS topography she handed out of South Street doesn't quite match what is in the back ground material from the developer but said there is a difference of about 2 feet.

Mr. Rosensweig closed the public hearing.

Several residents expressed concern about the height of the project and continue to express concerns that having the plaza in private hands would mean it would be closed to the public.

Mr. Powe refuted that claim. He said this will be a publicly accessible urban park with a fountain. He further said the agreement being negotiated with the city also would allow private events in the private spaces that can spill into the plaza area.

Mr. Santoski asked if there are plans for a traffic study to be done because his concern is that maybe a traffic signal might have to go in at Water and 2nd Street

Mr. Powe said they were not going to do anything formal as far as traffic is concerned. He said they would like to get rid of the left turn lane if they change the direction of the street.

Mr. Rosensweig asked Commissioners to voice what concerns they may have with approval or denial.

Mr. Lahendro said in terms of what the Commissioners are asked to rule on he has no questions.

Ms. Keller stated she had more to say than yes or no. She said she is experiencing the same frustration that she has had the other two times concerning city owned property. She

complimented the applicant a very well prepared submission, thoughtfully prepared and very graciously presented. She said there is a certain perception that this is a city generated project and that this Commission is going to move this project forward. She feels the applicant is put in an awkward position to ask for approval to what the city wants. She requested a work session with the BAR. She stated her disappointment in the lack of guidance from the staff report. She made a formal request that the Planning Commission and BAR have a joint work session to go through the conditions of the project. She would like staff present to guide them through this process. She said we cannot make that decision tonight.

Ms. Dowell stated her concerns are regarding accessibility and safety for pedestrians. She agrees that more in-depth information is needed to make a decision on this project.

Mr. Keesecker stated his concerns are 2nd street and the closing of 1st street.

Ms. Santoski said he agrees with Ms. Keller that we (Planning Commission) are being put in an awkward position. He stated he likes the project and at this point he is satisfied with what he sees.

Ms. Green said this building is in the center of the city, but the design does not appear to be welcoming to everyone. She stated her concern is the shutting down of 1st Street and making it so high that we are creating a barrier and that is not what we want to do. She stated it should be open to those businesses and residents living right off the mall.

Mr. Neuman, the architect for the University of Virginia said this is a once in a great while opportunity for the city to create something memorable and he thinks the more people that can get on board with this, the better.

Ms. Keller said the project has been thought of for several years and is too major of a decision for the Commission to make tonight.

Mr. Rosensweig said we want 1<sup>st</sup> Street to remain public and there are concerns about the pedestrian experience on 2<sup>nd</sup> Street. The overall right of way arrangement on Water Street is for the BAR to decide. His preference is to move it in that direction because he does not think the project will move forward in a month.

Ms. Keller said the proposal was thoroughly prepared but felt it was premature to vote without having a work session with the (BAR) Board of Architectural Review to get further guidance on the building's design.

Ms. Keller made an initial motion to defer a vote until a work session could be held.

Ms. Robertson, Deputy City Attorney stated that this is not an exercise to completely redesign ... it is to come up with conditions for agreement.

Mr. Powe said they are disappointed to lose a month in the project schedule. They understand that this month was required for the Planning Commission to formulate reasonable conditions that would be attached to approving the special-use permit.

Mr. Powe said he and Mr. Woodard look forward to reviewing the conditions and receiving a recommendation at next month's Planning Commission meeting.

The motion failed on a 3 to 4 vote and commissioners continued their discussion for another hour before voting again to defer.

Mr. Rosensweig - No  
Ms. Dowell - Yes  
Ms. Green - Yes  
Mr. Keesecker - No  
Ms. Keller - Yes  
Mr. Lahendro - No  
Mr. Santoski –No

The final vote was 5 to 2 to defer the application with direction to staff to further evaluate the concerns raised in the meeting. Commissioners Dan Rosensweig and John Santoski voted against deferring the application, saying they preferred that it to go straight to the City Council, which will make the final decision.

Mr. Rosensweig - No  
Ms. Dowell - Yes  
Ms. Green - Yes  
Mr. Keesecker - Yes  
Ms. Keller - Yes  
Mr. Lahendro - Yes  
Mr. Santoski –No

#### IV. REGULAR MEETING – (continued)

- H. Preliminary Major Subdivision
- a. Woodland Subdivision

Staff presented additional background information gathered since last months meeting.

This area was lawfully closed/ vacated earlier in 2014, by Earl Burton, et al. (the owners of Lots 23 and 24 within this application). The closing was done administratively, in accordance with state law and City policy.

Ms. Keller moved for the approval of the subdivision plat subject to the establishment of the pedestrian easement 20 feet wide corresponding with the utility easement from D to D1, Seconded by Mr. Lahendro, motion passes 7-0.

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

Adjournment: 9:00 p.m.