

Agenda

PLANNING COMMISSION REGULAR DOCKET TUESDAY, February 12, 2019 at 5:30 P.M. CITY COUNCIL CHAMBERS

I. Commission Pre-Meeting (Agenda discussion(s))

Beginning: 4:30 p.m.

Location: City Hall, 2nd Floor, NDS Conference

II. Commission Regular Meeting

Beginning: 5:30 p.m.

Location: City Hall, 2nd Floor, Council Chambers

A. COMMISSIONERS' REPORTS

B. UNIVERSITY REPORT

C. CHAIR'S REPORT

D. DEPARTMENT OF NDS

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

F. CONSENT AGENDA

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

1. Minutes – January 8, 2019 – Pre- meeting and Regular meeting
2. Minutes – September 11, 2018 – Pre- meeting and Regular meeting
3. Minutes – October 9, 2018 – Pre- meeting and Regular meeting
4. Minutes – November 13, 2018 – Pre- meeting and Regular meeting
5. Entrance Corridor Review - Ready Kids

III. JOINT MEETING OF COMMISSION/ COUNCIL

Beginning: 6:00 p.m.

Continuing: until all public hearings are completed

Format: (i) Staff Report, (ii) Applicant, (iii) Hearing

No Hearings Scheduled

IV. COMMISSION'S ACTION ITEMS

Continuing: until all action items are concluded

1. Critical Slopes - South First Street Development – Phase I
2. Entrance Corridor – 140 Emmet Street (Gallery Hotel)
3. Entrance Corridor Design Guidelines

V. FUTURE MEETING SCHEDULE/ADJOURN

Tuesday, February 26, 2019 - 5:00 PM	Special Meeting	Subdivision – South First Street Development – Phase I
Tuesday, March 12, 2019 – 4:30 PM	Pre- Meeting	
Tuesday, March 12, 2019 – 5:30 PM	Regular Meeting	CDBG/HOME

Anticipated Items on Future Agendas

Zoning Text Amendments –Off-street parking facilities requirements along streets designated as “framework streets” (initiated May 8, 2018), Site Plan Requirements
SUP –MACAA (1021 Park Street), 167 Chancellor, Belleview Pump Station
PUD –Flint Hill
Rezoning and Infill SUP – Lyman Street

Persons with Disabilities may request reasonable accommodations by contacting ada@charlottesville.org or (434)970-3182

PLEASE NOTE: THIS AGENDA IS SUBJECT TO CHANGE PRIOR TO THE MEETING.

PLEASE NOTE: We are including suggested time frames on Agenda items. These times are subject to change at any time during the meeting.

**LIST OF SITE PLANS AND SUBDIVISIONS APPROVED ADMINISTRATIVELY
1/1/2019 TO 1/31/2019**

1. Preliminary Site Plans

- a. Seminole Square Redevelopment Plan - January 29, 2019

2. Final Site Plans

3. Site Plan Amendments

4. Subdivision

- a. 119 Cleveland Avenue – (Lot 1-A1 and Lot 1-A2 – a division of Lot 1-4 – TMP 21-96 and a new 10’ gas line easement) – January 16, 2019
- b. BLA for Lots 116 & 117 Block 6 Fife’s Addition (Hanover and Bingler Streets) – January 31, 2019

Minutes

PLANNING COMMISSION REGULAR DOCKET
January 8, 2019 – 5:30 P.M.
CITY COUNCIL CHAMBERS
NDS Conference Room

I. COMMISSION PRE-MEETING (Agenda discussion(s))

Beginning: 4:30 pm

Location: City Hall, 2nd Floor, NDS Conference Room

Members Present: Chairman Lisa Green, Commissioners Jody Lahendro, Taneaia Dowell, Lyle Solla-Yates, Gary Heaton, Hosea Mitchell, and Mr. Bill Palmer

Staff Present: Missy Creasy, Jeff Werner, Brennon Duncan, Lisa Robertson, Kari Spitler, Brian Haluska, Ryan Davidson, and Alex Ikefuna

Chairman Green called the meeting to order at 5pm. Commissioner Lahendro asked how we make sure that the different uses occur for 901 River Road if there are two different buildings. Ms. Robertson noted that a condition can be included to address the timing.

Chairman Green asked for a summary of the changes from the last version of this plan and that information was provided.

There was a discussion about the methods that are in place to comply with storm water regulations. Ryan Davidson from the budget office provided an overview of the process and decision points needed for the CIP this evening. If the Commission has recommendations to change the recommendation, that will be included as the front page of the materials on the CIP that are forwarded to Council. If there are suggestions as to where funds should be taken from, those statements would be included as well.

II. COMMISSION REGULAR MEETING

Beginning: 5:30 pm

Location: City Hall, 2nd Floor, NDS Conference

Members Present: Chairman Lisa Green, Commissioners Jody Lahendro, Taneaia Dowell, Lyle Solla-Yates, Gary Heaton, Hosea Mitchell, and Mr. Bill Palmer

A. COMMISSIONER'S REPORTS

Commissioner Lahendro: No report.

Commissioner Solla-Yates: Attended the HAC policy subcommittee meeting on December 12 and discussed issues regarding the upcoming joint City Council and HAC meeting on January 16. In addition, they are working on coordinating a Planning subcommittee meeting for the HAC to discuss coordination between the Planning Commission and the HAC going forward.

Commissioner Dowell: No report.

Commissioner Heaton: Attended the HAC meeting in December where they discussed goals for the numbers to project affordable housing needs. The HAC mentioned a desire to create a reoccurring time to meet with the Planning Commission in the future.

Commissioner Mitchell: No report.

B. UNIVERSITY REPORT

Bill Palmer: No report.

C. CHAIR'S REPORT

Lisa Green: The Commission had an extensive meeting on January 5 to discuss the Comprehensive Plan further.

D. DEPARTMENT OF NDS

Missy Creasy: Ms. Newmyer is no longer with NDS so we are temporarily down one planner. A work session is scheduled for January 22 to have a preliminary discussion for the Seminole Square redevelopment.

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

Nancy Carpenter: Regarding the Land Use Plan, we have a problem with keeping routes the same when putting density near transportation hubs. Residents in the 10th & Page neighborhood have been struggling for 3 years because a route has been rerouted away from them and now older residents have to walk even further to find a bus stop. It would be best to make sure the routes are tied down as part of the multimodal plan because it isn't beneficial to have 6 story buildings when the idea was to be able to walk a block or two to find transportation, and hopes it becomes an important focus for the Planning Commission and City Council as the process continues.

F. CONSENT AGENDA

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

1. Minutes – December 11, 2018 – Pre- meeting and Regular meeting

Commissioner Solla-Yates moves to approve the consent agenda as presented, with the exception of adjusting the acronym "CLICK" to "CLIHC" on page 2. Seconded by Commissioner Lahendro. Motion is approved 6-0.

III. JOINT MEETING OF COMMISSION/COUNCIL

Beginning: 6:00 pm

Continuing: until all public hearings are completed

Format: (i) Staff Report, (ii) Applicant, (iii) Hearing

1. Charlottesville Capital Improvement Program FY 2020-2024

Chairman Green: Consideration of the proposed 5-year Capital Improvement Program totaling \$125,588,651 in the areas of Affordable Housing, Education, Economic Development, Public Safety & Justice, Facilities

Management, Transportation & Access, Parks & Recreation, Technology Infrastructure, Storm water Initiatives and General Government Infrastructure.

Staff Report, Ryan Davidson: A Capital Improvement Project (CIP) is a 5 year financing plan for projects generally costing more than \$50,000 that are usually non-recurring and non-operational in nature, and have a useful life of 5 years or more. It funds things like public safety equipment, playgrounds, schools, streets, sidewalks, transportation, bridges, recreation facilities, etc. The process was reworked this year and focused on the Neighborhood CIP Request Process, which was brand new this year. Staff wasn't able to fully refine this process because it came in so late, but we continue to make improvements to it. This year there were two work sessions with City Council to provide a summary of the review to be sure we were on track with what was being proposed in the CIP. The priorities of the Planning Commission are the same as last year and include to provide funding for affordable housing, broader planning initiatives, broader systematic initiatives, and place based initiatives. The primary strategies include reprogramming existing balances to reduce FY20 bond amounts, reduce funding in projects to allow for spend down of existing fund balances, reallocate the Charlottesville Affordable Housing Fund projected amount to assist in the funding of the Public Housing Redevelopment, reduce inflationary factors, maintain funding for the maintenance of infrastructure, and program the FY18 year end fund balance for the Affordable Housing Redevelopment. The total revenue for the CIP is \$35.3 million and although this is an aggressive CIP Plan, there was a substantial unfunded project list of over \$108 million. The needs within our City continue to grow and we are working to maintain the capital needs throughout the City. The largest item in the CIP aside from housing is for transportation and access enhancement, which includes street repaving, undergrounding utilities, bicycle improvements, etc.

COMMISSIONER QUESTIONS

Commissioner Solla-Yates: Who was involved in selecting the housing spending?

Mr. Davidson: There were several meetings regarding that, as well as discussions within the internal team. It is an ongoing discussion and it was a joint collaborative process.

Commissioner Mitchell: Councilor Hill mentioned that there was no reference to upgrading the police department headquarters. Have you given any thought to this and is Council still interested in pursuing this?

Mr. Davidson: There is still funding for entrance way improvements for the police station and general district court if we needed to do those improvements right now, but the space in that area is still in flux. A larger assessment of the space needs to be determined first.

Councilor Hill: Notes that the police station comment was only an example. The question that came up was that if we don't have any plans to fund projects like this, are they still visionary plans that should be included in the Comprehensive Plan or should we recognize that they are things that we won't be doing in the near future. We were trying to decide if it should be kept in there as a visionary point or if we should just focus on things that can be done within the 5 year period.

Commissioner Mitchell: Another thing that isn't in the budget is parking at McIntire Park. The new skate park is going to attract people and events, so sufficient parking will be necessary. What was the thinking on this?

Mr. Davidson: The Parks and Recreation department didn't submit anything specifically for parking related to that, but they did submit an additional request for funding for the McIntire Park Master Plan implementation and

parking was a consideration for it. It came down to balancing the money since it is such a large CIP being brought forward to the Planning Commission.

Commissioner Solla-Yates: A major concern of mine has been about how the money can be moved around. Can any of these project be delayed and the money spent on housing?

Mr. Davidson: It would be difficult to make a blanket statement without having a specific project in mind. A lot of the capital projects are bonded projects where we borrow money, which is done on a spend rate basis. Delaying it may be a possibility for certain projects, but we would need to look into the affordability of each case to determine if it would make sense to delay a project.

Commissioner Solla-Yates: Is interested in which specific projects could be delayed.

Mr. Davidson: We can look into projects that can be delayed, but each one would need to have the budgets and financing reworked.

Chairman Green: There are a list of priorities set forth by the Planning Commission and affordable housing is at the top of the list. It is important to understand that in order to get a bond, the project needs to be ready. It wouldn't work to have the money ready today if there aren't any projects ready to accept it.

Mr. Davidson: We can't sell bonds and we have a certain amount of time that we have to spend on those bonds. We can't put \$100 million into housing if we don't have \$100 million worth of projects that are shovel-ready. It would affect the affordability and tie up the capacity to do other things. As the debt service goes up, it must be paid. Without knowing the end goal it would be difficult to say which projects could be delayed.

Councilor Hill: Can Mr. Davidson provide more detail on the neighborhood requests?

Mr. Davidson: This year at a Neighborhood Association meeting, a suggestion came up to allow the neighborhoods to be more involved in the CIP process earlier and submit projects that are important to their particular neighborhood. We sent out a form to all of the neighborhood leaders and we received around 17 submissions. These were then sent out to the various departments that would be responsible for managing the projects and had them examined to make comments. At that point, they informed the neighborhood leaders of the results and timeline options.

PUBLIC HEARING

Peter Krebs, Piedmont Environmental Council: Has worked with City, County and University staff over the last year to develop a regional bicycle and pedestrian plan, but it isn't quite ready to be presented yet. As for the CIP, the best way to set ourselves up well to respond to the Jefferson Area Plan is to have both state and federal money for funding. From a strategic budget perspective, it is recommended to increase the amount for the joint park land and trails areas to \$500,000 - \$750,000 because it would benefit the whole community.

Angel Turner: Would like for the Commission to consider increasing the funds given for homeowners like herself because it gives families a chance to raise their kids in good neighborhoods. It also provides communication within mixed income neighborhoods to allow different types of people to come together without tension from having different backgrounds.

Annie Stup: Is part of the Charlottesville Low Income Housing Commission and a resident of the City. After reviewing the responses from last night's City Council meeting about the CIP budget, some concerns remain and would like more clarification about how the Affordable Housing Fund will change from Council's point of view. There is a concern that the transparent process of working with the HAC, which represents many advocates, is not getting the support that enables them to have an equity-focused comprehensive housing strategy. Councilors noted that we need to reexamine how to reallocate the funding, but we need to prioritize public housing redevelopment, rental assistance, and the community-driven redevelopment of Friendship Court, as well as those facing homelessness, those who need permanent housing, having opportunities for wealth building, and preventing displacement through the creation and preservation of affordable homeownership. The City has the resources and funds available and we need to prioritize and allocate it properly, and to have a lot more funds for all housing providers, which is not currently reflected in the CIP. The housing fund should have a permanent funding source and it should be substantial enough to address all housing needs that our most vulnerable neighbors face. Regarding the housing strategy and the Comprehensive Plan, the level of funding for public housing redevelopment is not sufficient to address CRHA's current plans. Hopes the Commission reconsiders the suggested allocations and will increase the commitment to ensure the success of CRHA's redevelopment plans. The current housing need is more than 3,000 affordable units, which will only grow in the future. Finally, we need to ensure that the housing fund and the CIP budgets are reflective of the housing strategy that's being developed in partnership with the HAC and needs to be supported by the Comprehensive Plan. The key to addressing historic, systemic, and intentional racism in Charlottesville is to name it, face it and undo it through zoning, planning, housing, transportation, and more.

Emily Dreyfus: Shares concerns about setting priorities to ensure the progress toward equity is being maximized. Some projects can be delayed and funds could be channeled towards projects that would impact low income people's lives. The sum total of the funding for public housing redevelopment does not correspond with where CRHA's planning is at. The Housing Authority's planning process is resident-led that has great participation and meets weekly. They have received a lot of resident input and hours have been spent figuring out how to move forward to resolve the issues, as the primary message from residents is to just get it done. There are concerns about the Charlottesville Affordable Housing Fund and would like to be sure they are getting the resources that they need. Encourages the Commission to work closely with the Housing Advisory Committee.

Linda Seaman, McIntire Botanical Garden President: In September 2013, City Council passed a resolution creating a public/private partnership between the City and McIntire Botanical Garden, a 501c3 nonprofit organization. The garden is 8.5 acres and will be free to the public and funds have been raised through private donors thus far. As stewards of this property, there will be a work day on January 19 to begin the process of removing invasive plant species. Bartlett Tree Service and Parks and Recreation staff will be donating their time, equipment and expertise for this project. The Parks and Recreation department requested \$3 million in this year's CIP budget and another \$3 million for next year to build a parking lot for the east side of McIntire Park, a bridge to upper portions of the park, bathrooms, picnic shelters, and other amenities to serve the east side of the park. This request was deleted by staff and does not appear in the budget before the Commission, however the garden depends on these improvements that have been long planned and anticipated for the garden.

Nancy Carpenter: The CIP Plan is not fully completed and there are a lot of omissions in the plan. For instance, there was no follow up regarding neighborhood requests. The plan is supposed to be representative of the values in our Comprehensive Plan but there are no updates to Washington Park, one of the premier places that represents the systemic racism that our community has endured. Staff should revisit this particular funding because it is important to a lot of people. Lastly, why isn't there any money allotted for housing the homeless?

Anthony Haro, Director of Thomas Jefferson Area Coalition for the Homeless: The Affordable Housing investments from the CIP are significant and unprecedented, which is the right thing to do. However, these investments are being made without the context of a housing strategy to guide and ensure that all of the housing needs across the spectrum are being met adequately. For example, The Crossings have half of the units dedicated to formerly chronic homeless persons in our community and the other half for general affordable housing units, which wouldn't have been possible without the Affordable Housing Fund. We can end chronic homelessness in Charlottesville, but the investments in permanent support of housing units to be addressed. There isn't a lot of room for these types of examples in the plan because there is no housing strategy to guide it.

Holly Wood: Notes that she is excited to become a homeowner in Charlottesville in the near future and she is excited about the stability it will provide, as well as the friendships and bonds to be made in a new community. There are a lack of funds allocated for affordable homeownership in the CIP and homeownership is important because it allows families like hers to have a forever home.

Christian Johnson: Shares excitement about the funds given for Friendship Court because she and her mother have lived there previously. She has depended on affordable housing over the years and is grateful because it has allowed her to graduate from affordable housing and become a homeowner. Homeownership needs to be supported because it encourages those in affordable housing units to graduate and become homeowners themselves.

Dan Murphy: Is a resident of Charlottesville in R1 and an economist at UVA's Darden School. There is a lot of money being allocated to supportive housing and some of the decisions made tonight are going to be long-lasting. A Comprehensive Plan for the City is very important and so is integration. There are certain disparities across the City that we can resolve through housing policy, one of which being education. There are short term needs that are understandable, but we are ultimately perpetuating the problem and we need to focus on incorporating housing with integrating the City and improving education. We also need to think about zoning to allow for more density and more mixed-income housing in R1.

Ilgiz Saybanor: Has lived in Charlottesville for the past 5-6 years and is delighted to see continued support for affordable housing. However, the affordable housing line is only at a 3% increase for the next 5 years and if we want to stay true to the intention to fight poverty, this amount is not enough. We need to support the entire spectrum of affordable housing and given the very few details in the plan, they don't seem to be fleshed out yet. Hopes that these details are elaborated on further since this just seems like a fairly rushed process.

Aaron Winston, Charlottesville Low-Income Housing Coalition: Notes that we need a continuity of affordable housing across the spectrum and echoes that we need to look at all of the options. One of the major line items on the CIP is the infrastructure improvements on West Main Street. Although these needs have to be addressed, we should be clear about who is being served through these capital improvements in terms of equity, which would be upper income people and UVA students. The \$15 million allocated in this plan isn't enough to meet the needs of redevelopment for public housing. If the citizens are served around West Main Street, those communities should also be provided with the tools and resources to fully benefit from the upgrades being proposed.

Dan Rosensweig, Housing Advisory Committee: This draft of the CIP is another example of the left hand not knowing what the right hand is doing. It was an NDS priority to rework funding allocations to create a transparent and strategic way of allocating money. Additionally, the HAC has been working on a comprehensive spreadsheet that can align with the housing strategy that is based on data, availability of land, etc. Although it is likely unintentional, this plan lacks strategy and data. The HAC is working on a comprehensive funding plan that could

be tied to the housing strategy that should inform the CIP. Would like to make a recommendation to Council to have the affordable housing funds rolled back into the Charlottesville Affordable Housing Fund.

Phil D'Oronzio, Housing Advisory Committee Chair: The reoccurring theme is that although the funding is substantial, it is inadequate and is not presented in a strategic way. We have a substantial investment for the next year, but no one knows what needs to go where. CHRA may need much more than \$3 million next year or the year after. Friendship Court has 19 moving parts and they haven't landed on where they need to be, so the same can be said for them. This is a practical matter of allocation, as well as a matter of strategy and coordination. Requests the Commission take the money and roll it together and let the process work itself out because we don't know where to make these investments. Notes that the first subcommittee meeting for this funding model will be tomorrow, January 9.

Karen McIntire, McIntire Botanical Garden: The Botanical Garden is a place for our community to come together where the entire community can participate in nature and knowledge. It could provide a lot of healing for our community and we have attracted private donors to help provide the bulk of the money needed, but before that can be done the City must honor its already established partnership with the garden.

Burnie Davis, Ridge Street Neighborhood Association Member: Applauds the commitment to affordable housing, but the Elliot Streetscape did not make the list. They would like for this to be brought up into the proper part of the CIP. If that cannot be done, they would like to encourage the commitment to putting in a crosswalk at the corner of Burnet Street on Elliot Ave with a flashing light for pedestrians crossing. It wouldn't be very expensive to allocate some money for a crosswalk to address safety concerns.

Ned Michie, Neighborhood Association: There are many tough decisions to make regarding housing, but if we think about what residents of the City of Charlottesville want beyond critically important things, we should look at the data. Parks and Recreation published scientifically valid polls regarding what the citizens want and in 2005, the poll showed that by far the most important facilities were walking/biking trails. In 2018, another survey was done by them and residents stated that they would be most willing to fund preserving open spaces and natural areas, as well as to expand/renovate walking and biking trails and connect existing trails with their tax dollars. Albemarle's Parks and Recreation department did a similar survey in 2017 showing that walking, hiking, biking, and equestrian trails were by far the most important to them. If we get funding, we can then get free money from the state, but right now there isn't anything in the CIP for funding these things. Requests that funding be increased for greenways and to put it in a flexible way so Parks and Recreation can use it for available free grants.

Morgan Butler: Would like to comment on the West Main Streetscape project. In the broader context of affordability, transportation is a very critical piece of the puzzle. Many of the streetscape projects are about taking the important transportation corridors and making them safer and more accessible and it's important to keep that in mind when thinking about these types of projects.

COMMISSIONER DISCUSSION

Chairman Green: Reminds the Commission that the goal is to make a recommendation and suggestion to Council based on the information provided. There will not be a vote on this project tonight.

Commissioner Mitchell: Is very excited about the money put forward for redevelopment and having a core structure might be very valuable. However, if we vote to recommend this, we should be sure that the assets

dedicated to redevelopment are being protected. On the surface it makes a lot of sense, but we don't want to jeopardize any of the resources that we are dedicating to redevelopment.

Commissioner Heaton: Agrees that funding made within the next year should not be jeopardized by the reality that a campaign often takes longer than one budgetary cycle. Encourages a creative way to roll the funds together on a 2-3 year campaign and encourages Council to put together a 3 year budget especially focusing on housing needs. This could mean less money might be spent in 2019 and 2020, but it would grow exponentially in 2021.

Commissioner Solla-Yates: Notes that he does not feel like he has enough information to make a good decision. There are a lot of missing pieces and we might not have time to get it right.

Chairman Green: We have had a lot of communication that housing the homeless and homeownership are not line items in the CIP. How was that missed?

Commissioner Lahendro: It looks like there is an oversight somewhere because we've supported these things in the past.

Chairman Green: Notes that there are a lot of people working individually like HAC, CLIHC, Thomas Jefferson, and we all need to work together to create a solution.

Commissioner Lahendro: What is the downside to putting the money into the CAHF and letting Council work out how to allocate it through the application process?

Commissioner Mitchell: The only downside is it may dilute the money that's been set aside for redevelopment.

Commissioner Heaton: Is there no mechanism to escrow or to ensure that the budgetary request is passed on from one year to the next?

Commissioner Mitchell: Suggests that we include that in the recommendation and consolidate all of the affordable housing line items under one item. The HAC representatives outlined the desire to roll all the affordable housing money into the CAHF and allow them to work with the Commission and Council to determine how it should be allocated.

Commissioner Heaton: We have an application process for funding, which then go through approvals from governmental bodies.

Commissioner Dowell: Are you insinuating that we pool both of the funds into one from the bondable projects?

Commissioner Lahendro: In 2019 it all went to the Charlottesville Affordable Housing Fund and they went through the application process. It was then awarded to homeownership, the homeless, and other needy organizations. They decided how it was going to be allocated and from 2020 on. That is taken away from them.

Commissioner Heaton: We aren't sure of the numbers for our goals so we cannot make a good decision since we aren't in agreement on what numbers we are shooting for. We need to escrow the time until we ascertain good numbers and we don't want to lose the money if it's not spent this year.

Mr. Davidson: Notes that any funding in the CIP that is appropriated into these projects will stay in that project until it is spent or Council takes action to move it to another project. It is done automatically year after year through the nature of the CIP.

Commissioner Lahendro: Right now it is being proposed that the money be allocated for specific programs and nothing going towards the Charlottesville Affordable Housing Fund.

Commissioner Solla-Yates: Does not support that strategy. We need to put some money into the CAHF.

Mr. Davidson: Clarifies that the intention of the \$500,000 is to put it into the CAHF.

Commissioner Dowell: Where do CDBG votes come from, and is "HOME" considered separate? The reason for the question is because some programs do have opportunities to get homeownership, down payment assistance, etc. through those funds.

Mr. Davidson: Clarifies that CDBG funds are a totally different process that are all in a separate fund that come through a federal funding process.

Commissioner Lahendro: Has the \$3 million to be spent over the next 5 years been determined based on a schedule that has been laid out?

Mr. Davidson: Those figures were based upon the 2016 work session with CRHA. A gap figure was given to be filled by government or private solicitations. Previously announced private donations and what we already had in there helped determine that number.

Commissioner Lahendro: Has the City vetted this?

Mr. Davidson: It is an ongoing discussion and cannot say for certain that everything has been vetted out.

Commissioner Solla-Yates: Notes that he received a lot of communication about spending needs. Why can't we move back the Darden Towe project until after 2020?

Mr. Davidson: That is a joint project done with the County and we have an agreement with them where the City is responsible for a certain portion of the funds related to the improvements of the park. The County has already designated their funds and this would be the City's share. It involves the turfing and lighting of the fields.

Chairman Green: In order to light the fields of Darden Towe, an SUP would be required that would have to go through the County. There hasn't been any talk of submitting one anytime soon, so she would be in favor of moving this project back.

Commissioner Heaton: What are the consequences of not meeting our agreement with the County?

Brian Daly, Director of Parks and Recreation: Darden Towe Park is jointly owned 50/50 by the City and the County. An agreement was reached regarding the management of the park on how funds are dispersed and shared for improvements and general operating costs. The funding agreement calls for the City's share of the cost of operations and any improvements to the park to be the City's percentage of the joint population between the City and County. Roughly about 31% of the population is the City's population, but it fluctuates a percentage or

two. The project has been talked about for years and staff feels that it is a poor investment to provide year-round play and synthetic turf without lighting the fields.

Commissioner Solla-Yates: As a staff employee, would you say this is the best use of the funds for the citizens of Charlottesville?

Mr. Daly: Shares that it is not his position to advocate one way or the other. The community has indicated this as a need and there are multiple needs that require balance.

Commissioner Mitchell: What all is being redeveloped in McIntire Park?

Mr. Daly: The master plan adopted by Council has recreational features and connectivity measures for trail connections. It has multiple components including north-south trail connections that are accessible, east-west trail connections that are accessible, a pedestrian bridge that connects the east and west sides of the park, the relocation of a new skate park, new trails that connect north and south, a parking area, picnic shelters, a plaza area entering into the Botanical Garden on the east side of the park, etc. Additionally, there are bridge opportunities on the north side of the park, as well as several other projects moving to completion. The pedestrian bridge and the skate park are almost finished, but they would like them to open at the same time.

Commissioner Solla-Yates: Is all \$3 million needed for the Botanical Garden to proceed?

Mr. Daly: The core area of the Botanical Garden was left blank and there was not a lot of concise design work done at the time. The Botanical Garden Board took the opportunity to hire an architect to design a schematic design that will be integrated very well. The requested \$3 million in the first year of the program would be accompanied by the second \$3 million in the 2nd year of the program in order to phase it in.

Commissioner Lahendro: Moving back to affordable housing, it is much more than simply putting up new units. From being homeless, to having a place to live, to being educated to move into homeownership, it is all important. We have nonprofits to help people with that and the structure for getting those organizations money to do that work is through the application process and the CAHF. We have to put money into the CAHF to maintain these programs and he would like to have as much money going into it as last year. Is it enough to make a recommendation that it be reallocated from other housing line items to the CAHF?

Mr. Davidson: In the current fiscal year we had allocated \$500,000 to CAHF and from FY20 moving forward, it would be a bondable \$3 million.

Chairman Green: Are there are other monies somewhere else? Asks Mr. Mike Murphy's opinion on the matter.

Mr. Mike Murphy, Interim City Manager: Would like to frame the CIP to show that it is strategic and does reflect prioritization. There is still an Affordable Housing Fund that should be spent by preserving the \$900,000 started in the year that we are in for housing subsidies. It is irresponsible to stop giving the subsidies because there is no best practice that would give subsidies for less than 24 months. Part of the equation is to keep people in the houses that are affordable and if they aren't continually renovated, those people will move out and they will get turned into places that aren't affordable. There is still \$1.4 million in affordable housing and staff is just suggesting the way it should be spent. We are looking at a situation where the Housing Authority and Friendship Court are applying for low-income housing tax credits and if the local government doesn't commit money towards it, they will not be successful in obtaining the credits. It is strategic that those are the most ready projects put forward and it may take away some of the process of how allocations get made with the Planning Commission and

Council, but feels that these are the greatest priorities in housing. Earmarking the funds the way we have was important and we have gone to capacity of how much we can responsibly spend.

Commissioner Lahendro: In the HAC meetings there was always an agenda item about master planning and new development. Until recently there was no clear direction for a strategic plan, so it is surprising that they are already moving forward with a \$3 million ask for next year.

Mr. Murphy: For example, there is a plan to modernize Crescent Halls that doesn't take much planning and is ready to be redeveloped now. There is additional planning that needs to be done with the Housing Authority in redevelopment to figure out the sequence, but they are making significant progress towards site plans. The City should be the agent working with the Housing Authority rather than the HAC because the City has tools at their disposal as the funder and decider of the governance of the Housing Authority Board. Knowing that the money is there and deciding how it should be conditioned are two very different things.

Commissioner Solla-Yates: Appreciates the point that we cannot grow the budget even more. What potential do you see in Darden Towe?

Mr. Murphy: Notes he wouldn't have started with it being one of the top priorities, but it is part of our partnership with Albemarle County. The County Executive is going to advocate that this moves forward in the County budget, so he feels a responsibility to do the same.

Commissioner Solla-Yates: Do you see any other areas where there might be a need, but not necessarily in FY20?

Mr. Murphy: The changes should never come at the expense of paving roads or creating sidewalks. It is important to consider the leverage of other dollars that come to the table. It comes down to quality of life projects and we have placed a high value on our parks and trail systems. It ultimately comes down to a value judgement on what is considered most important at this time.

Commissioner Lahendro: Because there is no money in the CAHF, is it a judgement by staff that it is not needed?

Mr. Murphy: It is important to remember that it was a 5 year plan with a 1 year budget and we look at what was requested and necessary for FY20 first.

Commissioner Heaton: Regarding the Housing Authority, do you have a sense of the percentage of the funds that are managed and distributed through City initiatives and a percentage of those that are managed through the application process of nonprofits and nongovernmental organizations?

Mr. Murphy: The agency budget review team process are nonprofits, as well as some contractual obligations for things like Region 10, that are additional investments of millions of dollars. We have about 45 nonprofits on any given year through the application process. It is currently the intent in the FY20 budget to hold those agencies harmless and to fund them at the level they were funded this year. They may rethink the best way to allocate those funds for 2021.

Commissioner Heaton: Notes that he is unsure of the percentage of the City's funding who works through NGOs.

Mr. Murphy: There is a lot of work to determine how those dollars get allocated, which are operational and annual in nature. We decide to put money into nonprofits because it extends the benefit beyond the core services of government into other domains.

Commissioner Solla-Yates: Was equity considered as part of what was selected?

Mr. Davidson: One consideration was equity, but that was only one piece of the puzzle. There was evaluation criteria, departmental priority ranking, affordability, etc. that all played a role.

Mr. Murphy: Equity is an emphasis in the City right now and we are studying the tools in other localities. An organization assessment was created where we start with ourselves to find out what we are doing for equity before we extend outward.

Commissioner Solla-Yates: Considers recommending this proposal with the amendments of pushing back Darden Towe and Riverview restrooms and directing those funds to the CAHF, housing rehabilitation and supplemental rental assistance in non-bondable spending.

Chairman Green: Notes that Darden Towe is bondable.

Commissioner Solla-Yates: Is it possible to move bondable money to the CAHF?

Mr. Davidson: The housing fund dollars would have to be cash funded. Bonding agencies recommend against that because more specifics would be needed.

Commissioner Heaton: What would the total money adjustment to that amendment be?

Commissioner Solla-Yates: \$1,173,963 in bondable funds that would be moving to CHRA in 2020.

Commissioner Solla-Yates moves to accept the CIP, with the exception of moving \$928,963 for Darden Towe and \$245,000 for the Riverview restrooms back until 2021, and putting that amount into the CRHA for 2022. No second, motion dies.

Commissioner Mitchell: Shares that he is uncomfortable with that motion because there is an implicit commitment with the County to make the changes to Darden Towe.

Commissioner Heaton: It looks like our sense is that the budget does represent a sincere effort to address the needs of the community with a conviction that it will continue in that direction without amendments.

Commissioner Dowell: Agrees that we need to honor our commitment with the County, but affordable housing has a mixed array of ways to achieve it. Homeownership changes this generation's affordability, as well as the generations after that. Not putting any money into that fund for the next 4-5 years isn't the way to go, but doesn't know where to pull the funds from.

Commissioner Lahendro: Notes that he trusts the HAC because they are made up of the organizations that work with this on a day-to-day basis and they have the capability to allocate those funds in an appropriate place. Would like to fund money to put back into the CAHF, but is also unsure of where it should come from.

Commissioner Lahendro moves to recommends to City Council that \$1 million be put into the Affordable Housing Fund, reallocated from the other line items in the CIP draft budget. Seconded by Commissioner Solla-Yates.

Commissioner Heaton: Out of the funds earmarked towards housing needs, can staff put them into a line item with the belief that through the application process, HAC, and community efforts, the same amount of services will be provided and funded?

Chairman Green: Is it not our job to find that, it's our job to make a recommendation for Council.

Mr. Murphy: The investments that the Council has made in CAHF have always been on the cash side, not bonded, and they will continue to be. Would like for the Commission to clarify the money allocations in their motion.

Commissioner Lahendro: Clarifies that the motion is to add \$1 million to the Affordable Housing Fund, leaving the \$900,000 and \$500,000 that staff has already allocated. This would be in addition to what is currently there for 2020 and leave it to Council to decide where to take non-bondable cash line items out.

Chairman Green: There is an issue with raising taxes because it lowers affordability.

Commissioner Lahendro moves to recommends to City Council that \$1 million be put into the Affordable Housing Fund. Seconded by Commissioner Solla-Yates. Motion is approved 6-0. Recommendation to add one million dollars (for FY 2020 only) to fund the Charlottesville Area Housing Fund (CAHF). The funding could be taken from non-bondable housing funding recommendations outlined in the CIP.

2. SP18-00001 – 901 River Road SUP Request

Chairman Green: Shimp Engineering on behalf of Go Store It River, LLC (owner) has submitted an application seeking approval of a Special Use Permit (SUP) request for the property located at 901 River Road with road frontage on River Road and Belleview Avenue. The proposal requests to allow for increased residential density as well as a self-storage company, pursuant to City Code Sections 34-480, where self-storage is allowed via a special use permit and density in excess of 21 dwelling units per acre (DUA) is allowed (up to 64 DUA) via a special use permit if residential density is associated with a mix-used development as indicated in Sec. 34-458. The proposal indicates a total of 54 residential units which equates to 25 DUA calculated with respect to entire development site (2.203 acres) as defined per Sec. 34-458. The property is further identified on City Real Property Tax Map 49 Parcel 98 ("Subject Property"). The Subject Property is zoned IC (Industrial Corridor District). The site is approximately 2.203 acres or 95,963 square feet.

Staff Report, Missy Creasy: Ms. Newmyer completed the reporting portion of this project and has been through all four iterations. The uses for this proposal are slightly different, which is to have a four-story multifamily building with 54 residential units with a 1,500 foot retail space. This building would be closer to River Road with a four-story self-storage building at the rear of the site. There is conformance with the Comprehensive Plan's intent for business and technology area because a self-storage company is a commercial use that generates a smaller amount of traffic than other consumer-oriented commercial areas. Ms. Newmyer highlighted the different road typologies for River Road versus Belleview in terms of coordinating the sidewalk project and parking concerns, which is outlined in the report. Another consideration has been the environmental aspects of the site and how storm water and different mitigating factors are going to take place on the site. Staff received a number of public comments with concern from neighbors about traffic, buffering, the use of a self-storage facility in this location, and a consideration for crosswalks within the application. The recommendation is that if the Commission decides to move for approval, that a number of conditions are put in place for sidewalk improvements, curb ramps on Belleview, and handling the environmental factors on site.

COMMISSIONER QUESTIONS

Commissioner Dowell: How are the cars that are currently parked going to be impacted by the rest of the community once the project is redeveloped?

Ms. Creasy: The existing cars and the cars associated with the repair shop will have to go somewhere else. The applicant may have further perspective on what will happen to them.

Chairman Green: Has the issue of water treatment on site been addressed any differently in this iteration?

Ms. Creasy: Notes that she is not aware of any difference at this point.

Commissioner Solla-Yates: Did the neighborhood weigh in on this?

Ms. Creasy: They provided concerns, with one of the most prevailing being the use of self-storage in that area.

Applicant – Justin Shimp, Shimp Engineering: Notes that he is not opposed to onsite treatment for the storm water and accepts all four of the proposed conditions from staff. There was a desire from the Planning Commission to have intensity of the use of the site in this case because the storage alone didn't do enough for the site and streetscape. Notes that the junk cars that are located on the property were there before the acquisition of the building. The owner has allowed them to remain there until they find somewhere else for them. The SUP for this proposal is to add one additional floor to add nine units. Some neighbors shared concerns about the use not being intense enough and others thought it would cause traffic to be too high, but one of the benefits of a storage use is that it fills a commercial use that isn't noisy and has limited traffic. Highlights that a few added benefits of the mixed use project include that it will improve the quality of the site, provide a connection to River Road from Belleview, and that the sidewalk and landscape buffer both comply with Streets That Work.

COMMISSIONER QUESTIONS

Commissioner Lahendro: Why are the two buildings so architecturally different and unrelated?

Mr. Shimp: They weren't thought of as being one entity. The storage building was meant to be a business use that isn't invasive to the people living around it. They aren't architecturally compatible because they have very different uses.

Commissioner Lahendro: How much building is above grade on the backside?

Mr. Shimp: It is intended to be two stories tall on the back, which would be about 27 feet.

Commissioner Lahendro: Wishes there was a drawing of the elevation on the entire north side to show the relationship between the apartment building, the storage building, and the residences behind it.

Commissioner Solla-Yates: What kind of hours would the self-storage have?

Mr. Shimp: They are generally daytime hours. It would not be a 24 hour facility.

Commissioner Lahendro: Will this have a unique type of construction that only allows the use to be specifically for storage buildings?

Mr. Shimp: Yes. This building is about half the size of the other proposals, but the type of construction is still a light duty framing for storage uses.

Commissioner Solla-Yates: There has been a concern about the existing truck traffic on Belleview and that this may increase that traffic. Have you considered some kind of traffic calming on Belleview?

Mr. Shimp: We have been reworking that entire street and have designed the exit to be a right-out only so trucks cannot turn up Belleview towards the residential area. This would allow circulation but not encourage traffic to go through the neighborhood.

Commissioner Dowell: Will there be something in the road that prevents them from making a left or would there only be signage?

Mr. Shimp: There would be concrete median in the road to prevent it.

Commissioner Solla-Yates: There is public interest in crossing the street that residents may be interested in. Did you consider a crosswalk?

Mr. Shimp: The issue with a crosswalk is the midblock nature. A crosswalk should be directly across at Belleview on the other side, but there are pedestrian safety issues of crossing midblock that traffic engineers do not advise.

Commissioner Solla-Yates: Although an affordable housing component isn't required, it could make sense for the site. Could you elaborate on the decision for not adding this component?

Mr. Shimp: The SUP is for nine more units to make it viable, which is a relatively small addition. It started off with a three story by right building, but the construction costs showed that it was not feasible. This is a small project with conventional financing and there is simply no way to make that happen.

Commissioner Solla-Yates: There has been concern that the project would be phased where the self-storage may go in with significant delays in the residential portion. Can you speak on that concern?

Mr. Shimp: The intention is have one site plan and start both at the same time. They will be built simultaneously.

Commissioner Mitchell: Could you speak on the runoff and the plan to deal with that?

Mr. Shimp: Staff felt that the requirement to treat onsite should be done in this circumstance, which we will agreed to do if the Commission imposes that condition. It's an added cost, but it can easily be done with a slight change to the site plan.

Ms. Robertson: Do you agree that treatment on site is required under the storm water regulations?

Mr. Shimp: No, but it's required under the special use permit conditions proposed by staff. If we were to construct a by right project, we wouldn't be required to do it. However, the intention is to do all treatment onsite.

PUBLIC HEARING

Morgan Butler, Southern Environmental Law Center: With regards to the storm water management, he encourages the wording of that condition to be written in a way to make clear that the applicant will provide onsite treatment to satisfy its entire water quality treatment and may not acquire offsite credits to satisfy any part of that requirement.

Dave Hirschman: Represents the Locust Grove Neighborhood Association and notes that they do not take a formal position on development proposals. However, one of the priorities of the association is to breathe more life into River Road. The neighborhood is a pedestrian neighborhood and it would be great to have the streetscape improved on Belleview with a more formal crossing of River Road. The entire neighborhood is circled by the Rivanna trail system and notes that he is very supportive of having onsite water quality treatment.

COMMISSIONER DISCUSSION

Commissioner Mitchell: Notes that the staff report does articulate that storm water treatment has to be onsite.

Commissioner Solla-Yates: Shares that the 4th iteration of this project has improved greatly.

Commissioner Lahendro: Would like to ensure that the project not be phased for construction and that the mixed uses proposed remain there with the same general square footage of the uses in the future.

Ms. Robertson: Because this is an application for a specific development for buildings to be used for specific purposes, the SUP can be approved for the specific development that has been presented. Detailed criteria can be emphasized, including the square footage of the uses.

Chairman Green: Could there be a condition where if phasing does occur, that a timeline be required to complete both phases?

Ms. Robertson: For a mixed use project, it would be reasonable to require construction to proceed simultaneously without phasing.

Ms. Creasy: Section 34-458 notes that the special permit for density can be allowable in a mixed use situation.

Commissioner Dowell: What are the price points of the units?

Mr. Shimp: It would be market rate rents in the middle range, but this part of the City would not be as expensive as the downtown area.

Chairman Green moves to recommend approval of SP-1800010 subject to the following conditions: 1. the sidewalk improvements along River Road and Belleview Avenue will include connections to existing sidewalk networks on adjacent properties: Tax Map 49 Parcel 99 and Tax Map 49 Parcel 95. The sidewalk improvements will be reviewed and approved by the Bicycle and Pedestrian Coordinator and ADA Coordinator and incorporated into the final site plan prior to final site plan approval. 2. The Developer will provide curb ramps on the north side of Belleview Avenue to facilitate access. The curb ramps will be reviewed and approved by the Bicycle and Pedestrian Coordinator and ADA Coordinator and incorporated into the final site plan prior to final site plan approval. 3. The sidewalk improvements along Belleview Avenue will be designed as a standard

five-foot wide sidewalk that smoothly connects to existing sidewalk, allows for on-street parking to be maintained on the south side of Belleview Avenue while maintaining two-way travel lanes. The design and construction plan for the sidewalk improvements will be approved by the City Engineer, and the final site plan shall incorporate the approved design and construction plan in accordance to the Streets That Work Plan. 4. The Developer will provide on-site water quality treatment by using one of DEQ's approved BMP's (proprietary or non-proprietary), where the BMP is detailed on the site plan and approved by Engineering prior to final site plan approval. This is to be done in lieu of storm water credits. 5. The project construction should be in general accord with SUP conceptual plan 901 River Road, dated October 23, 2018 to include uses and square footage as described. 6. The construction of the projects shall be done simultaneously without phasing in compliance with mixed-used zoning code section 34-458. Seconded by Commissioner Dowell. Motion is approved 6-0.

3. CP18 - 00002 – Emmet Street Streetscape Concept

Chairman Green: Pursuant to Virginia Code section 15.2-2232 and City Code sec. 34-28, the Planning Commission will review the proposed Emmet Street Streetscape concept, located on Emmet Street from the Ivy Road/University Avenue intersection; north on Emmet Street to the Arlington Boulevard intersection, to determine if the general location, character and extent of the proposed improvements are substantially in accord with the City's adopted Comprehensive Plan or part thereof. Following the joint public hearing, the Planning Commission shall communicate its findings to the Charlottesville City Council, with written reasons for its approval or disapproval.

Applicant – John Stuart, Clark Nexsen: Would like to discuss where the project is and the plans for the future. The City applied for the project to include multimodal improvements like bike lanes, pedestrian paths, improved intersections for ADA access, landscaping improvements, and bus operation improvements for the corridor. In the fall of 2019, we will be transitioning from the concept design to the detailed design with a final design stage next year. Ultimately, construction will begin in May of 2021.

Applicant – Michael Callahan, EPR: The public engagement process has included a steering committee comprised of neighborhood associations, stakeholders, Planning Commission representatives, and businesses on Barracks Road. There have been 3 steering committee meetings, a community meeting, and a UVA student meeting. This is a funded Smart Scale project and we've learned a lot through public engagement and received a lot of input for the planning and design of the project. In the community meeting, we asked how people used the facility and their perceptions, which were to make this a very walkable corridor. One of the primary questions discussed was deciding which side of the street the shared-use path should go on and the majority of people preferred it on the west side. The walking tour was helpful because it exemplified that it was a loud, auto-centric area. The responses from the UVA student meeting were more mixed for which side the shared-use path should go on, but they requested better bike and pedestrian travel areas and stated that the Emmet/Ivy intersection is not safe.

John Stuart: Overall, the public engagement process has been helpful to determine what options are available. This was built around a multimodal study by our team to assess traffic operations. It is broken into three segments: the Emmet/Ivy intersection to the railroad, the railroad to Massie, and Massie to Arlington. On Emmet Street at Ivy Road, there will be three travel lanes with reduced lane widths, an on street bike lane, a shared-use path on the west side, and a sidewalk on the east side. The tunnel location has yet to be determined, but the goal is to have it as close to the road as possible without impacting the railroad's facilities. The railroad underpass is a constraint with a 40 foot width underneath, so the bike lanes are reduced to 4 feet here, and there won't be any improvements to the bridge or sidewalk. The area north of the railroad transitions to a raised bike lane, which was preferable. The shared-use path will be on the west side, whereas the east side will have a bike lane, a greenway,

and a sidewalk. North of Massie to Arlington will have existing curb outward improvements with a raised bike lane on both sides and a shared-use path on both sides.

COMMISSIONER QUESTIONS

Chairman Green: Have there been any changes to this since the last work session?

Mr. Stuart: There was one change. Because the tunnel location hasn't been determined, it was modified to show the closer location, which is the goal. However, we need more geotechnical information to make a final decision.

Commissioner Mitchell: When do you want construction to begin for this?

Mr. Stuart: The goal is to have the engineering details worked out by summer and begin construction in May 2021. Construction could take 18-24 months.

Commissioner Mitchell: Have you worked with railroads before?

Mr. Stuart: We've done other work with railroads before where we put pipeline underneath the railroad. This project will be similar except it will have people and it will be very large. It shouldn't be a problem as long as we stay within their requirements and demonstrate that we won't be damaging their facility.

Commissioner Solla-Yates: Have you considered removing some of the adjacent left turns on the east and west side of Emmet?

Mr. Stuart: Based on the plan shown, this is UVA's proposed development plan. This is subject to change, but the only access point is on the right next to the tunnel, which is meant to be a service entrance to a performance hall. It will be a right in, right out situation.

Mr. Callahan: Notes that there is another property further north that has access to Emmet Street at a signal and that access will be maintained.

Commissioner Solla-Yates: Did you consider removing access to the signalized intersection at Massie?

Mr. Stuart: We've looked at it but the property owner would have to engage with them to determine if it would be acceptable. If there was an agreement with the property owner to close the access, it could be easily done. Right now that entrance doesn't propose anything unusual to the project and it doesn't seem to be a problem.

Mr. Callahan: There was an expression of interest to maintain that access point at a steering committee meeting.

Commissioner Dowell: Notes that in the event that the adjacent old hotel property is redeveloped another type of access would be necessary, so it would not be advantageous to close that access at the light.

Commissioner Solla-Yates: Appreciates the speed control that is being proposed. Is it possible to have a consistent speed of 25 mph for the entire corridor?

Mr. Stuart: That would be more challenging on the north end because it would be hard to make a justification to reduce the speed further. If the City deemed it to be a priority it could be done, but from the traffic engineering perspective there doesn't seem to be a need to do that.

Mr. Brennan Duncan, City Traffic Engineer: Generally, you don't want a jump of 20 mph. The speed north of the intersection is 45 mph, so having the speed be reduced incrementally provides a nice transition zone.

Commissioner Solla-Yates: There was interest of expressed bus service from UVA to the airport. Would this work well with that plan?

Mr. Stuart: That would probably be a question to ask the operators and ultimately if it helps them operate better, it would likely work well.

Mr. Callahan: In coordinating with UTS, they mentioned moving to articulated 60 foot buses in the future. An expressed service might use a bigger vehicle, which has been considered in the design.

Commissioner Heaton: Would encourage that it be well publicized and promoted, especially regarding transportation.

Commissioner Lahendro: The Comprehensive Plan calls for safe multimodal transportation. Have there been decisions on what would be allowed on the shared-use path?

Mr. Stuart: There's no defined restriction. It's a wide path for pedestrians and lower skilled/ less experienced bicyclists. A more experienced bicyclist would use a bike lane, but there is no strict guidance as to who can and cannot use the shared-use path.

Commissioner Lahendro: The Virginia State Code allows the locality to limit what is used on a shared-use path, such as skateboards, electric scooters, etc. Has there been any discussion on this?

Mr. Stuart: No, the specific use has not been discussed at this point.

Commissioner Lahendro: The blue tunnel shows it being 45 feet off of the face of the retaining wall for the bridge. Will this end up being a channel that is going to a tunnel with sharp turns? The concern is that there are bicyclists and pedestrians going through that tunnel too, which would be a safety hazard.

Mr. Stuart: That amount of curvature is less than ideal, but it would be signed and marked so the user would be aware and engaged. This is a preliminary conceptual layout, so the curve can be smoothed out more. The goal is to know the conditions of the railroad fill so we know what we can realistically design. This would be the worst case scenario, but with appropriate signing and warning to reduce their speed, it could be mitigated to a minimum level of concern.

Commissioner Lahendro: There is a shared-use path on the east side of Emmet that stops at Massie where a 7 foot sidewalk begins. Why is this the case?

Mr. Callahan: Originally, the plan was to only have a shared-use path on the west side and a raised bike lane on the east side. This is in the City's bike/ped master plan. The thinking here is that the shared-use path would continue up the east side of Emmet in the future, beyond the scope of this project and they didn't want to preclude that opportunity. The shared-use path should have a logical termination point and an intersection is an ideal place to do that.

Commissioner Lahendro: Would the less skilled bicyclists using the shared-use path then get dumped at an intersection? The choice would be to use a pedestrian sidewalk or to cross a 60 foot wide road.

Mr. Stuart: It is a signalized intersection with crosswalk markings and we would put in some signage to note that users should cross to the west side to use the path underneath the railroad.

Commissioner Lahendro: Would there be an option to do a 7 foot wide sidewalk instead of the shared-use path in the future when we have the capability to extend the shared-use path?

Mr. Stuart: That is certainly an option that could be considered. It could be designed with a plan for a future 10 foot sidewalk and in the interim have a reduced width to a 7 foot sidewalk as part of the final design.

Commissioner Solla-Yates: Some of the bicycle traffic is being diverted into the bridge, but also keeping the southbound bike lane through the tunnel. Did you consider diverting all bicycle traffic through the tunnel and then back onto the street?

Mr. Stuart: It was considered, but it provides an option for a cyclist on a dedicated bike lane to continue south on the dedicated bike lane. It would be ideal to have a larger bike lane, but it isn't possible at this point. However, if the cyclist isn't comfortable with this, they have the option to use the tunnel.

Mr. Callahan: Having both a shared-use path and a bike lane have been discussed a lot and there are two types of users out there, the high speed commuters v. pedestrians, slower users, children, etc. Allowing the faster bicyclists to stay on the street is why it is presented in this way. There is also a lot of foot traffic after games and diverting bikes during these times could be a hazard.

PUBLIC HEARING

Peter Krebs, Piedmont Environmental Council: This project has a fully protected, semi-raised bike lane and a shared-use path, which is a great combination. The user for the shared-use path is intended for the relaxed person and the bike lane is for velocity cyclists. VDOT is currently setting up guidelines for motorized vehicles for things like scooters, e-bikes, motorized wheelchairs, etc. Rather than trying to define who a user is, they are looking at the performance specifications of the vehicle itself like maximum speeds, maximum weights, etc.

Kathleen Adams: This project seems to still have a very vehicular focus in the design and the speed is important to consider. The travel lanes are 11 feet and the rule for Streets That Work is 10-11 feet in mixed use areas. It seems like a foot could be taken away from a travel lane and put into a bike lane to provide a little extra space. It's also important to be sure we prioritize time to pedestrians at the signalized intersections in the design.

COMMISSIONER DISCUSSION

Chairman Green: Is signalization part of the project, specifically for pedestrians?

Mr. Stuart: Part of the signal design is to provide a lead time for pedestrians to start crossing before a car is given a green light. The pedestrian interval gives the pedestrian a little bit of a head start over the vehicle, which will be built into all of the intersection designs.

Commissioner Solla-Yates: Asks Mr. Duncan if it would be possible to make the entire corridor 25 mph?

Mr. Duncan: It is a 4 lane divided roadway and if you were to extend the design elements all the way up, which we do not have the scope or funding to do, it could be done. Imposing a 25 mph speed limit would create a situation where drivers don't feel a natural inclination to slow down, which creates a speed trap.

Commissioner Lahendro: Asks Mr. Duncan what he thinks about narrowing the lanes by a foot.

Mr. Duncan: Anywhere where we have transit lines, it is 11 feet. The 10 foot lanes are only for turn lanes and local neighborhood streets.

Mr. Palmer: UVA has been collaborating with the project team and the one outstanding concern that remains is the right-of-way being taken away for a lot of this project. They are looking at the impact of that and what it does for future programming for that site.

Commissioner Lahendro: Do any of the Commissioners see a concern with going from a 10 foot shared-use path to a 7 foot sidewalk?

Commissioner Solla-Yates: Shares that concern and notes that one of the resolutions for the tunnel would be not to have bike lanes under the bridge and just have shared-use paths on both sides consistently and resume the bike lanes on either side of the bridge.

Commissioner Lahendro: The regular bicyclists would be barreling down the road and then people stepping out into their lane, which could be a problem.

Commissioner Solla-Yates moves that the proposed concept for the Emmet Streetscape Project, located on Emmet Street from the Ivy Road/University Avenue intersection; north on Emmet Street to the Arlington Boulevard intersection in the City of Charlottesville, general character, location and extent of the proposed improvements are substantially in accord with the City's adopted 2013 Comprehensive Plan or part thereof, with the recommendation that it be designed for a consistent 25 mph speed. Seconded by Commissioner Heaton. Motion is tied 3-3.

Commissioner Dowell: Notes that she has some reservations about having a consistent 25 mph speed limit. We've already heard from the traffic engineer and it would be a whole other project we don't have funding for.

Ms. Robertson: In order to change the speed limit on a City street, the speed limit has to be supported by scientifically calculated engineering data. The Commission may want to consider a review of the basis of the speed limit be undertaken at some point in time and based on the engineering assessment, a new speed limit be implemented if necessary.

Commissioner Dowell: As of right now, our engineering study does not support that.

Commissioner Heaton: Asks if there could be any street calming measures.

Ms. Creasy: Traffic calming wouldn't apply on this road classification.

Commissioner Solla-Yates moves that the proposed concept for the Emmet Streetscape Project, located on Emmet Street from the Ivy Road/University Avenue intersection; north on Emmet Street to the Arlington

Boulevard intersection in the City of Charlottesville, general character, location and extent of the proposed improvements are substantially in accord with the City's adopted 2013 Comprehensive Plan or part thereof, with a concern that more consideration be given to extending the 25 mph speed limit throughout the project. No second. Motion dies.

Commissioner Dowell moves that the proposed concept for the Emmet Streetscape Project, located on Emmet Street from the Ivy Road/University Avenue intersection; north on Emmet Street to the Arlington Boulevard intersection in the City of Charlottesville, general character, location and extent of the proposed improvements are substantially in accord with the City's adopted 2013 Comprehensive Plan or part thereof. Seconded by Commissioner Mitchell. Motion is approved 5-1.

Commissioner Lahendro: Notes that he cannot support the motion because of the safety concerns.

Chairman Green: Would like to make a note for Council that the Commission was split on potentially lowering the speed and the safety concerns at the bridge and eastside shared-use path, as well as clarifying that the city traffic engineer stated that they've already studied the speed of the project.

Commissioner Dowell left the meeting at 10:40 pm.

4. CP18 - 00003 – 5th / Ridge / McIntire Multimodal Corridor Study

Chairman Green: Pursuant to Virginia Code section 15.2- 2232 and City Code sec. 34-28, the Planning Commission will review the proposed 5th / Ridge / McIntire Multimodal Corridor concept, from the intersection of Harris Street and McIntire along McIntire Avenue Ridge Street / 5th Street Extended to the intersection of Harris Road and 5th Street SW, character and extent of the proposed improvements are substantially in accord with the City's adopted Comprehensive Plan or part thereof. Following the joint public hearing, the Planning Commission shall communicate its findings to the Charlottesville City Council, with written reasons for its approval or disapproval.

Staff Report, Brennen Duncan: The purpose of the study was to look at possible future projects for the City and do a high level planning of it so staff has something that can be presented when future projects come up.

Applicant – Michael Callahan, EPR: This is a city-funded study looking at how to make this a more complete street in line with the City's desires expressed through the Comprehensive Plan. Notes that Streets that Work were a very important part of the how the project was designed. There were two public engagement meetings in January and July of 2018 that provided input that was incorporated into the final set of recommendations. The general theme was that this is a critical artery of the City and has to work well for all users, including bike and pedestrian travel. The sidewalks are typically right up against the curb and bike facilities are lacking and insufficient in some areas. The transit system was also a large part of the corridor with 4 buses. In terms of safety, this is a high crash corridor that needs to be addressed. The recommendations are to eliminate the slip lane on 5th SB to Harris WB, a new dedicated right turn lane from Harris WB to 5th NB, and a shared-use path and protected bike lanes. On 5th (Harris to Cherry/Elliot), they would recommend switching the shared-use path to the west side at Brookwood and incorporate raised bike lanes. As far as safety improvements to 5th street, a restricted crossing U-turn (RCUT) would be implemented. Bike lane enhancements are also important for Ridge (Cherry/Elliot to West Main) on both sides, which would require an elimination of on street parking on the west side. On Monticello, the bike lane would be extended up to the intersection and adding another dedicated right-turn lane onto Ridge northbound. There will also be a shared-use path on the west side and two northbound lanes on Ridge because of the heavy vehicular traffic. There will be a roundabout at Ridge-McIntire at Preston to reduce delay, speed and conflict points for pedestrians and provides median refuges for pedestrians. On McIntire (Preston to Harris), they would

extend Schenk's greenway to Preston, have bike lanes in both directions, new right turn lanes from McIntire SB to Harris WB and from Harris EB to McIntire SB. Lastly is the concept for improving the bike/ped connectivity. The short term timeframe includes the Cherry/Elliot Smart Scale application, new bike lanes, parking changes, and extending the greenway. The long term timeframe includes the roundabouts, raised bike lanes, and intersection improvements.

COMMISSIONER QUESTIONS

Commissioner Mitchell: Would like to hear more about the proposed roundabout.

Mr. Callahan: This is proposed as a one lane roundabout with room to make it two lanes if need be. The roundabout would help prevent crashes and injuries, as well as making it a gateway feature. There are also fewer conflict points by using a roundabout.

Mr. Duncan: Notes that the traffic would yield to all other traffic and roundabouts move about 35% more traffic than a conventional intersection.

Commissioner Lahendro: Some intersections like Ridge and Monticello have 5 lanes of traffic for pedestrians to cross without a refuge midway. At what point is it too long for it to be a safe pedestrian crossing?

Mr. Callahan: There is a median there and it could be extended out further. It would depend on how much time there is to cross, but it is a trade off because there is a lot of vehicular congestion and pedestrians in the area.

Chairman Heaton: What is the data regarding the crashes at the Preston/McIntire intersection?

Mr. Callahan: It's in the middle of the pack for crash and injury rate, but it is surprisingly low.

Chairman Green: Have you thought about eliminating the left turn from Market to High Street?

Mr. Callahan: Bikes move really fast down Market Street that likely contributes to the problem.

Commissioner Heaton: What do the bicycling community's studies say about roundabouts?

Mr. Duncan: Because the design is 20-25 mph, a bike can traverse it within the travel lane more easily than a conventional intersection with 35 mph traffic. The roundabouts are designed so you physically cannot go above 25 mph.

Mr. Krebs: The overriding goal is to reduce the velocity differential. Having someone drive 25 mph wouldn't be as likely to seriously injure someone. The intersection as it is now is very challenging for cyclists and pedestrians.

Commissioner Solla-Yates: There would still be a slip lane from Ridge/McIntire. Wouldn't it simplify and improve safety to just eliminate that?

Mr. Callahan: It probably wouldn't perform as well when it is modeled, but it would be worth looking at.

Mr. Duncan: Ideally, it would be eliminated completely, but this idea was proposed years ago and residents complained that about that access point. We are trying to respect the past, but having an intersection come in at

that location close to a roundabout does pose issues. Reminds the Commission that this is a conceptual design and public engagement will be part of the process going forward.

PUBLIC HEARING

Peter Krebs, Piedmont Environmental Council: This is a very strategic corridor and this could be a way to get people across the city east to west. This is a large project and there is a lot to see in the report, but believes that the current rendition is pretty solid.

John Erdwurm: The intersection is terrible and this plan is overall a step in the right direction. However, unless these project are broken out and addressed in the near future, there won't be enough funding to complete them. At Elliot and Cherry, it is almost at gridlock and when there is an accident, it is extremely difficult for emergency vehicles to get to that intersection. Generally, roundabouts are not recommended in urban cities so this option may not be helpful. It has the potential to be an eyesore to the community and there is always driver anxiety about using roundabouts. People will try to avoid them and use other local streets, which would be a huge problem. Recommends the Commission to look beyond the traffic engineering aspects of the project and look more at the social and psychological aspects of it.

Susan Sherman: Lives at 818 Harris Road in the Willoughby neighborhood and urges the city to develop and implement stronger safety upgrades to the 5th Street-Harris Road intersection as improvements are made to the 5th-Ridge-McIntire corridor. It is the site of numerous serious accidents, including one that took the life of an Albemarle County teacher in 2016. The time frame of the study was 2011–2016, yet it failed to document this fatality. The report states that no fatalities occurred in the corridor within this time frame. Additional accidents have occurred since the study concluded. In November 2018, Sandra Murray, a neighbor, sustained serious injuries and totaled her car when she was T-boned at the intersection. Three weeks later there was another accident at the intersection. Certainly some of the crashes at this intersection result from north or southbound drivers on 5th Street running a red light at Harris Road, which is a hard problem to fix. Traffic flow onto 5th from Harris is dangerous, as cars come out of Willoughby at the same time as cars on the Jackson Via side of Harris turn onto 5th heading north toward downtown creates a game of chicken that can be fatal. Cars coming out of Willoughby have the right of way to proceed straight across 5th Street or to turn right onto 5th Street, heading north. There is a sign at the intersection facing vehicles coming from the Jackson Via side of Harris Road that cautions those cars to yield to oncoming traffic. However, those drivers often do not yield to the cars coming out of Willoughby and they make a left turn heading north onto 5th Street as we, who have the right of way, are attempting to cross the intersection or turn right. In early 2018, my neighbor Mike Meintzschel spoke in person with Brennen Duncan about the dangers of this intersection. Mr. Duncan assured him that the city would paint directional lines as an initial step, yet nothing was done during 2018. This December, Mike returned to Mr. Duncan's office and inquired about the lack of progress. Mr. Duncan admitted to Mike that he had forgotten about it and that it would need to wait until the weather is better in the spring. On December 17, 2018, I emailed Mr. Duncan to inquire about the addition of a green arrow on the traffic light at Harris Road facing 5th Street. Mr. Duncan noted that due to the heavy traffic at the intersection, this would cause too much delay and back up traffic even worse. The solution must be some combination of painting appropriate lines, creating left turn arrows, and adjusting the timing on the light at 5th Street.

Joan Albiston: Feels that the issues with the intersection of Harris and 5th Street are due to the speed limit. There is difficulty with sightlines because of the grades, which may not be able to be changed. There is also increased congestion due to 5th Street traffic and the Willoughby neighborhood bears the brunt. The safety issues of this intersection need to be addressed now.

Bob Troy, Willoughby Property Owner's Association President: Residents are very concerned about safety at the intersection of 5th and Harris. The speed limit on 5th Street extended is 45 mph, but it is frequently 55-60 mph, which is likely the cause of many accidents. As you approach the intersection on 5th Street, the light does not come into view until the possibility to stop becomes dangerous. Suggests incorporating the synchronized flashing yellow caution signal to give drivers a warning. Reiterates that this is a circumstance that affects all of their neighbors, commuters, children that board school buses, etc. and has doubts that this plan would meet the safety standards in the Comprehensive Plan. Notes that there is also frustration regarding the availability of the report.

COMMISSIONER DISCUSSION

Chairman Green: Reminds the Commission that we are discussing if this project is in compliance with the Comprehensive Plan, however this is only a preliminary plan that needs more engineering, safety studies, design, and community engagement so it can be submitted for Smart Scale funding.

Mr. Duncan: Notes that this was treated as a whole corridor study, but it is fully intended to be broken into smaller projects. The Cherry/Elliott/Ridge intersection was submitted for funding this year.

Commissioner Heaton: When staff hears about imminent safety concerns, do they liaison with the police department for immediate action to be taken?

Mr. Duncan: We don't have the police staff to direct traffic through intersections, which is why the signals are in place. The signals are working, but a lot of the accidents come from people running red lights. From an engineering standpoint, there's not much we can do to stop driver behavior. Notes that Public Works will help paint the lines when the weather warms up.

Commissioner Solla-Yates: Notes that he is unable to speak on the matter because he hasn't had a chance to read the report.

Commissioner Heaton: Was the timing of putting this type of project together a reaction or response to an unsatisfactory situation?

Mr. Duncan: This came about after the Streets that Work plan and several of the intersections were on the priority list. It wasn't a response to safety concerns at the time, it was more preemptive on the City trying to get things in line so that we weren't working reactively.

Commissioner Solla-Yates moves to defer. Seconded by Commissioner Mitchell. Motion fails 4-1.

Chairman Green: Notes that a deferral would simply put it back on as an agenda item for next month's meeting.

Commissioner Lahendro: This project still needs a lot of work and public engagement, but the first step is getting it in the queue so it can move forward. Deferring it would make it take longer to fix these problems.

Chairman Green: Can this be reviewed by the State for Smart Scale funding if we don't vote that it is in compliance with the Comprehensive Plan?

Mr. Duncan: It can, but it would make the application stronger to have the support.

Commissioner Solla-Yates moves to deny that the planning concepts on the 5th -Ridge –McIntire Multimodal Corridor Study, located from the intersection of Harris Street / McIntire Road to the intersection of Harris Road / 5th Street Extended, in the City of Charlottesville, general character, location and extent of the proposed improvements are substantially in accord with the City’s adopted Comprehensive Plan or part thereof. No second. Motion dies.

Commissioner Solla-Yates moves that the planning concepts on the 5th -Ridge –McIntire Multimodal Corridor Study, located from the intersection of Harris Street / McIntire Road to the intersection of Harris Road / 5th Street Extended, in the City of Charlottesville, general character, location and extent of the proposed improvements are substantially in accord with the City’s adopted 2013 Comprehensive Plan or part thereof. Seconded by Commissioner Mitchell. Motion is approved 4-1.

IV. COMMISSION’S ACTION ITEMS

1. Preliminary Discussion – Entrance Corridor – 140 Emmet Street (Gallery Hotel)

ENTRANCE CORRIDOR REVIEW BOARD

Staff Report, Jeff Werner: This is a preliminary discussion for a COA application. The hotel on this site was destroyed by fire in May 2017 and the applicant would like to construct a 7 story hotel with 79 rooms and suites. In addition, there will be structured parking and a small street level café. The applicant is requesting feedback on 3 material options, all of which are consistent with the massing and scale previously reviewed during the SUP request. They would like to take the input from tonight and prepare a final design and submittal package. Pedestrian routes, streetscapes, building placements, parking concealment, etc. have all been addressed and the 3 options generally follow the EC guidelines.

Applicant – Neil Bhatt, NBJ Architecture: The site plan comments from the Commission and City Council have already been incorporated to this plan. As for the architectural aspect, the building design hasn’t changed except for changing the height and configuration of the garage to accommodate loading and unloading vehicles inside the building. This changed some of the design and the conference area on the main level had to be removed. The top floor will have an open terrace on one side facing Ivy Road. All three proposals have the same design, they just have different materials used throughout. The first option focuses on reducing the impact of the tower and it is now simpler with the facades being a darker color to recede back. The top floor was changed to a metal panel that bleeds down into the rest of the tower to make it less imposing. The lower level is lighter in color to blend with the tower. The first proposal has a black brick on most of the building, a beige color tile and metal panels at the top of the tower. The second proposal is the exact opposite, with a darker tower and a light body of the building. The third option uses the same materials that were presented previously. The client prefers these options as presented, with the first option being most preferable.

COMMISSIONER DISCUSSION

Commissioner Heaton: Feels that the first design option is preferable.

Commissioner Lahendro: Could you show us how you responded to the comments about breaking up the massing and stepping back from the street?

Mr. Bhatt: We haven't set it back any further because the program won't work with that option. Instead, the material has been changed so that it appears to look different with the tower much less imposing.

Commissioner Lahendro: Additional height was granted and the ERB felt that the height would be detrimental in this area because the building would look more soaring than it should, compared to the context. Notes that he doesn't see anything that has been done to address that issue.

Ms. Creasy: The ERB noted from the SUP that it would have an impact on the district. That recommendation was provided to Council and they moved forward with approving the SUP with conditions.

Commissioner Lahendro: The ERB decided that it had an adverse impact on the entrance corridor because of the increased height and proximity to the road, and advised to break up the massing and step back from the street.

Chairman Green: Notes that Council approved the SUP for the height with several conditions, including that the project design will include features that reduce the *apparent* height of tower.

Mr. Vipul Patel, Owner: Comments that two feet of the property will be dedicated towards the seven foot sidewalk. Shares that future buildings in this area will most likely be similar in height and may not go through this body at all.

Commissioner Solla-Yates: Has the conference room been eliminated or was it just moved?

Mr. Patel: It has been removed, but a snack bar café will utilize that space. There may be an opportunity to utilize the terrace because it is a flat open space. The conference space had to be removed because we had to raise the garage from the ground level up, which eliminated some parking spaces. We didn't want to create parking issues with anyone trying to use the conference room. However, we created a terrace from the café, which was not previously assigned.

Mr. Werner: Because they had to lift things up a bit, it changed the shape some. Rather than submitting a new configuration and design that is different from what was previously submitted, staff felt it was important to get the Commission's sense of the change. Staff would like for the Commission to determine the sense of the architecture and to have the opportunity to give the applicant feedback in case there are issues with the materials, color palette, landscaping, etc. It's an opportunity to shape the future application so the Commission will feel comfortable with the decisions during the public hearing.

Commissioner Lahendro: Believes that the 60 foot height restriction is in this corridor for a reason. The applicant was given the addition 20 feet and rather than disguising it, it appears that the designer has accented it.

Mr. Werner: Asks if it would help if the future presentation showed a more mature rendering to see how it would relate to the project size, including showing the project with the 4 elm trees.

Chairman Green: Does not have a problem with this project and notes that we don't know what the future holds for this area. We don't have a way to hold some things to the context of the area, so it's difficult to hold the hotel to context in that way.

Commissioner Heaton: There are places in the City where we need to be very concerned about character, maintenance, and historic preservation but this is not one of those areas. This is an economic corridor.

Chairman Green: Reiterates that it has already been determined that it meets the height requirements and now it needs to be determined if it meets the ERB.

Mr. Werner: Asks if the applicant should stick with the L-shaped layout that has been approved or if it should be revisited to look at other possible configurations.

Commissioner Solla-Yates: Notes that he was very excited about the conference space as part of the hotel, but does not see any aesthetic issues with anything that has been shown.

Mr. Patel: Agrees that the conference space would have been very useful, but it was a tradeoff because ensuring that adequate parking is available is one of the most important elements.

Mr. Palmer: Notes that traditional brick is on all of the UVA buildings and the black material may be out of context with UVA.

Commissioner Heaton: Agrees, but this property is not part of UVA and UVA has to end somewhere.

Commissioner Solla-Yates: Is unsure about how the public will feel about this material design.

Commissioner Heaton: Notes that the material is aesthetic and subjective.

Commissioner Mitchell: Agrees that black will not bend very well and because this is an entrance corridor, it should be taken into account.

Chairman Green: Does not agree and states that the two neighboring owners should be partners with one another.

Mr. Werner: The general concept of the entrance corridor recommends that new building design should be compatible in massing, scale, materials, and colors with those structures that contribute to the overall character and quality of the corridor. There really aren't many buildings left in the entrance corridor, however the Commission could interpret the guidelines under the circumstance of what may go there in the future. As far as the ERB guidelines go, it stops at the Ivy Road intersection.

Commissioner Solla-Yates: Shares the concern that a design review is not a judicious use of the Planning Commission at this time.

Mr. Patel: If this comes before the ERB next month, what should we expect?

Chairman Green: Right now it is a split, but personally feels like it would be a very modern approach.

Commissioner Mitchell: Notes that he doesn't want it to have a modern look.

Mr. Bhatt: Notes that they were looking at this with the trend of the greater Charlottesville area, not just within the context of the traditional brick buildings in this specific area.

2. Comprehensive Plan – reserved time for continued discussions

Chairman Green: Notes that she had a meeting with Council in December about the Comprehensive Plan and they have asked the Commission to hold off on future meetings for 2-3 months while the Land Use Plan, Land Use chapter and Housing chapter are being finalized with direction from staff and/or a consultant. It was also noted to work on these things in conjunction with the housing strategy and set it up with the zoning text amendments directly following it.

Commissioner Heaton: Is in agreement with bringing in some direction, but the consultants should be process experts that could help facilitate what we need to do. We don't need a consultant who is an expert on making master plans.

Chairman Green: Notes that the consultant needs to be someone with planning and urban design knowledge. Ultimately, that will be up to Council to decide.

V. Adjournment

12:40 pm – Commissioner Mitchell moves to adjourn until the second Tuesday in February 2019.

Minutes

PLANNING COMMISSION REGULAR DOCKET
September 11, 2018 – 5:30 P.M.
CITY COUNCIL CHAMBERS
NDS Conference Room

I. COMMISSION PRE-MEETING (Agenda discussion(s))

Beginning: 4:30 pm

Location: City Hall, 2nd Floor, NDS Conference Room

Members Present: Chairman Lisa Green, Commissioners Jody Lahendro, Genevieve Keller, Taneaia Dowell, Lyle Solla-Yates, Hunter Smith, Hosea Mitchell and Brian Hogg

Chairman Green called the meeting to order at 5:04 pm and provided an overview of the agenda. Commissioner Solla-Yates asked if the agenda should be reordered to address items with public comment earlier. It was agreed to keep the order the same to address public hearings in order.

Commissioner Mitchell noted that the Belleview item was likely to take some time. Clarity was provided as to how the 140 Emmet Street application would be addressed once the Entrance Corridor items was removed from the consent agenda.

Chairman Green asked questions on the ZTA requests as well as the Entrance Corridor requests. Mr. Werner provided an overview of the differences in the glass samples and clarified that the guidelines do not detail a definition of clear glass. Commissioner Lahendro noted that there are a number of considerations for the type of glass to use and that can vary based on the application. It was noted that for the Tarleton request, if the applicants request for glass variation is accepted that the circumstances for why it is acceptable be outlined to minimize future concerns on interpretation.

II. COMMISSION REGULAR MEETING

Beginning: 5:30 pm

Location: City Hall, 2nd Floor, NDS Conference

Members Present: Chairman Lisa Green, Commissioners Jody Lahendro, Genevieve Keller, Taneaia Dowell, Lyle Solla-Yates, Hunter Smith, Hosea Mitchell and Brian Hogg

A. COMMISSIONER'S REPORTS

Commissioner Lahendro: No report.

Commissioner Keller: No report. Passes out a handout from the Planning District Commission where they gave a presentation on the three-phase Rivanna River Planning Initiative. See attachment to the minutes.

Commissioner Dowell: No report.

Commissioner Solla-Yates: Attended Housing Advisory Committee meeting and provided an update: The purpose of the Planning subcommittee is meant to house matters where zoning, land use and planning intersect with housing policy to coordinate with two bodies. The Planning subcommittee is working with planning commission to update the land use map to reflect established needs, address legacy of segregation and promote equity and opportunity. Plans to eliminate land use restrictions such as minimum lot size and citywide frontage requirements as soon as possible.

Commissioner Smith: No report.

Commissioner Mitchell: Recaps the July 18 Parks & Recreation Advisory Board Meeting. The Comprehensive Plan is ready to be submitted soon and the input is a very comprehensive survey that highlights the importance of open spaces. Members (Matt and Missy) liked the powerful tool used for survey, but they currently do not have the funding resources to support a similar tool just yet. The Meadow Creek Valley Master Plan contains a ¼ mile trail through McIntire Park ending at John Warner Parkway. The bridge was set in place on Tuesday, September 4 and is close to completion.

B. UNIVERSITY REPORT

Bill Palmer: The Board of Visitors met this week on Thursday, September 13 and Friday, September 14 to discuss the Buildings and Grounds Concept site and design guidelines. The Board of Visitors will undertake concept site and design guidelines for phase 2 of Brandon Ave Upper Class Residence Hall. Phase 1 of the housing construction is in progress and includes design approvals for renovation of Alderman Library, Student Health & Wellness Center on Brandon Ave and a Softball Stadium located near Klockner Stadium practice field. UVA Architect, Alice Raucher, will discuss athletics master plan and Fontaine Research Master Plan. The Board is working on the first UVA transportation and parking plan in 10 years to combat growing parking issues. Focus groups with UVA students and local city and county residents took place during the week of September 3. www.UVA-Transportation.com is available to give feedback and make comments until it closes on Friday, September 14. UVA President Ryan formed a commission to formulate the best uses for the Ivy Corridor. The City is helping coordinate The Smart Scale Project on Emmett Street – An outreach meeting with students will be conducted to gain feedback.

C. CHAIR'S REPORT

Lisa Green: Did not attend any meetings this month. The annual meeting is tonight; notes a report from nomination committee and elections to come. Genevieve Keller served on the planning commission for 10 years and will be retiring from service tonight. Notes that she once sat in the audience and was taken aback by Commissioner Keller and enjoyed learning and being mentored by the person who made her want to take a stand and have a voice in having a better city.

Commissioner Lahendro: Nominating committee: slate of officers, Chairman Lisa Green, Vice-Chairman Hosea Mitchell.

Commissioner Lahendro moves to accept Chairman Lisa Green, Vice-Chairman Hosea Mitchell; Seconded Commissioner Dowell, motion approved 7-0.

D. DEPARTMENT OF NDS

Missy Creasy: Reported Council will appoint Commissioner Keller's replacement and Council has invited member of PLACE to speak at the next Commission meeting on September 25 about community engagement chapter for the Comprehensive Plan. The meeting scheduled for October 2 to continue to work on the Comprehensive Plan remains on target to get materials to them by December 2018. A survey was sent out to the public today and will be available until October 4 to gather data from those in the community to help move the Comprehensive Plan forward. Additional outreach is planned to spread the survey even further. The link to the survey is on the City of Charlottesville's website under the Comprehensive Plan section. Suggests keeping an eye out for continued work sessions on the Comprehensive Plan, the next being September 25th and then again on October 2nd, as well as the regular meeting on October 9th.

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

Gallery Court Hotel SUP

Liz Christian: Represents roughly 30 households directly adjacent to the proposed development in the wooded area between Azalea Drive and Monte Vista Avenue in the Fry Springs neighborhood. The group was formed earlier this year to further understand the process as it relates to the proposed project and notes that a primary focus of the group was to scrutinize the assertion by the developer that this proposal would qualify as a boundary line adjustment. A member of this group conducted his own analysis of the code and concluded that it does not qualify for a boundary line adjustment, and he shared his findings and supporting analysis with the City Attorney. Out of concern that he may have missed something and to allow for a broader analysis, the group also retained an experienced and reputable development attorney based in Charlottesville to allow for a broader analysis, which also concluded that it may not be reviewed as a boundary line adjustment exception. A copy of his letter containing his assertion and support was provided to the Commissioners and City Attorney's office. The group also shared that they have many other broad and specific concerns related to this proposal that can be discussed with the Commission at the appropriate time. The group wishes to share that they are a reasonable group that shares the Commission's goals of responsible and sustainable development, yet reiterates that the proposed project does not meet this standard. The most recent round of review by city staff yielded 14 pages of required changes to conform to code. Lastly, the group would like to recognize the diligent efforts of city staff for their careful consideration of the proposal.

Sean Tubbs: Represents Piedmont Environmental Council and urges the planning commission to support staff in their interpretation that the application for Azalea Cottages is a major subdivision and not a boundary line adjustment. While the subdivision ordinance would allow for a boundary line adjustment, a reading of the rest of the ordinance indicates that the major subdivision process would ensure a higher level of scrutiny. The section of the city's subdivision ordinance that deals with boundary line adjustments specifically states that "the action shall not involve the relocation or alteration of streets, alleys, easement for public passage, or other public areas." In this case, the project for which the adjustment has been requested appears to depend on such a relocation in order to make it function. The plans appear to depict a future street where the existing platted alleyway is located, transforming it into the future Belleview Street. The Planning Commission should have the ability to review this both to provide their input, as well as to bring this process into the light of transparency. States that they are not opposed to the development, but the land use process must unfold in a way that provides mechanisms for the concerns of neighbors and other stakeholders to be heard. Also reiterates that the development needs to occur in such a way that respects the topography and to ensure that downstream water quality is not compromised.

Ann Bennor: Resides between the proposed Bell View development and Azalea Park, which has a downhill stream that goes through backyard. Shares concerns that the stream is an important piece of her property and that if water processing isn't handled properly, the stream will be affected, as well as the wetlands at the bottom of the hill in Azalea Park.

Susan Gwen: Represents Fry Springs Neighborhood Association Board (FSNA). Shares concerns about the proposed development, reinforced by recent experience with ongoing development activities in their neighborhood. Specifically, the concerns are: a) the new development setbacks would not be sufficient to allow cars to park in driveways without blocking sidewalks, b) the lots are not wide enough to allow for sufficient on-street parking for the anticipated number of residents and their visitors, c) the runoff from the increased impervious surface would have a negative impact on Azalea Park, d) the risk of significant failure of the proposed HOA-maintained sewer pumping station, which would be located directly upstream from the Azalea Park wetland, and e) the anticipated number of new residents might exacerbate the traffic impacts on the already dangerous Azalea Drive and Jefferson Park Avenue intersection. FSNA welcomes appropriately designed infill and the new neighbors that it brings, and respects the right of property owners to pursue all legal activity on their property. FSNA also believes the proposed Belview development has raised many concerns and that the project would be better taken into consideration as a major subdivision.

F. CONSENT AGENDA

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

1. Minutes – June 12, 2018 – Pre-meeting and Regular meeting
2. Minutes – July 10, 2018 – Pre-meeting and Regular meeting
3. Entrance Corridor SUP Recommendation – 140 Emmet

Commissioner Mitchell: Motion to remove the Entrance Corridor SUP recommendation – 140 Emmet from the consent agenda and approve the remaining consent agenda items with minor corrections. Seconded by Commissioner Solla-Yates. Motion approved 7-0.

III. JOINT MEETING OF COMMISSION/COUNCIL

Beginning: 6:00 pm

Continuing: until all public hearings are completed

Format: (i) Staff Report, (ii) Applicant, (iii) Hearing

1. SP18-00007 – Gallery Court Hotel SUP Request

Vipul Patel of Incaam Hotels, LLC, has submitted an application seeking approval of a Special Use Permit (SUP) for the property located at 140 Emmet St N. The property is further identified on City Real Property Tax Map 8 as Parcel 4 ("Subject Property"). The Subject Property is zoned URB, EC (Urban Corridor Mixed Use District, with Entrance Corridor Overlay). The owner is seeking to redevelop the property as a hotel to replace an existing hotel that was lost by casualty (fire) on May 4, 2017. The proposed use ("hotels/motels") is allowed by-right within the URB zoning district classification. However, an SUP is required for the project because the proposed building height (seven (7) stories, up to 80 feet) exceeds the 60-foot maximum building height allowed in the URB District. The site is approximately 0.585 acre or 25,482.6 square feet.

The commission is going to review the entrance corridor's special use permit recommendation and the special use permit at the same time.

SUP Staff Report - Heather Newmyer: Reiterates that the SUP is regarding the additional height only, as proposal meets all other requirements. Property falls within entrance corridor, so if SUP is approved, property would eventually be given a certificate of appropriateness. A report of code section 34-157 was provided, which provides states analysis of each topic. Topics include whether there is an impact to the surrounding area with the increased height, whether the character in scale is respectful to the neighborhood and university, the massing in scale, the pedestrian environment, street activation and rooftop lighting and business hours. The property falls in a unique location, bordering city and university line and the redevelopment would play a larger role in the redevelopment of the area, as it is an entrance corridor. The Comprehensive Plan has identified the property as public or semi-public. The project has included a street café in response to planning commission's requests, which provides street activation, and includes pedestrian improvements that comply with Streets That Work and would not prohibit Emmett Streetscape project. Regarding concerns with noise and lighting – rooftop bar hours are 4pm-12am, but Planning Commission reserves the right to add a condition to this, as well as creating stringent lighting regulations. The proposed building would be an "L" shape with the highest portions at the Emmett/Ivy intersection.

Visibility Analysis – Bob Brown, GIS Analyst: The viewshed analysis identifies which observed points are visible from each surface location. 140 Emmett Street North has a ground elevation from 494.0-501.3. A ground elevation of 502" was assumed for the analysis. The same analysis was done twice, once with 140 Emmett assumed to be 562" for the 60 foot By-Right height, and for the 582" extended height. Out of the 251 parcels, only 18 were above a 1% would see an increase in visibility for the extended height proposal, the majority being commercial properties on the western half of Emmett Street.

EC Staff Report - Jeff Werner: States that the EC Guidelines do express concern for increased height relative to its impact on nearby low density, residential areas. However, immediately adjacent to this site (within 500 feet) and thus impacted by its height and massing are:

East: Carr's Hill Athletic Fields and Carr's Hill

North: The elevated railroad bed; north of the railroad bed is the parking lot for the Lambeth Fields dorms

South: Open space to the corner of Emmet Street and University Avenue

West: On Emmet Street the streetscape/UVA buildings are TBD; beyond is the Emmet/Ivy Parking Garage. The distance closest to the low-density residential parcels is approximately 500 feet (Lewis Mountain Neighborhood). The required site plan review will address pedestrian and vehicular circulation issues, and the ERB's design review will evaluate and address visually important elements, including the architecture, lighting, and landscape plan. In conclusion, design planner recommends approval. Through the SUP process more rigid standards may be set if deemed necessary by the city.

COMMISSIONER QUESTIONS

Commissioner Mitchell: Asks to clarify what happens after the bridge after you move North down Emmet Street.

Mr. Werner: States that there is a section with administrative buildings on the east side. Reiterates that the request has merit, though the Commission must be mindful of other potential requests in the same corridor.

Commissioner Lahendro: Asks how the proposed Streets That Work, planting beds and sidewalks compare to what is recommended for this type of street.

Ms. Newmyer: The applicant is meeting the maximum width for the proposed sidewalk with the buffer, as well as meeting the highest requirement of seven feet, with four foot curbside buffers. The proposed curbside buffer has a condition to include something to show they will provide adequate soil volume for a large tree. It is recommended that it can be six feet, though four feet is the minimum requirement.

Commissioner Lahendro: Asks how the seven foot width sidewalk compares with the existing and future sidewalks coming into this property from both sides.

Ms. Newmyer: The existing sidewalks are between four and a half and five feet, and the future Emmet streetscape sidewalks are intended to be possibly ten feet with a six foot buffer.

Commissioner Solla-Yates: How practical and effective is the vertical green screen to mitigate the height change?

Ms. Newmyer: Finds the green screen to be practical and adds an aesthetic, although unsure how effective it would be at mitigating the height change.

Commissioner Mitchell: Requests further explanation of the water quality issues.

Ms. Newmyer: Said it benefits to have a treatment on site that still abides by the law. Given that they are so close to the creek, it would be better to have something on site. If approval is recommended, they want to ensure they have one of the best management practices that DEQ provides instead of simply purchasing credits that do not provide a local benefit to the community.

Applicant – Vipul Patel of Incaam Hotels, LLC: Represents the Gallery Court Hotel. Begins by providing a brief history, citing that his parents met the owners of the University Lodge Motel in 1981, which led them to acquire the establishment. On May 4, 2017, Excel Inn & Suites was shattered. Notes their support to many non-profit organizations, including SPICMACAY at UVA, Indian Association of Charlottesville and the American Cancer Society, and hopes Charlottesville's 3.3 million overnight guests can benefit by having a brand-new upscale option that pays tribute to Charlottesville's celebrated culture and history when visiting. Also notes that the valuable guidance that has been provided from the March 14th workshop session has been incorporated into the project.

Neil Bot, Architect: Notes he has been designing buildings for 20 years in the area and is sensitive to the architecture of Charlottesville. The design goal of the hotel was to pay homage to the original architecture by using traditional materials.

Speaker for applicant team: The public wanted to see a more expanded study to understand the topography better, which yielded that there were tall parking garages, a large UVA drama building, and several low scale buildings like restaurants as well. Shows that the existing neighborhood is a mix of high and low, but it looks as though the future of the area may be increasingly getting higher with the Ivy Corridor ideas. Plans to have two outdoor amenity spaces including a café with seating, bike parking, breaking up the massing and moving the building further back from the street.

Commissioner Solla-Yates: Asks if there are any issues with the possible green screen to mitigate the visual impact, particularly within the additional 20 foot increase.

Mr. Bot: Instead of using a green screen, proposes using the traditional material that allows for metal panels with slates in it that would achieve the same goal. The lighter material will mitigate the impact of the height.

Commissioner Dowell: Asks about the storm water management and whether or not they were going to try and find a solution to solve the issue on site.

Applicant: Currently, the project is in compliance with the storm water criteria since it has reduced its impervious surface. The water quality is not being specifically addressed on site, but could be incorporated with permeable pavers under the outdoor café areas by running the roof drains into the permeable pavers. The preliminary site plan contemplated purchasing credits, but it could be achieved with the permeable pavers if requested.

Commissioner Mitchell: Requests clarification on the staff recommendation.

Applicant: Staff recommended to refer to the state accepted structural BMPs; permeable pavers would be a good selection for this site.

Commissioner Lahendro: Requests more information regarding the café, including the clientele, food service, etc.

Mr. Patel: The Café would be 700 square feet and it is envisioned as a gathering space, not a working kitchen. Intends for a local entrepreneur to partner with them and provide a café shop, but it is not a breakfast space.

Commissioner Keller: Asks if there meeting/event spaces and if it is intended for internal use only.

Mr. Patel: Confirms a 3400 square foot community meeting space on the third floor above the café. The purpose is intended for outside groups, including weddings and conferences, though they encourage those in attendance to also be guests of the hotel to help mitigate parking issues. Notes that they may also choose to deny usage if parking would be too much of an issue. The garage itself is internal use only, not a pay-to-park situation.

Commissioner Hogg: Asks if the bike sharing idea has been discussed with UVA yet and if they are planning to provide bikes.

Mr. Patel: No discussions or commitments have been made at this point. They have discussed providing bikes and believes it would be a viable option.

Commissioner Hogg: Wants to understand the five foot bike lane better and possible increasing of the planting strip and maintaining the seven foot sidewalk.

Applicant's Engineer: Plans to either make the buffer wider or go underneath the sidewalk to increase soil volume to maintain the large canopy trees. Adds that there is a two foot wide permanent easement Mr. Patel will be donating to the sidewalk, which would still meet the Streets that Work guidance. They could accommodate a five foot planting strip, but that's as far as they can go without conflicting with the café door swing.

Commissioner Solla-Yates: Concerns have been raised that it does not benefit the public and asks to elaborate on that issue.

Applicant's Engineer: The public would benefit from the hotel helping to mitigate the flooding on Emmet Street, creating a space for the public to use, the incorporation of the street trees, the fact that it is a public domain, etc.

Chairman Green: Asks Ms. Newmyer to explain why we look at the public benefit for private property.

Ms. Newmyer: Confirms that they do not look at the public benefit in the SUP recommendation.

PUBLIC HEARING

Bitsy Waters: Lives at 1935 Thompson Road in Charlottesville and speaks on behalf of over 90 residents of the Lewis Mountain neighborhood. Asks for Council to deny the SUP request for the Gallery Court Hotel replacement on Emmet Street. Opposes the development for the following reasons:

- An 80 foot tall building for the Emmet/Ivy intersection would be out of scale, which has been designated as public or semi-public in the city's Comprehensive Plan.
- UVA purposefully kept the parking garage across the street below 60 feet, and believes their future developments would also not exceed 60 feet. Does not want Council to set a precedent that would allow for height increases above 60 feet.
- Do not see clear benefits to the public or community, as they have increased land prices, sped up gentrification and made affordable housing more difficult. In addition, the development would negatively impact already congested traffic patterns. Because of this, they believe that incorporating this site into the Gateway would be the best outcome.

Warren Boeschstein: Believes the proposal is trying to pack too much onto a very critical entrance corridor. Under this proposal the building would be the first thing visitors see as they enter the area, which is an unwelcoming elevation. It would also be the dominate landmark building in a highly symbolic area, which is inappropriate and misunderstood by first time visitors. There is also an operational concern that there is no on-grade servicing for trucks, trash removal, delivery, etc., so these trucks would have to stop on Emmet Street or pull onto the sidewalk that would cause pedestrian issues.

Roy Van Doorn: Has a firm, City Select, which provides guest information to area lodging via brochures, guides, maps, menus, etc. Frequently sees the hospitality industry Downtown, as well as at the state level serving on the board of DBAC and Virginia Restaurant and Travel Association. Notes in the last five years, area-lodging guest members have increased by an average of 6%, which has several impacts. Charlottesville has the highest occupancy rate of any community in Virginia, and thus highest rates. Recent growth has been stunted because we are lacking the capacity we need to grow. The community should be favorable of this hotel because it is locally owned, it is a walkable hotel where guests can safely park their cars and enjoy walking, and there is a need for mid-scale hotels.

Tommy Bannock: Resident of the Lewis Mountain area and believes in locally owned and operated businesses. Notes that it would be nice to have a place for people to park and walk when they visit UVA, and that it is important to support people who support Charlottesville.

Bill Rockwell: Co-chair of the Lewis Mountain Residential Association representing the board and the association to support opposition of the SUP request. Supports Ms. Water's statement and believes an 80 foot building is out of scale for the area and is out of context for the entrance corridor. The approval of this request sets a bad precedent for future requests and only provides benefits for the developer, not the community. The development would increase traffic in an already congested intersection and that the garage could not hold all of its proposed ideas (weddings, conferences, café). There would also be no wiggle room for creative alignment proposals.

George Snyder: Resident of Lewis Mountain Road. Opposes the 80 foot hotel, citing that it is too large and that they should stick to the 60 foot limit.

David Waters: Resident of 1935 Thompson Road. Speaks that there is confusion between the worthiness of the Patel family and the role that it plays on the SUP request. Believes that the hotel itself is a good idea and the idea that we cannot honor his membership in the community without giving a special use permit is erroneous. Having the hotel be the first thing that visitors respond to and look past to see the University is ill-fitted to the site.

Gretchen Paris Day: Resident of the Lewis Mountain neighborhood. Supports the neighborhood representative and believes the Patel family themselves should not be considered in this decision. In regards to the walkways, emphasizes the unknown for how the bridge is going to be widened and where the walkway will go. If the hotel proceeds it might increase the already existing bottleneck problem, and states that 60 feet is sufficient.

Rory Stolzenberg: Resident of Water Street and states that we have a housing shortage in the city and that many hotels have been developed in places where they could build housing. The more hotel rooms that could be fit into this building, the less of a demand needed for building more hotels. Supports the SUP and making buildings like this larger, as the low elevation and lack of change in visibility from 20 feet both make sense to increase the height of the building.

COMMISSIONER DISCUSSION

Commissioner Lahendro: From the southwest corner looking straight up at 80 feet, the visibility of the hotel from the sidewalk pedestrians are also affected by the height of the building, along with the people living in the neighborhood, and concludes that the height is too tall and too close to the street.

Commissioner Keller: Expresses disappointment that the staff didn't address this as an entrance corridor, which has certain gateway aspects to it, particularly this one because the only reason we have entrance corridors in Virginia is because they allow an attractive approach to designated historic landmark, and in this case, a world heritage site. Shows appreciation for the residents of the surrounding neighborhoods, as they approached the problem from a standpoint of how it affects the greater community, the congestion it may cause, and that it is not adhering to the guidelines we have for our entrance corridor. Thought the height would be on a graduated scale where lower scaled buildings would be at the edge of Emmet Street and 29 north and get increasingly taller, and then step back down as they approach a neighborhood. Expresses concerns about the three floors of parking and the environmental sustainability that the credits would be off sight. Notes that while we do not have to have a public benefit, Council should look at the advantage for granting an SUP. Feels very strongly that ownership should not be taken into account, as the SUP goes with the land and not ownership and states the proposal is not in keeping with the entrance corridor vision and at this point is not in support of granting the SUP.

Commissioner Dowell: Is the hotel on Cherry Avenue part of the entrance corridor?

Chairman Green: Confirms it is part of the entrance corridor.

Commissioner Dowell: States that the hotel on Cherry Avenue was not the best fit either, but if we overshadow other neighborhoods then this one should not be treated any differently just because of the location and demographics involved in the neighborhood.

Commissioner Keller: Clarifies that her position is that it would have a minimal impact on the Lewis Mountain neighborhood, but her position is coming from the pedestrian and motorist perspective.

Commissioner Mitchell: Shows concern for the operational issues that the building creates, including that getting larger trucks in and out of the location would be disruptive.

Mr. Bot: The delivery trucks will be able to go through the garage. The trash collectors is not controlled by the hotel – the company could bring a smaller truck in the garage to collect or it can be picked up just like it is done all over the city during the designated time.

Commissioner Smith: Asks what the benefit would be to approve the SUP request.

Chairman Green: Based on location and its walkability, it makes sense to increase the number of hotel rooms

Commissioner Smith: A Smart Street Plan is being developed for Emmet Street that has six foot wide planting bed for large canopy trees and a ten foot wide sidewalk. Would like to see consistency going up and down Emmet.

Chairman Green: It would only be consistent as long as the University decides to leave it as open space, but that could change in the future.

Commissioner Smith: The city and the University are working together on the plan, so why can't we trust that they will come to an agreement?

Commissioner Keller: There is no guarantee, although plans have been shared with the city and seems unlikely to change in the near future. Still feels concerned that the Council is looking at this as an individual site rather than viewing it as an entrance corridor issue.

Commissioner Dowell: States that the SUP simply does not fit within the Comprehensive Plan.

Commissioner Keller: Agrees. It does not fit the Comprehensive Plan guidelines or the entrance corridor guidelines, so if adjustments need to be made they need to be intentional rather than on a case-by-case basis.

ENTRANCE CORRIDOR REVIEW

Chairman Green: Motion that the development will have an adverse impact on the route 29 North/Emmet Street entrance corridor due to the increased height, planting that needs to be at least six feet and a sidewalk that needs to be at least seven feet. Motion approved 4-2, with Solla-Yates and Green opposed.

Planning Commission SUP Discussion

Staff Recommends Planning Commission Focus on the Following Items During Review:

- Whether there is an impact to surrounding areas with increased height
- Whether character and scale is respectful to neighborhoods and university uses as noted in the URB District's intent
 - in discussing the character of the project, note that the applicant has indicated the additional height will allow for a certain brand of hotel to locate here (a more upscale hotel versus a more budget-friendly hotel such as what previously existed)

- Massing and scale
- Pedestrian environment
- Street activation
- Rooftop lighting and business hours

Commissioner Dowell moves to recommend approval of this application for a Special Use Permit to authorize the additional building height of 80 feet at TM 8 P 4, subject to the conditions presented in the staff report:

1. The Developer shall fund a U-bike station at the Subject Property in partnership with the University of Virginia upon formal written agreement from the University of Virginia.

The applicant shall not be obligated to fund a U-bike station without agreement of a partnership from the University of Virginia. Should the University of Virginia provide a formal agreement, the location of the U-bike station will be reflected on the site plan and approved by the Bicycle and Pedestrian Coordinator prior to final site plan approval.

2. The Developer will comply with one of the following options - The Developer shall either: a) widen the curbside buffer along Emmet St N to be five (5) feet in width, the dimensions of the curbside buffer reflected on the site plan prior to site plan approval, OR b) utilize a proprietary method (e.g. silva cells) that ensures adequate soil volume in the four (4) feet width buffer, the proprietary method to be approved by the City Urban Forester and reflected on the site plan prior to site plan approval.

3. Any proposed lighting to locate at the proposed rooftop snack bar shall comply with the following, "The Spill over light from luminaires onto public roads and onto property within any low-density residential district shall not exceed one-half (½) foot candle. All outdoor lighting and light fixtures shall be full cut-off luminaires."

4. The Developer will ensure enough space is allocated for a future five (5) feet in width bicycle lane along the frontage of the Subject Property on Emmet St in coordination with the Emmet Streetscape Project. The space for the future bicycle lane will be dimensioned on the final site plan and reviewed by Traffic Engineering prior to site plan approval.

5. The Developer will provide on-site water quality treatment by using one of DEQ's approved BMP's (proprietary or non-proprietary), where the BMP is detailed on the site plan and approved by Engineering prior to site plan approval.

6. The Developer will detail in the site plan how exiting vehicles from the parking garage will be warned of oncoming pedestrian traffic prior to site plan approval.

Seconded by Commissioner Mitchell.

Chairman Green made a request to amend the second condition to change the five foot curbside buffer, and add a seven foot sidewalk width. Commissioner Dowell accepts amendment and Commissioner Mitchell seconds. Motion to accept the amendment to the motion approved 4-2, Commissioners Lahendro and Solo-Yates opposed.

Commissioner Mitchell makes the motion to add four new amendments: that the parking be guest only (not a paid parking lot), that the traffic engineer should limit congestion by looking at the traffic moving in and out of the garage with the consideration of allowing only right turns in and out of the garage that should be consistent with the Smart Scale design of the intersection, that the servicing of the establishment only happen within the interior of the lower parking to include trash and any deliveries without blocking sidewalks, highways, bike lanes or travel lanes, and lastly a minimum five foot step back on all elevations at 60 feet on the property line. Commissioner Dowell accepts the amendment. Motion approved 5-2, with Lahendro, Keller opposed.

Commissioner Lahendro moves to add a friendly amendment to work with the design of the tower at the southwest corner of the building to reduce its apparent height. Motion approved 6-1.

2. ZT18-06-03: Temporary Construction Laydown

A proposed amendment to the text of the City's Zoning Ordinance, City Code sections 34-201, 34-202, and 34-1190 through 34-1195 to allow "construction laydown" as a temporary use in all zoning districts and to provide regulations that apply to this proposed temporary use.

Staff Report - Craig Fabio: The proposal is intended for all mixed-use commercial and industrial districts, not residential districts. The proposal would be to facilitate construction on smaller sites for 18 months (renewable), associated with a project, which is loosely defined as the ability to have public use.

Commissioner Keller: Asks for clarification on how many times the permit can be renewed.

Mr. Fabio: In theory, it could be in perpetuity if the project is still ongoing. There is no specific language on this, but it does say "active construction site."

Commissioner Solla-Yates: Why does it need to happen now if they are planning to rewrite the zoning next year?

Mr. Fabio: It needed to happen a while ago; several sites have acted in this manner and sites that have requested this. Staff thinks these regulations should be put in before a comprehensive review of the zoning ordinance, which is not a quick process.

Ms. Creasy: Notes that we are also anticipating four major projects in the downtown area being under construction soon and it would be good to have additional regulations to assist with those properties.

Ms. Robertson: Requests that the verbiage on the regulation to be an active construction site be put back into the proposal.

Mr. Fabio: Notes that that is dependent on the definition of "active" because some projects will not have building permits, like a city utility project or a private utility project.

Ms. Robertson: Asks under what circumstances the Director of Neighborhood Development Services can waive screening requirements, as she believes guidance is necessary about what is appropriate.

Commissioner Mitchell: Asks for clarification on what "screening" means.

Chairman Green: It is under site requirements that "unless waived by the Director of Neighborhood Development Services, temporary construction yards must be screened from the adjacent rights of way and adjacent properties. At a minimum screening must be S3 requirement as set forth by city code. With the approval of the zoning administrator, an opaque wall or fence may be utilized for, or as part of, a required screen."

Ms. Robertson: Recommends they do not use the word "wavier," but rather say that screening is not required.

Mr. Fabio: States that the construction yard and the next item are similar in their code language, but the screening piece might not be appropriate in some situations such as the Belmont Bridge. Thinks the two amendments are in line with one another.

Commissioner Solla Yates: Asks how it compares with the best practices in the state.

Mr. Fabio: There are very few examples in the state. Albemarle County has a similar code, but the biggest difference is they speak to when the site can begin (30 days prior to project) and headquarters and all of the items are on the site or in the development, which doesn't help in our case.

Chairman Green: Stated that this is for urban renewal, as we are an urban city now with limited land. In the county when you build a subdivision, part of it would be on the subdivision, which would meet the ordinance. The ordinance in the County works well, but they are bigger sites.

Commissioner Keller: Asks for clarification on the safety and security of the site. There is information regarding cleanliness of the site, but is concerned about unauthorized access and materials falling under their buildings. Any other information?

Mr. Fabio: Specifically securing the site, no.

Chairman Green: Thinks we do need verbiage about what an active site means. Question about 34-1191 (temporary outdoor assemblies) – how does this fit into construction?

Mr. Fabio: It does not fit into construction, it is another temporary use permit.

Chairman Green: Notes that it must take place between the hours of 9am and 9pm on any given day, so if someone is using a temporary assembly and doing a marathon that begins at 6am, that isn't possible?

Mr. Fabio: Things like marathons would fall under a special events permit.

Ms. Robertson: Council's permits deal with public property and these are regulations primarily for private property, so why does Planning Commission handle this?

Ms. Creasy: Planning Commission is providing clarity regarding the language of the regulations.

PUBLIC HEARING

None.

COMMISSIONER DISCUSSION

Commissioner Solla-Yates: On principle, not in favor of handling this outside of the zoning review happening next year.

Commissioner Smith: Agrees, but notes there are real life implications of needing to address it now. It seems fairly cut and dry, but discussions are needed regarding the security and "active" definition issues, and that both should have teeth of demonstrable progress on the building that is safe and secure from the public.

Chairman Green: Asks if the ordinance were in place, would it completely eliminate street usage and sidewalk usage so it could be opened to pedestrians?

Ms. Robertson: Not in all cases.

Mr. Fabio: That is unlikely, as there will be times when construction of the frontage or street improvements will require closure to some of the public streets.

Commissioner Solla-Yates: So we are voting on hypothetical language?

Ms. Creasy: Clarifies the vote is on the addition of the active construction site and the addition of safety for the site.

Commissioner Mitchell: Does the screening question and ability to waive still needed to be discussed?

Ms. Robertson: Recommends taking out the waiver and requiring it to be screened. As for the security, possibly just requiring the installation of a fence around the yard.

Commissioner Mitchell: Asks how that could be worded in a friendly way.

Ms. Robertson: A simple deletion of the reference to a waiver would suffice for that portion.

Chairman Green: Stated “under section 34-1195 C2, eliminate the condition of a waiver.”

Commissioner Mitchell: Requests to offer that statement as a friendly amendment.

Commissioner Smith: Accepting, agreed.

Chairman Green: So the friendly amendment is to take out the waiver requirement under 34-1195 C2. All in favor; motion carries.

Mr. Fabio: Asks if industrial zoning districts can be added.

Ms. Creasy: There are places where the fence would have some sort of design review depending on the area.

Commissioner Smith moves to recommend approval of this zoning amendment, to amend and re-ordain 34-201 and 34-1190 amendments to the zoning ordinance. 34-480 and 34-796 use matrixes mixed use and commercial corridor districts of the code of the City of Charlottesville 1990, as amended to allow temporary construction yards in all mixed use and commercial zoning districts by temporary use permit on the basis that the changes would serve in the interest of the general public welfare with the following conditions: that the permits include stipulations as to what constitutes an active construction site and that the temporary use permits stipulate secure and safe protections from the public. Seconded by Commissioner Lahendro. Motion approved, 6-0-1 (Solo-Yates abstained).

3. ZT18-06-04: Temporary Parking Facilities

A proposed amendment to the text of the City’s Zoning Ordinance, to add a new Section 34-1196 to establish regulations for “temporary parking facilities” where such facilities are allowed within a specific zoning district and revise Section 34-796 to allow “temporary parking facilities” as a temporary use in all mixed use districts.

Staff recommends that the zoning text amendment be recommended for approval by the Planning Commission and City Council as written to allow Temporary Parking Facilities in all Mixed Use and Commercial Zoning Districts. If this use is not allowed, vehicles must park on city streets.

Chair Green: Asks if there are any requirements for a permit.

Mr. Fabio: This request is being looked at in the same way as the temporary construction yard in that it would be connected to a project. Reiterates that he understands Commissioner Solla-Yates' concerns about waiting until the zoning review but feels as though these changes need to be made before the review because of how far along some of the current projects are already.

Chair Green: Asks Mr. Fabio how this request may change some, if any, during the zoning review.

Mr. Fabio: Believes this would be appropriate to remain and it would not need to be readdressed during review.

Ms. Creasy: Clarifies that this request is to provide some structure to currently unstructured situations.

Commissioner Solla-Yates: Struggles because parking is a by-right use in all zones, which is mandated everywhere and doesn't understand the need for change.

Mr. Fabio: States that is not the case in all situations. For example, Cherry Avenue does not allow surface parking lots. They are there, they are non-conforming, but they are not permitted by right. There are quite a few districts that do not allow parking by-right.

Chairman Green: Expressed concerns about the lighting and requests to add language to be sure it meets dark skies requirements.

Mr. Fabio: States we could restrict lighting all together. If the use is tied to a construction site and it's a parking facility, it is not a construction yard and does not need to be lit at night, as it is theoretically vacant.

Commissioner Keller: States that in some instances they may work at night where this may not be the case.

Chairman Green: Feels as though there should still be additional language so that lights are not facing any residences.

Mr. Fabio: Notes that current regulations in the zoning ordinance do not address the lighting problems.

Commissioner Keller: Understands the intent, but notes that there could be some unintended consequences. For instance, we could lose housing inventory because people would purchase properties and turn them into temporary parking.

Chairman Green: Notes that these are all for *temporary* uses.

Ms. Creasy: Notes that these are all problems that could happen right now because we don't have any ordinance.

Commissioner Keller: Agrees, but states that we just may not have the right ordinance yet. Asks if this would only be for mixed use, not residential purposes.

Mr. Fabio: Confirms that it is only for mixed use.

Ms. Creasy: Notes that there are already allowances for this for commercial purposes, not residential.

Commissioner Keller: For specific projects like the Belmont Bridge, could you just get a special use permit instead.

Ms. Creasy: No, it's not in the ordinance and it would be a standalone parking lot. They have tried to come up with many different ways to handle it, but there are several examples, the bridge is just a more pressing concern.

Commissioner Smith: Notes concerns with the Belmont Bridge because if the city is not specified what to do, it would be left to the market for construction employees and public parking visitors to duke it out, which would not go well. Recommends adding the second two amendments that were stipulated on the Temporary Construction Laydown request and to be compliant with the lighting guideline regulations.

Mr. Fabio: Notes that part of the proposal for the Belmont Bridge is to replace public parking temporarily, so perhaps lighting would be necessary if the construction employees worked after hours.

Chairman Green: States that the lighting guidelines can still comply with the dark sky regulations in the parking lot and be shielded away from any residential areas.

Commissioner Solla-Yates: Would like to have a time limit on how long it could be used for.

Mr. Fabio: It is currently 18 months based off of a few other codes and the rough estimate for larger projects.

PUBLIC HEARING

None.

Commissioner Smith moves to recommend approval of this zoning text amendment to amend and re-ordain §34- 201 et seq. and §34-1190 et seq. (Amendments to the Zoning Ordinance), §34-480 and §34-796 (Use matrices – mixed use and commercial corridor districts) of the Code of The City of Charlottesville, 1990, as amended, to allow Temporary Parking Facilities in all Mixed Use and Commercial Zoning Districts by Temporary Use Permit on the basis that the changes would serve the interests of (public necessity, convenience, general public welfare and/or good zoning practice) with the following additions and modifications:

- a. contractor show demonstrable progress on the construction site**
- b. parking area be secured from the interest of the public**
- c. lighting be compliant with dark ski regulations, shielded and screened from any residential zoning districts**
- d. Eliminate the waiver requirement**

Seconded by Commissioner Lahendro. Motion is approved 7-0.

IV. COMMISSION'S ACTION ITEMS

1. ENTRANCE CORRIDOR REVIEW

a. Seminole Square Shopping Center Expansion

Staff Report – Jeff Werner: The revised treatments on the rear (north) facades of the North Wing buildings and to the side facades where Hillsdale Drive passes between Buildings A and B are significant improvements to the prior submittal. While these are not primary facades and do not provide entries into the commercial spaces, they are/will be visible from Hillsdale Drive, from the new greenway trail, and from the new parking areas. It is therefore important that they provide an aesthetic that engages trail users and both pedestrians along and drivers on Hillsdale Drive. Incorporating into these elevations design elements and components similar to the primary facades serves to create a coherent architecture for the shopping center, and maintains the visual and commercial importance of the primary facades. Staff recommends approval.

Applicant – Caitlin Shafer, Henningsen Kestner Architects: The side elevations going through Hillsdale Drive will mimic the language approved from the front, including the addition of nine windows to make the area appear more pedestrian friendly. As for the back facade, the middle elevation, the same materials would be carried around to either side of the building. The quantity and location of the utilities were left out of the original submittal and have been added. They added a second color to the back for a darker base to provide a more seamless approach, as well as pilasters to bring a vertical element and green screens in planters so they are freestanding and still allow access for servicing.

COMMISSIONER DISCUSSION

Commissioner Keller: States that they did what they set out to do and it looks good.

Motion: Having considered the standards set forth within the City Code, including the City Entrance Corridor Design Guidelines, Commissioner Smith moves to find that the proposed existing building rehabilitation, landscaping, site improvements, and greenway trail segment associated with the Seminole Square Expansion satisfy the ERB's criteria and are compatible with the goals for sub-area A of the Route 29 North Entrance Corridor, and that the ERB approves; Seconded by Commissioner Dowell. Motion is approved 7-0.

b. Lexington Avenue and East High Street – Tarleton Oak

Staff Report – Jeff Werner: Staff recommends allowing the use of lower VLT glass in windows and doors, however that should be no lower than 62. The building's planned use and design is distinct from a commercial setting, where the clearness and reflectivity of large, street level storefront windows is a concern. The design features punched windows within brick walls, which is very different from a facade predominately composed of glazed window walls. Additionally, a large portion of the building has south and southeast exposures. Lower VLT will contribute to energy savings and a more comfortable interior space. For these reasons, staff recommends the proposed street level pergolas and benches should be incorporated into the design. While the proposed street trees, when mature, will mitigate the building's perceived scale, the trellis and benches are a welcome addition to the streetscape and contribute human-scale elements at this segment of the building. Relative to the VLT, staff thinks the 62 VLT is acceptable but that Planning Commission is very specific with their motion if they lower the VLT because of the unique circumstances to their architecture. Staff again urges the applicant to consider incorporating into the landscape plan at least one of the oaks on site propagated from the original Tarleton Oak.

Staff recommends approval of the requested COA with the following conditions:

1. The ERB should view and approve material samples and/or photos.
2. Per the EC Design Guidelines, stucco material such as EIFS should be avoided.
3. All glass must be specified as clear. (State the minimum VLT to be allowed and state why this is appropriate for this specific project, site, design, etc.)
4. Signage requires separate permits and approvals. All signage shall appear to be lit white at night.
5. Rooftop mechanical equipment will be screened within appurtenance.
6. Inclusion of the proposed street level pergolas and benches.
7. Metering and/or electrical service equipment for the proposed street lamps [to be installed in the public right of way] will be fully concealed or located so as to allow full screening.

Applicant, Andrew Moore: Notes changes made to the site plan in response to the BAR to include the addition of street trees along Maple Street, small trees along 8th Street and additional landscaping on the corner of High and 8th Street. The light fixture has also been updated to the city's standard. The building is proportioned classically, though the detailing is minimal because it is meant to be a more contemporary interpretation of Jeffersonian Classicism. The facade on High Street is 134 feet in length, which is similar to Tarleton Square (115 feet) and Court Square (168 feet), which should provide some perspective on the length. It is equivalent to two residential lots across the street, which is why they are requesting the pergolas be an option.

Commissioner Keller: Clarified that she wasn't objecting to the length of the building, but that there was no entrance on the opposite side of the street, but appreciates the pergolas gesture.

Mr. Werner: BAR has already addressed any issues with the back of the building after many changes and considerations have been taken into account, and we are now looking at this building on the front facing the street.

Motion: Having considered the standards set forth within the City Code, including the City Entrance Corridor Design Guidelines, Commissioner Smith move to find that the proposed components of the Tarleton Oak project (815 East High Street) that lie within the East High Street Entrance Corridor satisfy the ERB's criteria and are compatible with the goals for Sub-area C of the East High Street Entrance Corridor, and that the ERB approves the COA application with the following conditions: the installation pergolas, benches and landscaping submitted as described in detail on page 20 revised of the applicant's provided materials, the placement of power metering utilities be located off of the streetscape and allowing the use lower VLT glass in windows and doors no lower than 62 because the specific texture punched windows and brick walls and it follows the recommendations of the staff report on page 8; **Seconded by Commissioner Lahendro.** Motion is approved 7-0.

PLANNING COMMISSION

2. Request for Code Interpretation – Belleview

Commissioner Dowell left at 10:45 pm.

Staff Report – Matt Alfele, City Planner: There are discrepancies on the interpretation of code between staff and the applicant that need to be reviewed. Neighborhood Development Services received an application for a major

subdivision site plan – it was considered major because of the number of lots and the infrastructure improvements with the addition of a public street. The Landowner proposes to re-plat 81 existing [mostly] nonconforming lots. The existing lots, originally platted in the 1920s, will be replaced with 39-40 new [less non-conforming] lots proposed to be developed with single-family dwelling units (“SFDs”). See the Cover Sheet of the attached Subdivision Plat, “Proposed Use”). As part of this proposal, the Landowner(s) seek to improve a 20-foot platted alley into a public street, in order for that alley to serve as the primary public street frontage for the lots to be developed. On June 18, 2018, the Landowner re-presented the Subdivision Plans to NDS for a second round of review. Staff did not refer the subdivision plans to the Commission for review; instead, staff returned a second round of review comments to the Landowner on August 1, 2018 (attached). However, several issues remain unresolved, and require interpretation of provisions of the City’s Subdivision and/or Zoning Ordinances. In order to provide the Landowner with a decision that identifies what will need to be done in order for approval of the Subdivision Plans to be granted, it is necessary for the Planning Commission to make certain findings and determinations.

Ms. Robertson: Because there is no precedent for how to proceed, it might be helpful to see which issues are most significant to the landowner and then move into the deliberations.

Commissioner Mitchell: Agrees, but thinks the applicant should be able to respond to each individual question.

Mr. Alfele: Some of the questions brought up from the applicant’s attorney are not being contested, so it is unclear if they should still be addressed today.

Ms. Robertson: Ultimately the core issue is that every lot has to front on a public street and when the alley might be dedicated for public use as is, or if additional width is needed. This needs to be addressed before any other concerns can fall into place. It is not the City’s contention that the landowner cannot use some of the platted lots with some adjustments, but all lots have to have frontage on a public street.

Commissioner Smith: Asks if Planning Commission should be deciding if the boundary line drawing is an option, or having it stick to being a major subdivision.

Ms. Robertson: Not sure if the alley has ever been dedicated for public use. Understands that the landowner wants to use the alley as it is platted and then make changes to the sizes of the original platted lots, but the problem is that the plans don’t have a dedication of the alley as a public street and under the subdivision standards, a 20 foot would not be accepted as sufficient right-of-way as a public street that would serve as the primary means of access to a subdivision.

Chairman Green: Asks how fire and rescue and other safety services would access the property.

Ms. Robertson: It is unclear, but the landowner could make it wider by subtracting the area from some of the adjacent lots and reconfigure the lots in a way that would prove to be sufficient that are useable for their purposes. The landowner wants to use the 20 foot alley as is, but in the latest submission they have created a

“lot” with no intention of it having any use, but the definition of a lot is that it has to be used for occupancy, either residential or commercial.

Commissioner Smith: Thinks this is simply a workaround and doesn’t think it makes any sense to allow.

Chairman Green: Doesn’t necessarily disagree, but the applicant deserves a chance to speak.

Justin Shimp, Engineer: Would like to use the alley as is and states that it is a workaround, but if the rule allows it then he should be able to follow it. The conflict is with 34-120A where it states “every lot must have principle frontage on a street... and no lot shall be used for residential purposes unless such lot abuts a street right-of-way” and contends that the lots are nonconforming, and so “any unimproved lot of record located within any zoning district that is nonconforming as the required lot area, lot frontage or any combination thereof may be used for any permitted use of by right.” Because the lots do not have any frontage, they are nonconforming and proposes building a 20 foot alley that can be safely accessed and meets the standards for fire and rescue, which meets the standard in the design standards manual. In sum, it’s a matter of whether or not “frontage” means frontage on a street and if they are nonconforming then houses should be able to be build there as is. If this is not the case, then a lot of other issues are presented about how to handle the situation.

Ms. Robertson: Notes that as a general rule, the codes have always been interpreted to mean that frontage refers to the width requirement, where each lot has to have 50 feet of frontage on a public street. For old lots that do not meet these requirements, occasionally you are allowed to use those lots even if it doesn’t have the 50 feet, but they still must be situated on a public street that is dedicated, constructed and accepted by the City for maintenance. Must have space for cars to travel, sidewalks and emergency access.

Commissioner Mitchell: Asks if parking is a factor in the width requirements.

Ms. Robertson: Parking is not necessarily a factor.

Ms. Creasy: If parking was not to be considered, there would have to be a sign stating that as such.

Chairman Green: Are you saying that it doesn’t have to meet street requirements if it is going to be used just as an alley?

Ms. Robertson: Under the subdivision ordinance, there is a provision that says alleys with a width of not less than 12 feet can be provided in the rear or side of a lot, but dead-end alleys are not permitted and if the alley is the principle means of emergency access, it must be no less than 20 feet in width. It’s contemplated that you can have alleys, but it is not contemplated that they can be the principle means of access to a subdivision.

Chairman Green: Would this be turned over to a public street and if not, who would maintain it?

Ms. Robertson: That is the central question, whether or not our standards and design manual if the 20 foot area could be developed and constructed as a public street and if the city would accept that for maintenance.

Chairman Green: Thinks the applicant's interpretation of code is a stretch because it comes down to the width of the property, rather than just lot frontage. Do the subdivision plans depict a "major subdivision"? Or, alternatively, should they be regarded as a "boundary line adjustment"?

Commissioner Mitchell: If you are going to add a road, it seems to be headed in the direction of a major subdivision rather than a boundary line adjustment, and it looks like we have to add a road.

Mr. Alfele: Would like to clarify that the lot as the road, not the alley.

Ms. Robertson: Correct, but the issue turns on whether or not there needs to be a public street established.

Commissioner Keller: According to the definition, you cannot have an alley without having a street.

Mr. Shimp: Clarifies that it is not in dispute that if it has to be a public street, a major subdivision is required.

Chairman Green: Moves to interpret the plans as a major subdivision. Approved 6-0.

Ms. Robertson: The next item to consider is if the t-shaped lot is a lawful lot.

Commissioner Mitchell: A lot needs to be slated for occupancy, and the t-shaped lot is not.

Ms. Robertson: The lot in question is not identified as being dedicated for public use as a street in the plans.

Chairman Green: Is Lot A (61,885 SF) a lawful lot?

Commissioner Mitchell: Lisa is suggesting that they have not articulated a use for the lot yet, so it is a gray area.

Ms. Robertson: Notes the definition of lot is "a parcel of land that is occupied or intended for occupancy," and the term "occupancy" the subdivision ordinance refers to a certificate of occupancy.

Chairman Green: According to the plans, lot A would later be developed as a public street.

Mr. Shimp: Clarifies that the t-lot is a boundary adjustment creating the lot. Then, once created, a major subdivision would be submitted of lot A, which then creates the public street.

Ms. Robertson: If done in this manner, it doesn't require the developer to build the public street, which is a requirement for all developments in the City. If the lots are to be used, they have to be on a public street and nothing in the plans is giving anyone a public street.

Commissioner Mitchell: Does not think this is a lawful lot.

Commissioner Solla-Yates: Thinks this may be a right-of-way and asks for a definition.

Commissioner Keller: The design manual states that a dedicated right-of-way must be dedicated for public use.

Commissioner Solla-Yates: So if it is not dedicated, it is not a right-of-way.

Commissioner Lahendro: States that the question is not if the applicant can have a lot without lot frontage, it is instead the amount of lot frontage and thinks it is frontage to a street.

Ms. Robertson: Reiterates that it is understood that the lots do not have 50 feet of width and some of the lots will be consolidated, but the end result has to be lots on a street that is dedicated for public use and constructed by the developer as a public street.

Chairman Green: The question remains if the lot is considered lawful.

Commissioner Keller: The lot doesn't appear to be lawful.

Commissioner Solla-Yates: Thinks it could be subdivided into lawful lots.

Chairman Green: As it stands at this point in time, it is not a lawful lot.

Ms. Robertson: The next item to discuss is the critical slopes issue.

Commissioner Mitchell: Has the applicant requested a waiver on any of the critical slopes?

Ms. Robertson: The applicant has not requested any waivers. Need to discuss whether any of the lots in the proposed subdivision state contain critical slopes as defined in the zoning ordinance, which have several components and is not clear that any of the lots meet all four of the criteria.

Chairman Green: We are essentially talking about lots 6-8.

Commissioner Keller: Why do the critical slopes need to be discussed at this point in time?

Ms. Robertson: Answers that Planning Commission is required to verify that the lot line adjustments being proposed will either not have critical slopes at all and if they do, whether or not the lots should be exempt from the critical slopes provisions. If they are exempt, a waiver would not be required.

Commissioner Lahendro: Does not understand why Planning Commission needs to decide this, as they are measurable items that staff can determine.

Ms. Robertson: Under the subdivision ordinance, the landowner must make a reasonable effort to locate proposed infrastructure outside areas with slopes 25% of greater and under the zoning ordinance every lot must have a building site, which maintains that no lot can have critical slopes. Asks Mr. Shimp if it is his contention that any of the lots are crossed by a critical slope.

Mr. Shimp: It is probable that lots 7 and 8 are within a critical slope area, and if they are it would be proposed that they not be modified and remain in their 25 foot state. If an existing lot is on a critical slope, a house can still be built if it has not been amended because it was platted prior to the adoption of the slope ordinance.

Ms. Robertson: Asks if applicant is changing the lines on lots 7 and 8.

Mr. Shimp: Assuming it is found that they are critical slopes, the lot lines would not be amended and 15 foot wide houses would be build.

Chairman Green: Thinks lot 6 is applicable as well.

Mr. Shimp: The survey will be able to make those determinations.

Ms. Robertson: Another question to be answered is whether or not lots that are being combined or having their lot lines adjusted be within the exemption under the critical slopes provisions available for existing lots that were of record as of the date the critical slopes ordinance came into effect.

Commissioner Smith: Asks if you were drawing lots for lines but continuing to grandfather them into critical slope treatment.

Ms. Robertson: That's up for interpretation. Example, if two lots were both 3,000 square feet and exempt but adjust the boundary line or combine them so they become one conforming lot at 6,000 square feet, would the critical slopes ordinance apply to the new lot when it wouldn't have applied to separate lots.

Commissioner Keller: Answers yes, as it is no longer the original lot.

Commissioner Mitchell: Applicant is making the lot less nonconforming by combining them, but we would be penalizing him even though he is making them more nonconforming.

Commissioner Keller: States that it is simply a question of what an original lot is.

Mr. Shimp: Asks if the decisions made tonight are binding or if they are recommendations that will be taken into consideration during the actual plat vote.

Mr. Robertson: The point of bringing the issue here tonight was to provide binding interpretations that could be use going forward so that they can be addressed and fixed when the applicant returns.

Commissioner Smith moves for the Planning Commission interpret the subdivision plans as a major subdivision. Seconded by Commissioner Solla-Yates. Motion approved 6-0.

Commissioner Smith moves that lot A is not a lawful lot in the eyes of the Planning Commission. Seconded by Commissioner Solla-Yates. Motion approved 6-0.

PUBLIC COMMENT

Rory Stolzenberg: On the question regarding whether or not the alley is a lawful plot, believes the lot regulations with the frontage requirements have an exception for flag lots, so if the applicant were to add one of the back plots to that it would become a flag lot and become legal. Regarding the question about whether or not frontage exists or if it is the width that matters, the next section of the code mentions lot width separately and does not use the same language in the exception, so it may be worth changing the interpretation in order to construct more housing.

V. Adjournment

11:23 pm –Commissioner Smith motion to adjourn until the second Tuesday in October 2018.

Minutes

PLANNING COMMISSION REGULAR DOCKET
TUESDAY, October 9, 2018– 5:30 P.M.
CITY COUNCIL CHAMBERS
NDS Conference Room

I. Commission Pre-Meeting (Agenda discussion(s))

Beginning: 4:30 p.m.

Location: City Hall, 2nd Floor, NDS Conference

Members Present: Chairman Lisa Green, Commissioners Taneia Dowell, Gary Heaton, Rory Stolzenberg, Hosea Mitchell and Mr. Bill Palmer

Chairman Green called the meeting to order at 5:07 p.m. and provided an overview of the agenda. She asked about the subdivision for Stonehenge, wanting to confirm that approval of this would not allow for blasting. It was noted that this request is not related. There are two separate permits that would be needed for that to occur. Chairman Green noted in the future for the site plan to be included in the package to allow for comparison. It was noted that could occur.

Commissioner Mitchell asked if the slopes on the Nassau project site met the steep/critical slope criteria. Matt Alfele provided clarification. It was noted that Lisa Robertson would provide a memo on slopes which had been drafted previously to provide context. Commissioner Mitchell asked if he should worry about slopes now. He expressed concern about approving any application without knowing if they could build. It was noted that the questions would need to be asked of the developer.

II. Commission Regular Meeting

Beginning: 5:30 p.m.

Location: City Hall, 2nd Floor, Council Chambers

Members Present: Chairman Lisa Green, Commissioners Taneia Dowell, Gary Heaton, Rory Stolzenberg, Hosea Mitchell and Mr. Bill Palmer

A. COMMISSIONERS' REPORTS

Commissioner Mitchell: Met with Parks and Recreation on September 13 to discuss the skate park and hoping to have the grand opening before the end of the year. Parking is the only problem they are working through, because people would have to park at the ball parks and walk over the new bridge to the skate park since there is nowhere to park adjacent to the skate park.

Commissioner Stolzenberg: No report.

Commissioner Heaton: No report.

Commissioner Dowell: Met with the CDBG task force on October 2 to go over the current CDBG application and form rubric. They discussed the questions on the application, and set clear guidelines and expectations for upcoming applications. They also discussed that applicants should meet with Tierra one-on-one as a requirement before applying for CDBG funds instead of holding one group mandated training, as it would be beneficial for both the task force and applicants.

B. CHAIR'S REPORT

Lisa Green: Attended the MPO Technical Committee Meeting in September. The next MPO Technical Committee Meeting will be in November. We are gearing up for CIP decisions. We have had a great response to the survey, and the deadline was extended. Also attended the Buford Middle School Fall Festival, which was a wonderful event.

C. UNIVERSITY REPORT

Bill Palmer: UVA now owns The Cavalier Inn and its parking lot, The Villa, and the outdoor recreation facility. Demolition of those buildings has begun and should be complete in December 2018. There is a new President at UVA, James Ryan, and his inauguration is on Friday, October 19 on the Lawn. The Community Bridges 5k run/walk is on October 20 and proceeds benefit the Center for Nonprofit Excellence, which aides over 200 local nonprofit organizations. At UVA, the Master Planning Council meeting is happening on November 7.

D. DEPARTMENT OF NDS

Missy Creasy: The Comprehensive Plan survey closes tonight and we have received a lot of paper copies to combine with the survey monkey data. Staff has been working to put together all of the survey responses. Bob will be working to analyze and visualize the data. We will send the analyzed data out by the end of this week so Commission has time to go over it before the work session.

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

Sean Tubbs, Piedmont Environmental Council: There will be an open house for the long range transportation plan held by the Thomas Jefferson Planning District Commission, known as Area B areas. There should be more coordination in the areas made up of University, City of Charlottesville, and Albemarle County.

F. CONSENT AGENDA

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

1. Final Subdivision for Stonehenge PUD- staff has determined the changes do meet the site plan.

Chairman Green moves to approve the consent agenda as presented. Seconded by Commissioner Stolzenberg. Motion is approved 5-0.

III. JOINT MEETING OF COMMISSION/ COUNCIL

Beginning: 6:00 p.m.

Continuing: until all public hearings are completed

Format: (i) Staff Report, (ii) Applicant, (iii) Hearing

1. Hogwaller Farm

- a. **ZM18-00001 – 918 Nassau Street, Hogwaller Farm Development** – Justin Shimp (Shimp Engineering) on behalf of Charles Hurt and Shirley Fisher (landowners) have submitted a rezoning petition for Tax Map 61 Parcels 79.17, 79.18, & 79.19, 918 Nassau Street, and a portion of Tax Map 61 Parcel 79 (Subject Properties). The rezoning petition proposes a change in zoning from the existing R-2 Two-family Residential to HW Highway Corridor with proffered development conditions. The proffered conditions include: (i) maximum height of buildings: Any structures(s) located on the property shall not exceed thirty-five (35) feet in height, where height is the vertical distance measured perpendicularly from grad from the highest point on such building or structure; (ii) future land

uses: The land uses permitted on the Subject Properties are found in the HW Corridor Sec. 34-796 use matrix, but prohibits the following; Bed-and-breakfasts homestays, B&Bs, Inns, amusement centers, art galleries, auditoriums, automotive services, banks/financial institutions, health clinics, private clubs, data centers, dry cleaning establishments, elementary schools, high schools, hotels/motels, laundromats, libraries, movie theaters, municipal buildings, music halls, offices, outdoor storage, public recreational facilities, fast food restaurants, full service restaurants, taxi stands, transit facilities, home improvement centers, pharmacies, shopping centers, retail stores over 4,001 SF, and laboratories; (iii) affordable housing; contingent upon approval of residential density on site, 15% (fifteen percent) of the Floor Area Ratio (FAR) of the residential square footage of the project will be available for rent on-site. For-rent affordable units shall rent at a rate making the units affordable to households with incomes at not more than 80% of the area median income for a period on not more than 15 (fifteen) years. The Subject Properties are further identified on City Real Property Tax Map 61 Parcels 79, 79.17, 79.18, 79.19, & 79.201. The Subject Properties is approximately 0.8 acres. The Land Use Plan calls for Low Density Residential. The Comprehensive Plan specifies density no greater than 15 units per acre.

- b. SP18-00004 – (918 Nassau Street) (Hogwaller Farm Development)** – Justin Shimp (Shimp Engineering) on behalf of Charles Hurt and Shirley Fisher (landowners) have submitted an application seeking approval of a Special Use permit (SUP) for a portion of Tax Map 61 Parcel 79, Tax Map 61 Parcels 79.16, 79.17, 79.18, & 79.19, 918 Nassau Street (Subject Properties). The SUP application proposes a density of 32 Dwelling Units Acres (DUA) per City Code Sec. 34-740. The applicant is requesting a rezoning (see petition ZM-18-00001) and a SUP for the proposed development of eighteen (18) one-bedroom and twelve (12) two-bedroom units split between two (2) three-story buildings for a total of thirty (30) dwelling units. The development is being proposed as an urban farm and will accommodate a 1,280 square foot greenhouse and a 600 square foot retail farm store. Additional parking, farm sheds (not to exceed 600 square feet), and agricultural fields supporting the development are proposed on an adjacent 7.52 acre county parcel. The Subject Properties are further identified on City Real Property Tax Map 61 Parcels 79, 79.16, 79.17, 79.18, 79.19, & 79.20. The Subject Properties are approximately 0.94 acres and has road frontage on Nassau Street. The Land Use Plan calls for Low Density Residential. The Comprehensive Plan specifies density no greater than 15 units per acre.

Staff Report, Matt Alfele: On April 10 there was a public hearing for the rezoning request to increase density from the by-right 0 dwellings per acre to 32 dwellings per acre. The Commission expressed concerned with the County portion of the development and did not want to take any action until the county granted or denied a rezoning petition. The applicant requested and received a deferral by the Planning Commission. The Commission also wanted the county to be aware of the City's concerns with the project and sent a letter to the Albemarle County Planning Commission stating that a) Both the City and County portion of the development will only be accessible by way of City streets. Increased traffic and the introduction of larger vehicles (large trucks and equipment for farming and tree transplanting) are a concern, b) The City would like to see access for all residents to Moores Creek and Rives Parks. The opportunity for public access easements and new trails needs consideration with this application. The Bicycle and Pedestrian Plan calls for a Shared Use Path along Moores Creek at this location, and c) The housing component of the development is very important to the City. Unintended consequences of rezoning the City portion of the development could lead to the loss of future housing stock that the current R-2 zoning allows. A rezoning on the City side to Highway Corridor currently requires a Special Use Permit for any density. Of concern is any future development that utilizes by-right commercial or retail uses without a housing component. On September 12, the Albemarle Board of Supervisors approved the application to rezoning 7.52 acres from LI Light Industrial to RA Rural Areas. The key positions of the approved ordinance include that the property will be developed in general accord with the conceptual plan titled "TMP 07700- 00-00-02000: Hogwaller Farm" dated 01-16-2018 and last revised 06-27-18, A 100' riparian buffer will be preserved from the top of Moore's Creek bank and signed, uses on the site are restricted to the uses pursuant to Section 10.2 (3), (6), (7), (9), (21), (27), and (30), and that any structures within the Flood Hazard Overlay District shall not exceed six hundred square feet of aggregated improved space. The Commission may want to keep the following residential density in mind during discussion: under current R-2 zoning, the subject properties could accommodate approximately 4-5 detached single-family homes, each could have up to 4 unrelated, or 3-4 attached single-family homes (i.e.

a duplex) and each unit within the attached single family could have up to 4 unrelated. If the zoning is changed to Highway Corridor, no single family detached or attached homes would be permitted. The by-right density in the Highway Corridor is 0. If it is rezoned and the SUP is approved, the density would be roughly 30 dwellings per acre. Additional comments were received by staff after the report was finished and raised concerns with development in the floodplain, that the plan as presented would not be realistic as it relates to urban farming and producing food, the development would be out of character with the neighborhood, it does not match the existing Comprehensive Plan, the zoning in the area should not change until Belmont goes through a small area plan process, the affordable units being proposed are not significant, and concerns about wetlands and traffic. New motions have been given to Planning Commission after review from the Attorney's office. During the pre-meeting, questions about the critical slope was raised and there are no critical slopes as defined in the zoning ordinance on this site. There are slopes over 25%, but they are related to subdivisions instead of public infrastructure.

Commissioner Mitchell: On the SUP report, the only recommendation that was listed that was proffered was the fact that they would not exceed 35 feet and the other recommendations were not proffered. Is this correct?

Mr. Alfele: If the SUP was granted, that would be the recommendations that staff would make.

Commissioner Mitchell: The height of the greenhouse and height of the store weren't proffered, right?

Mr. Alfele: The height of the apartment building was proffered, but the height of the greenhouse and store were not proffered and they were SUP conditions for consideration.

Applicant, Justin Shimp, Shimp Engineering: The location of the development is an ideal place for integrating housing and agriculture with onsite affordable housing provisions that are consistent with the Comprehensive Plan. Adjacent to this project are the Lindon Lofts and the Carlton Views apartments, both of which are larger in scale. There are 7.5 acres in the County for the community farming operation and 3 acres are proffered out in buffers for undisturbed areas. There are opportunities for trail connections that lead to the park, but it is not part of the action tonight. There are 18 one bedroom and 12 two bedroom apartments and the number of bedrooms in this development will be lower than that of the current zoning. There will be mixed housing- duplexes and apartments that are both owner occupied and rentals. The 8 duplex rentals are 3-4 bedrooms. To clarify the term "affordable units," it is copied from how the City does their affordable housing special use conditions. For this, the floor area ratio is at 0.5 but there will be 15% affordable units. The housing and land use of this project comply with the Comprehensive Plan. Notes that the area was historically agriculture based and that the farming operation is not a commercial farm, but rather an educational farm. Because of this, it will not bring a lot of high traffic activity to the area. When looking at the map, there will be Habitat for Humanity, duplexes, and apartments across the street. The development is just about at 15 units per acre, with less people than if there were 15 single family houses built on the parcels.

Hannah, Shimp Engineering: Speaks about the vision of the non-profit aspect of the urban farm and notes the goal is to be a demonstration space where backyard gardeners can take what they learn home. It is not a large production farm to produce large amounts of food, but rather it is an educational space. The mission would be to provide access to residents of the community and the county who may not have large plots of land. It welcomes different income and experience levels. The farm would be an experimental space where people can try new growing techniques and could meet the need to learn farming techniques in the community.

COMMISSIONER/COUNCIL QUESTIONS

Commissioner Mitchell: Would like to know more about what would happen in the greenhouse.

Justin Shimp: The greenhouse is for people to start their growing, but the parcel needs to be rezoned in order have the greenhouse.

Commissioner Stolzenberg: Will the farm be run by a nonprofit or will you work with nonprofits?

Mr. Shimp: It depends on the scale. There will be a nonprofit running the education piece and there is the potential for nonprofits to lease parts of the farming space to grow crops.

Commissioner Stolzenberg: There have been a number of complaints by local gardeners that the flood plain as fertile or a good place to grow. Are you planning to work with them or are they considered competition?

Mr. Shimp: It is not a competition because we all have the same vision. Flood plains are great places for farming and the city runoff will be used to water landscape.

Commissioner Stolzenberg: Will the farm store be open all year or only during the harvest?

Mr. Shimp: The hope is to use the space for other small scale commercial uses while crops are not available, like an artist studio.

Commissioner Mitchell: The affordable housing proffer reads not more than 15 years. Will you be making this 15 years?

Mr. Shimp: Correct, it will be for 15 years.

Chairman Green: Asks if the nonprofit has been established and if not, when will it be established?

Mr. Shimp: It is in the process of being established now. If it does not get established, Mr. Shimp will run it.

Chairman Green: The current structure of this is a nonprofit, so if the nonprofit isn't there then how would you organize the structure of this business? Would people in the units be able use the agricultural space as their personal gardening space?

Mr. Shimp: The agricultural space will be leased for almost nothing and residents can certainly use it as their personal gardening space.

Chairman Green: Thinks conditioning of the trail is a good idea, as it is consistent with the comprehensive plan. However, there isn't anything in the SUP indicating the trail connections will definitely be made. Can we put a guarantee of the trail connections into the SUP?

Mr. Shimp: The trails in question are not on City property. The trails on property the applicant will be buying and can grant a guarantee the connections, given the housing requests are granted. Would be happy to accept that condition, but does not know if it would be enforceable under the jurisdiction.

Chairman Green: There are elements in the provided matrix that do not have obvious connections to urban farming, such as bowling alleys, car washes and electronic cafés. Shouldn't these be removed?

Mr. Shimp: Those items can be taken out, but we wanted to leave room for future businesses. We did not take out the uses that would require a special use permit because some of them could be used in the future if the housing market wasn't in as high of a demand.

Chairman Green: Car washes in particular are a point of concern in this area because of the chemicals.

Mr. Shimp: Is okay with striking car washes out of the matrix.

Commissioners Heaton: Asks what would happen if the urban farm grows larger than expected. Does the highway corridor provide for street parking?

Mr. Shimp: There is on-street parking on Nassau Street for farm visitors and they can park in the county.

Chairman Green: There will be 2 affordable units, will they be one bedroom or two bedrooms?

Mr. Shimp: The unit types of the affordable units are still to be determined, but is opened to either option.

Councilor Galvin: Given concerns about flooding contaminating community garden plots, has the applicant been testing the river water to ensure the urban farming plots will be viable?

Mr. Shimp: There is a risk of contamination, but the position of this site on the flood plain decreases the risk significantly.

Councilor Galvin: What are the unit counts in the duplexes?

Mr. Shimp: That hasn't been finalized yet, though they may range from one to four bedrooms.

Commissioner Stolzenberg: The grading of the site looks flat on the plan, when in reality it has some steep hills. What is the plan to regrade that area?

Mr. Shimp: It is currently at or a little below street level in the front, and the back will need to be filled in. The site will still slope down away from the road, but not as dramatically as it does now.

Chairman Green: In May there was a flood on the site. Did that affect the area?

Mr. Shimp: There was flooding on the site, but the flood did not affect the farm area. The farm area may be flooded every 20 or 30 years.

Commissioner Stolzenberg: Will the farmland be 3.9 acres, given the "riparian" buffer is 3.5 acres?

Mr. Shimp: The farmland will be over the 3.5 acre buffer, but the exact measurement has not been determined.

Commissioner Stolzenberg: Asks if the trail will run along the creek once it goes down to the south.

Mr. Shimp: It is up to the City to determine where the trail should run, either by the creek or away from it.

PUBLIC HEARING

Steve Brown: Opposes the project at 918 Nassau Street. The character of Nassau Street should be preserved, in accordance with the zoning of the comprehensive plan. The highway zoning is meant to attract commercial uses, but Nassau Street should continue to be a residential street. There is concern about the unintended consequences and the future character of the neighborhood. The City needs more affordable housing in the 20-60% AMI range not the 80% that is currently being proposed.

Virginia Grace Abraham: Is a resident near the Lindon Lofts and is in favor of the development. It will allow for local farming and horticulturalists to grow food. The farm stand can be used in the off season for dried produce like wreaths. The landlord is very aware of the need for affordable housing and the applicant willing to create some in the project.

Mark Kavit: Would like to know what kinds of trees will be planted on the site. Notes that standing water on the site during the flood in May. There is standing water on the property more than 6 months out of the year and certain sections of the land may qualify as wetlands, meaning development cannot take place. There is also a pipe that dumps run-off water onto the property, which creates standing water. That may have effects on the crops grown on the site. The applicant used a slang word for marijuana in a Daily Progress article recently and would like the Commission to think about what the long-term future of this property might be. According to the New York Times and the Daily Progress, building on flood plains is dangerous for the country. Hopefully the Commission will take the time to research the flood plain and the effects that building on a flood plain have.

Travis Pietila, Southern Environmental Law Center: Notes concerns regarding the location of this development and potential uses that could occur under the applicant's current proposal. Almost all of this development is located within the flood plain and it sits near Moore's Creek, one the most severely impaired stream segments in the region. Staff have stated that the development may not work toward the goals of the comprehensive plan in ensuring new development respects valuable natural resources or adequately protecting water quality. It is important to take great care in the effects of new developments on Moore's Creek and the flood plain. This is not reflected in the current proposal. The applicant did not include low impact designs and staff reports indicate that they will be hashed out later. There is concern about making a decision without all of the information of the project. Recent approvals in the City have used proffers for low impact designs in order to protect water quality. The highway zoning could allow for many uses that have not been proffered out, but it would not be appropriate for this site in a low-density neighborhood.

COMMISSIONER DISCUSSION

Commissioner Stolzenberg: Regarding the impact of density as compared to the 2013 comprehensive plan, staff noted that the density of units is higher than the current low density residential distinction. The total acreage of the development should be considered in determining impact of the site, which works out to 3.5 units per acre. Notes that the City portion alone is above the recommended density in the 2013 land use map, but the overall site project is within the density specified in the 2013 map.

Commissioner Dowell: Is that allowable?

Ms. Creasy: Notes that is a consideration, but it is not necessarily what is before the Commission today. You can look at the broader context of the site to consider it.

Commissioner Mitchell: Would the site not require a rezoning if we look at it this way?

Commissioner Stolzenberg: The site would still require a rezoning because the portion within the city would still be above the ratio.

Chairman Green: We need to be careful in looking at the impact this way because there is no control over what the county does with its portion of the site. It would not be good zoning practice to look at the impact this way. We need to consider what impacts the project will have on City streets and neighborhoods. The County may rezone the flood plain, but the only access to the dwelling units is through the City.

Commissioner Heaton: Pertaining to the design elements for the run-off and water quality of the creek nearby, not opposed to having development but I think the applicant should make it clear as to how they will deal with those issues.

Chairman Green: Reiterates that we are rezoning the *property* and in theory, the applicant before us may not always be the owner of the property.

Commissioner Mitchell: The commission may need more information regarding this development in order to make an informed decision. In particular more information about the flood plain information and mitigating design elements is needed to make the decision.

Ms. Robertson: Notes that the Commission is making recommendations to City Council and should first decide whether or not to recommend the rezoning, and then move on to the proposed SUP. The SUP should be considered as if the Council might approve the rezoning, that way conditions can be made to make the development appropriate at the site.

Chairman Green: Does not think she could recommend approval of the rezoning because it seems to be pushing the highest density and most car-centric zone onto an area it does not belong in. Also shares concerns about the potential uses that would be allowed on the site in the future because of this rezoning, including car washes and grocery stores.

Commissioner Heaton: Agrees, but asks if there another way to rezone it and make the development happen.

Chairman Green: If Highway is the only option, she recommends taking a more comprehensive look at the matrix and continue to take out the things that are not compatible. These restrictions are so important because it is in a flood plain and our water and water quality is very important.

Commissioner Stolzenberg: Shares concerns about the highway zoning because of similar rezoning in the past, but in this case the highway rezoning seems like a means to an end. They don't plan on making it auto-oriented and it can develop more housing, which is a goal we have in the Comprehensive Plan. Notes concerns about the first condition that has a maximum of 32 dwelling units per acre because the maximum allowed by the zoning ordinance is 43.

Ms. Creasy: The applicant requested 32 units, so that is the maximum that can be allowed.

Commissioner Mitchell: There are a lot of things about the project that he likes, but is worried about the environmental factors. Would like to have more information before a vote and recommends deferral and how the site plan might mitigate some of the potential problems.

Commissioner Dowell: Does not like that it does not comply with the City's Comprehensive Plan. Appreciates that there are affordable units but would like to know how much they would be rented for, and would like to see more units available.

Mr. Shimp: It would be \$1179 for a two bedroom unit and \$950 for a one bedroom, which includes the utility allowance. Would like to make it cheaper, but it is a difficult challenge. In regards to deferring the proposal because of the storm water, there is a 100-175 foot buffer between Moore's Creek and it would stay naturally vegetated. The County could potentially remove that restriction but it is very unlikely. Notes that when more requirements are needed that are costly, it makes the housing costs increase and preservation of neighborhoods means that it becomes more expensive for everyone else. There needs to be a balance, but if an extra \$200,000 is tacked on to the plan, there might be trouble keeping the affordable units affordable.

Commissioner Dowell: Is aware that it must be profitable, but at some point developers will have to realize that it cannot always be about profit with the crisis that we have within the City.

Chairman Green: Suggests possibly having a work session with the applicant, but the proffers have been advertised and a decision needs to be made tonight.

Commissioner Stolzenberg: Asks what the consequences would be for retracting the density proffer. Would the applicant have to go through the application process again?

Mr. Alfele: That would be a change to the SUP, so the applicant would have to essentially start over because it is substantially different.

Mr. Shimp: Notes he would be okay with deferring both applications until a work session can be held to discuss the concerns of the project.

Commissioner Mitchell moves to accept the applicant's request for deferral for the rezoning application, pending a work session. Seconded by Commissioner Dowell. Motion is approved 4-1.

Commissioner Mitchell moves to accept the applicant's request for deferral for the Special Use Permit, pending a work session. Seconded by Commissioner Dowell. Motion is approved 5-0.

Chairman Green: A work session with the applicant will be tentatively planned for the end of November.

IV. COMMISSION'S ACTION ITEMS

Continuing: until all action items are concluded

1. Long Range Transportation Plan Process Presentation

Thomas Jefferson Planning District – Wood Hudson, Transportation Program Manager: MPO's are transportation policymaking and planning bodies with representatives of local, state and federal government and transportation authorities. They are a federal requirement in urbanized areas with populations greater than 50,000. One of the main responsibilities of the MPO is maintenance of the regional Long Range Transportation Plan (LRTP), which are 25 year documents that are updated every 5 years. They focus on understanding future transportation needs and are a requirement for receiving federal transportation money and are a requirement for Smart Scale. Plans are required to use a performance-based approach and meet federal requirements for addressing performance measures (Map 21), such as safety, congestion, state of good repair, freight, access, and transit. The plan also includes a fiscally constrained list and an unconstrained visioning list. They are currently in the "evaluating projects in scenarios" step of the LRTP process. Based on an analysis provided by VDOT, the funding estimates for the region are \$101.7 million for bridges, \$126.9 million for roadways, \$43.1 million for bike/ped and \$82.3 million for intersections. The bike and pedestrian plan is a component of the LRTP and are using an Active Trans tool to do project prioritization for bike and pedestrian improvements. That process is being evaluated right now to help understand each of the projects in the context of the map. The goal is to have it completed by January.

COMMISSIONER QUESTIONS

Mr. Palmer: Would like to have heard more about the public process because it seems like it has been pretty extensive.

Mr. Hudson: The project has been worked on for about a year and they've done extensive public outreach and public engagement. Specifically, for the LRTP they have hosted two public open houses and provided a space on their website to send direct comments. They also partnered with Piedmont Environmental Council for the bike and pedestrian plan and they've been able to do extensive public outreach on the bike and pedestrian plan through a joint grant that they received. This includes getting out into the neighborhood and attending public events engaging with people where they are at, rather than having them come to them. The WikiMap has also been used, which helps them identify things that might be impediments for their bike commutes.

Commissioner Stolzenberg: The three scenarios seem to have an all-or-nothing approach. How do you evaluate the proposals within each scenario where the best 1/3 of each scenario would create the best outcome?

Mr. Hudson: That's where the second round of scenarios comes in. The first round is just a base line and round two will be more of a mix of projects.

Chairman Green: With the open house on October 17 coming up, will people be able to look at and weigh in on these scenarios?

Mr. Hudson: Absolutely.

2. Comprehensive Plan – reserved time for continued discussion

Chairman Green: In order to have a draft completed and ready to give to Council in December, there needs to be a critical mass at the work session meetings. The survey results will be ready on Friday and the Commission is encouraged to look at those prior to the work sessions. There will be a lot of preparation work on the Commission's part in order to have conversations and if the chapters are looked at prior to the meeting, they can be finalized in an hour at the next work session. Housing and Land Use will be the next items on the agenda. The next work sessions will be on October 23 and 30 and the next critical mass will be on November 6.

V. ADJORNMENT

8:35 p.m. – Commissioner Dowell moves to adjourn until the second Tuesday in November 2018.

Minutes

PLANNING COMMISSION REGULAR DOCKET
November 13, 2018 – 5:30 P.M.
CITY COUNCIL CHAMBERS
NDS Conference Room

I. COMMISSION PRE-MEETING (Agenda discussion(s))

***Beginning:* 4:30 pm**

Location: City Hall, 2nd Floor, NDS Conference Room

Members Present: Chairman Lisa Green, Commissioners Jody Lahendro, Gary Heaton, Taneaia Dowell, Lyle Solla-Yates, Rory Stolzenberg and Hosea Mitchell

Chair Green called the meeting to order at 5:07pm and provided an overview of the agenda. Clarity was provided for the zoning initiations on the consent agenda and commissioners felt the items would remain on consent. There was a general statement made about New Hill funding which will be repeated at the regular meeting.

There was a brief overview of the East High Street application including pointing out how the 9th Street crosswalk will work.

Concerning the Carlton Views PUD application, Chair Green clarified the discussions applicable to this item which would be related to land use. Commissioner Mitchell asked about the retaining wall location for the next building and parking area and details were provided. Chair Green provided a review of the PUD criteria.

II. COMMISSION REGULAR MEETING

***Beginning:* 5:30 pm**

Location: City Hall, 2nd Floor, NDS Conference

Members Present: Chairman Lisa Green, Commissioners Jody Lahendro, Gary Heaton, Taneaia Dowell, Lyle Solla-Yates, Rory Stolzenberg, and Hosea Mitchell

A. COMMISSIONER'S REPORTS

Commissioner Lahendro: Attended the Board of Architectural Review meeting on October 16 and 7 Certificates of Appropriateness were issued. He also attended the PACC-Tech meeting on October 18 and received updates from current projects and initiatives from City, County, and UVA participants, and heard a presentation on the Fontaine Masterplan owned by the University Foundation. The goal of the Masterplan is to test the fit of new facilities to support the UVA health system and engineering schools, and replace outdated clinical and research infrastructure. The Fontaine area was targeted because of its proximity to grounds, easy accessibility, and the surface parking it offers.

Commissioner Solla-Yates: No report.

Commissioner Heaton: Attended a Regional Planning Stakeholders meeting on November 9 to gather feedback about the growth estimates that the transportation and area plan are being based on. They surveyed Planning Commissioners on their opinions of the matter.

Commissioner Dowell: Attended the School Board's Capital Improvement Project work session on October 25 where they discussed whether they should renovate or rebuild the middle school based on cost effectiveness. The work session also discussed the improvements towards school safety and security where they've added barriers to any direct entryway accesses to reroute visitors to the office first.

Commissioner Stolzenberg: On November 7, he attended a meeting with people working on the Regional Housing Needs Assessment where he and Mr. Heaton were interviewed on their views on development and housing needs in the Greater Charlottesville area. On November 8, he attended a PLACE meeting, where the East High Street Streetscape project was discussed. On November 13, he attended the MPO Technical Committee to discuss the long range transportation plan, where a new set of plans were developed that performs better than previous plans.

Commissioner Mitchell: Notes that he visited with the UVA Masterplan Council on November 7 and the Fontaine project is all about bringing their transitional research and clinics together. They are more sensitive to the lower income communities that need transportation to get to the UVA facilities and they are thinking through how to handle that. They also discussed their plans with the Athletic Masterplan to upgrade the existing facilities for the athletes and possibly add a softball field. Notes that the Brandon Avenue Masterplan is projected to be much more pedestrian friendly and will be LED compliant with several new buildings and a parking lot. He also attended the Parks and Recreation meeting and more people from the County use the athletic facilities than the City. They hope to open a skate park in December and have Tony Hawk at the grand opening. The skate park is projected to be one of the top three in the nation, which would boost the economy greatly. He also met with the Vice Mayor on November 12 in a flyover of the Rivanna River watershed and saw that a lot of the buffers between the area and the development are very thin, which needs to be considered as the Land Use Plan is being worked on.

B. UNIVERSITY REPORT

Mr. Palmer was not present.

C. CHAIR'S REPORT

Lisa Green: Has been reviewing the citywide CIP at weekly meetings and Council will have a hearing for it in January. On November 1, she attended the first TJPDC meeting where the financial audit for the organization took place and found that they are in good standing. They discussed membership for the Regional Housing Partnership and decided they needed a Regional Housing Commission, so a study will be conducted to look at housing inventory. Notes the Virginia Association Planning District Commission is celebrating 50 years this year.

D. DEPARTMENT OF NDS

Missy Creasy: A public work session is scheduled for November 17 from 11am-4pm to work on the Comprehensive Plan. An additional work session is scheduled for November 20 to solidify a draft for staff to the materials for Council to review on December 17. On December 18, a work session will be held for the CIP and the Emmet Streetscape presentation and will include a debriefing of Council's review of the Comprehensive Plan.

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

None.

F. CONSENT AGENDA

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

1. Zoning Text Initiation – Amusement Center Location
2. Zoning Text initiation – Site Plan Requirements
3. Zoning Text Initiation – Mixed Use code descriptions

Commissioner Lahendro moves to approve the items presented on the consent agenda. Seconded by Commissioner Solla-Yates. Motion approved 7-0.

III. JOINT MEETING OF COMMISSION/COUNCIL

Beginning: 6:00 pm

Continuing: until all public hearings are completed

Format: (i) Staff Report, (ii) Applicant, (iii) Hearing

1. CP18 - 00001 – East High Street Streetscape Concept

Pursuant to Virginia Code section 15.2-2232 and City Code sec. 34-28, the Planning Commission will review the proposed East High Street Streetscape concept, located on Market Street from 7th Street to 9th Street; north on 9th Street to E. High Street; and from E. High Street to 10th Street, to determine if the general location, character and extent of the proposed improvements are substantially in accord with the City's adopted Comprehensive Plan or part thereof. Following the joint public hearing, the Planning Commission shall communicate its findings to the Charlottesville City Council, with written reasons for its approval or disapproval.

Staff Report – Brian Peters: The East High Streetscape Project was generated through the Smart Scale process where the City was awarded \$5.5 million. This does not include the undergrounding of franchise overhead utilities like Dominion, Verizon, City Link, etc. and the City would have to match the difference. The project is intended to widen sidewalks, add bike lanes, install landscaping, and make ADA and transit improvements. The results from an online survey shows that pedestrians expressed the desire to have a safe and walkable street and to utilize design features. They propose amenities to enhance the overall environment for all users, as the route is the entryway to access the Downtown Mall. The Planning Commission must determine if the currently presented design represents and complies with the transportation portions of the Comprehensive Plan. Existing conditions include inconsistent sidewalk lengths and intersection crossing distances, roadways that are inconsistent with urban conditions, unorganized landscape, no designated on-street bicycle facility, driveway cuts, etc. Proposed conditions include minimum 6' sidewalk widths, consistent bicycle facilities and landscape, access management to improve vehicular travel, appropriate ADA improvements, realignment with Lexington Avenue, and reduced crossing distances at Locust/10th.

COMMISSIONER QUESTIONS

Commissioner Solla-Yates: Asks if the current plan is dependent on funding becoming available for undergrounding.

Mr. Peters: States the plan could proceed without funding and they would move the utilities that conflict with the project's design overhead to overhead, which does not have much, if any, cost to the City based on the agreement they have with franchised companies.

Commissioner Solla-Yates: Did staff look at bus priority, particularly at signals?

Mr. Peters: Discussions have been made with the City Traffic Engineer on coordination, timing and transit priority but the design is not within the scope of this project. Once the project is complete, a signal can be designed to incorporate that as a separate project.

Commissioner Lahendro: Asks if the sidewalks would be impacted if the utilities were aboveground, or if the burden would primarily be on the planting strips.

Mr. Peters: States that it would mostly be on the planting strips. He can't say that there won't be an area where the sidewalk won't have to be narrowed in order to accommodate the utility pole, but the details of that have not been determined yet.

Commissioner Solla-Yates: Asks for Brian to address the comments made by the PLACE committee.

Mr. Peters: Most of the comments have been heard before, particularly the comment dealing with the design of the public spaces such as the area in front of the Tarleton Oaks development. Engagement with the public will continue. Another comment noted the benefits of having the buffer between the vehicles and the pedestrian right for air quality purposes. Concerns were shared regarding the design compatibility with this project and the Belmont Bridge project with overlapping construction but they have no choice but to have them constructed at the same time. They will be using green storm water techniques, though they are not far enough along in the process to determine the specifics yet.

Chairman Green: Reminds everyone that members of the commission have been on this streetscape committee for a while and have been a part of this process. While the vote tonight is to decide whether or not the plan is in compliance with the 2013 Comprehensive Plan, it is not a final design vote this evening.

PUBLIC HEARING

Bill Emory: Resident of East Market Street and states that everyone has done a nice job involving the public on the project. East High Street is very hazardous for pedestrians, particularly as you are moving north and hopes the improvements to the city center will eventually extend towards the edges of the City.

Mark Kavitt: Asks for clarification on where the right-hand turn that may be removed is located.

Mr. Peters: Clarifies that the right-hand turn that would be removed is the existing turn lane southbound in front of the Tarleton Oaks gas station.

COMMISSIONER DISCUSSION

Commissioner Dowell: Ask to clarify that traffic will still be able to turn right and just the turn lane is being removed.

Mr. Peters: At the East High signal, correct.

Commissioner Stolzenberg: To clarify further, is the only turn you can make now that you won't be able to make after project completion is the left turn out of Lexington onto High Street eastbound?

Mr. Peters: There would be two changes. In the existing conditions today, left and right turns are allowed on Lexington and East High, but the concept as proposed would have 3/4 access to go left in northbound on East High into Lexington, go left out of Lexington, or make a right turn into Lexington. The only movement not allowed would be a left out, which has extremely low traffic. The other change would be for the 9 ½ Street intersection, which is proposed to be a right in, right out since there are little to no left turns currently.

Commissioner Lahendro moves that the proposed E. High Streetscape Project concept's located on E. Market Street between 7th Street and 9th Street and on 9th Street/E. High Street between E. Market Street and Locust Avenue/10th Street in the City of Charlottesville, general character, location and extent of the proposed improvements are substantially in accord with the City's adopted 2013 Comprehensive Plan or part thereof. The motion includes the resolution in the staff report. Seconded by Commissioner Dowell. Motion approved 7-0.

2. ZM18-00002- 1335, 1337 Carlton Avenue (Carlton Views PUD)

Hydro Falls, LLC, Carlton Views I, LLC, Carlton Views II, LLC, and ADC IV C'ville, LLC (landowners) have submitted an application pursuant to City Code 34-490 et seq., seeking a zoning map amendment to change the zoning district classifications of the following four (4) parcels of land: 1335 Carlton Avenue (Tax Map 56 Parcel 430), 1337 Carlton Avenue (Tax Map 56 Parcel 431), Tax Map 56 Parcel 432, and Tax Map 56 Parcel 433 (together, the "Subject Property"). The Subject Property has frontage on Carlton Avenue and apparent frontage on Franklin Street and are further identified on City Real Property Tax Map 56 Parcels 430, 431, 432, and 433. The entire development contains approximately 4.855 acres or 211,483 square feet. The application proposes to change the zoning classification of the Subject Property from "M-1" (Industrial) to "PUD" (Planned Unit Development) subject to proffered development conditions. The proffered development conditions include: (i) affordable housing: providing affordable and accessible housing units for no less than 20 years in the following ratios: at least 30% of all dwelling units within the PUD will be affordable units for residents earning under 60% AMI, at least 15% of all affordable units will be affordable units for residents earning under 40% AMI, ("required affordable units") and, for all other dwelling units within the development, the landowners will offer them for occupancy as affordable dwellings, but if no grant funds, financing, or subsidy is available to support occupancy as an affordable unit, the unit may be rented at market rates. The landowner s shall provide documentation that they actively sought to establish each dwelling unit as an affordable unit, prior to offering it for occupancy at a market rate unit, (ii) building design elements: minimum 15% of all required affordable units will be designed to meet UFAS guidelines for accessibility, and minimum 30% of all required affordable units designed to meet VHDA guidelines for universal design; entrance feature on all building facades fronting on Carlton Avenue; (iii) maximum height of buildings shall not exceed 65 feet; (iv) parking: no additional parking over required City minimums will be constructed onsite, unless required to obtain grants or financing to establish affordable dwellings; (v) outdoor lighting: full cut-off lighting; (vi) bus stop or shelter if requested by CAT; (vii) environmental/ site design: retaining tree canopy on east side of property adjacent to Franklin Street; and pedestrian linkages between buildings, open space and the neighborhood. The PUD Development Plan for this proposed development includes the following key components: approximate location of existing buildings and building envelope for future buildings, a phasing sequence of the development (phase 1 the PACE Center, completed, Phase 2 Carlton Views Apartments, completed, Phase 3 Carlton Views II Apartments, , Phase 4 Carlton Views III Apartments). According to the PUD

Development Plan, the total proposed density of the project (all phases) will not exceed 32 DUA, for a total of 154 dwelling units. The PUD Development Plan contains details required by City Code, including: a use matrix for each phase, setback/ yard requirements for each phase, parking calculations for residential uses, open space, landscaping, architectural elements, and signage. The City's Comprehensive Plan and Land Use Map calls for the area to be used and developed for Business and Technology uses. The Comprehensive Plan contains no residential density range for the Subject Property.

Staff Report – Matt Alfele: The rezoning application for the four parcels near the intersection of Carlton Avenue and Franklin Street is under review and the rezoning request is part of a larger redevelopment plan that began in 2012. Phase 1 the development was the completion of the by-right Blue Ridge PACE Center to serve senior citizens in the City of Charlottesville and surrounding areas. Phase 2 began in 2013 to start the residential component of the development where a special use permit was granted to allow a maximum residential density of 21 dwelling units per acre, which created a 54 unit apartment known as Carlton View Apartments. In July of 2015 the final site plan for Carlton Views was approved and construction was completed in early 2017. Phase 3 of the development began in summer 2017 in a preliminary site plan for a 48 unit apartment building called Carlton Views 2 and was approved. In early 2018, City Council awarded the developer \$1.4 million for the acquisition of the site for affordable units. Once completed, all units will be rented to residents making below 80% AMI. Currently, the final site plan for Carlton Views 2 is approved but construction has not begun. At the completion of this phase, the development will have exhausted all of the allowable density under the SUP, as the zoning ordinance allows a maximum of 25 dwelling units per acre. The developer needs to rezone all four parcels to increase density if they want a residential building for phase 4. The developer does not have the option of only rezoning the last remaining parcels because it would remove acreage from the existing parcels, making them nonconforming. The developer is requesting a rezoning of all four parcels to PUD in order to pursue phase 4. The 2013 Comprehensive Plan Land Use Map indicates the subject property remain business and technology. The Comprehensive Plan does not designate areas that would neatly conform to a PUD-type development. The closest land use description would be mixed-used. According to the development plan, all of the nonresidential and industrial uses would be removed as allowable uses and the main use proposed are multi-family and nonresidential and the total allowable unit count would be 154 and the total nonresidential buildout of 50,000 square feet. The City has limited industrial areas and a rezoning of this size would remove 5 acres of potential industrial development. Residential treatment facilities, banks, financial institutions, and private clubs are uses within the PUD use matrix that are not permitted in the MI district, so Planning Commission should give some thought to those uses. Should the rezoning be approved, the overall density of the site will increase from the SUP maximum 21 DUA to a maximum of 32 DUA. This density is considered high density residential and regardless of the rezoning, the subject properties are already high density residential based on the 21 DUA in the type of housing that exists on site. On May 8, 2018, Planning Commission held a public hearing on this rezoning and Commission voiced concerns related to the amount and configuration of open space, lack of innovation with building location design, pedestrian connectivity within the development, amenities within the development that could benefit surrounding neighborhood, and transit access. The proposal being reviewed tonight is substantially the same as the proposal from May 8, with the following changes: an updated proffer statement that is reformatted for better enforcement and provides the possibility for 100% affordable units on site, the open space calculation changed from .76 acres to 1.31 acres, and the internal pedestrian connection are now highlighted on the development plan.

Commissioner Heaton: What percentage would this project be using of the City's light industrial areas?

Mr. Alfele: Does not have a percentage to offer, but there are two main corridors aside from this one: Harris Street and River Road have industrial areas.

Commissioner Heaton: Asks if there is any chance of reverting back once the change has been made.

Mr. Alfele: It can be reverted back, but it is very hard to do. Once you lose industrial to residential and commercial it is difficult to go back to industrial areas.

Commissioner Dowell: Asks why they decided to do the PUD now instead of prior to the beginning of the project, and submitted an SUP in the beginning.

Mr. Alfele: Would like to let the applicant speak to that issue.

Commissioner Stolzenberg: The application notes that the number of bedrooms in any residential building shall not exceed 3 bedrooms but it isn't proffered. Is that intended to be a commitment or an intent, and is the purpose of it to mitigate certain impacts?

Mr. Alfele: States that it is actually proffered, but it was already in the proposal put forward and has stayed in line with the layout of Carlton View 1 and Carlton View 2.

Applicant – Kevin Wood: Represents all four owners of Carlton Views. He would like to speak to the four major concerns from the first hearing including clarification of affordability, connectivity across the site, adequate open space, and innovation design. They have made innovations to the proposal but not substantial changes, as the goal is to provide more affordable housing. In order for the project to be financially feasible and earn tax credits at VHDA, the density needs to be increased. Originally they had planned to apply for R3 on parcel D, but because it would make the other parcels nonconforming, they are now having to look into PUD rezoning to get the additional density and create the affordable housing. A new proffer statement was expanded upon to try and proffer as much affordability as possible, which is contingent upon getting a tax credit at the upcoming round at VHDA. The application plan has provided connectivity and cohesiveness across the site, but it's important to address how the plan has an innovative design. The site was difficult to develop but a cohesive plan was created in a mixed use setting where the quiet commercial use brought in employment opportunities while maintaining the community context. The PACE Center supports the multifamily uses and the financing is very innovative because they can ask for tax credits at VHDA, which is a very limited resource.

Scott Collins, Collins Engineering: Notes that there is connectivity through the site and they have worked to create a pedestrian and ADA accessible site to all the buildings and facilities. They also incorporated a fair amount of open space, which is almost twice as much as the original PUD from May. Notes that although the Comprehensive Plan is for business and technology, the Comprehensive Plan is currently under review for changes and this area is one that is slated to change to more of a commercial location with high density around it, so it does fit in with the changes that are being reviewed.

COMMISSIONER QUESTIONS

Commissioner Mitchell: The part of the project that is most consistent with the Comprehensive Plan is the amount of affordable housing being brought to the area, so what is the process of getting the tax credits, what are the consequences of not getting the tax credits, and why wouldn't Planning Commission wait until the credits have been given to approve the PUD?

Mr. Wood: There are tax credits on both of the previous two projects but the next round of tax credits is in March 2019. They intend to apply for them at that point but you cannot get tax credits unless zoning is already in place. If they do not get the tax credits, they would reapply but if an application was not approved by 2019 with the financing in place, they would move on to other uses in the PUD zoning application.

Commissioner Mitchell: Asks if there is a way to make the approval of the PUD contingent on getting the tax credits.

Mr. Wood: Well it would be a chicken and the egg type of situation because when they try to get the 100% of the tax credits, the zoning would definitely have to be in place.

Commissioner Lahendro: Asks how the design might have changed if this had started off as a PUD.

Mr. Wood: States that he wasn't there in 2012 but believes the plans developed throughout a 5 year period rather than holistically from the beginning, so the SUP made the most sense in the beginning because the density was not a concern at the time.

Commissioner Lahendro: Have the developers own the property and all of the parcels since 2012?

Mr. Wood: They bought the PACE Center in 2012 because it was a by-right project and had the option to purchase the other, which exercised in 2013 when they got the SUP approval and tax credits on the first property.

Commissioner Lahendro: Asks how many current residents of the Carlton Apartments are members of PACE.

Mr. Wood: There are 3. In the first development, the MOU states that they will support up to 14 people with subsidy. It's only for those in dire need and some of them go directly into needing care and can't use the PACE Center. The MOU supports the rent above 30% of the tenant's income.

Commissioner Stolzenberg: Regarding the pricing of the units, the proffer shows units preserved for 60% AMI or less and 40% AMI or less. Are they priced at the HUD high homes limits?

Mr. Wood: They are priced based on LIHTC limits, which are established by HUD on an annual basis. Generally the HUD high home is a 60% AMI unit.

Commissioner Stolzenberg: So are the 40% AMI units priced lower?

Mr. Wood: Yes, they represent 30% of 40% AMI, which is the definition of being affordable.

Commissioner Stolzenberg: For those priced at 30% of the maximum income level and if the resident makes less, are they still priced at that rent?

Mr. Wood: That is correct, which is why on a lot of the 40% units require a subsidy that picks up the rent over 30% of the tenant's income. VHDA requires this as part of the subsidy.

Chairman Green: Asks if there is a time frame for those units to stay affordable.

Mr. Wood: 30 years is generally the extended use agreement of these.

Commissioner Stolzenberg: Why does the proffer only show 20 years on the extended use?

Mr. Wood: That is in place because there are certain outs if the Affordable Housing somehow doesn't work. The VHDA is reluctant to allow for that, but it does provide an out if the rents are not supporting the building any longer.

Commissioner Solla-Yates: Asks how many residents need full nursing care.

Mr. Wood: Of the 54, only 3 because those are the PACE participants using the PACE Center.

Commissioner Solla-Yates: The applicant indicated that there are residents that need full nursing care. Asks how many there were.

Mr. Wood: Zero. No one at Carlton Views would ever need full nursing care.

Commissioner Heaton: Would like to clarify that there are no residents at Carlton Views 1 who currently need full nursing care.

Mr. Wood: Correct, as people needing full nursing care would need to reside in a nursing home. Carlton Views has means to be an independent living facility, not an assisted living facility. However, someone could be assisted with the services that PACE offers. The idea is to have housing in close proximity to services so people in need of those services could rent at Carlton Views 1.

Commissioner Lahendro: Are there currently any families in Carlton Views 1 with children? What amenities are provided for children?

Mr. Wood: Yes and there is a community center for them. There are no playgrounds because the assumption was that they probably would not have children in this facility because most of the units are one and two bedrooms and are more appropriate for the elderly and disabled. However, fair housing regulations require you to rent to families with children. Preference is given to Section A tenants, so single parents often move into the one or two bedroom units. The average income is around \$16,000 and some of those residents have children.

Commissioner Lahendro: So the property does not have facilities to serve children?

Mr. Wood: There are no facilities currently. There are some opportunities in Carlton D to provide open space.

Commissioner Stolzenberg: As of November 1, Riverside Health no longer offers PACE services. Asks if that will impact the organization.

Mr. Wood: The understanding is that it will be replaced with another partner.

Commissioner Stolzenberg: Asks about the quantity of parking spaces that are currently provided and how many are filled at Carlton Views 1.

Mr. Wood: States that Carlton 1 has 49 spaces and 5 shared with the PACE Center. He would guess that around 10-12 spaces are vacant at night and many spaces available during the day. Believes that a 25-35% reduction in parking is appropriate and staff has approved shared parking between Carlton 1 and Carlton 2.

Chairman Green: Asks the engineer if he has engineered this in a way so that the slope does meet ADA requirements.

Mr. Collins: Clarifies that this is correct.

Chairman Green: What are some of the elevations on the proposed parking and how does it relate to the height of the building?

Mr. Collins: A lot of the elevation will be taken up with the building and there is proposed underground parking underneath the last building to allow the building to step down and help remove the elevation change. The back parking will have a lower elevation than the existing tracks.

Chairman Green: Shares a concern about the pedestrian ways along Carlton Avenue and requests explanation about the steep grade change.

Mr. Collins: A lot of the ADA adjustments are on site. They are still trying to accommodate a streetscape and some type of interaction between the buildings and the street.

Chairman Green: Where would the CAT service go on site so that it would be accessible?

Mr. Collins: The way that CAT has their traffic patterns set up, it doesn't adhere to have it right in front of the site, but rather a little west of the site. They are still discussing possibly reworking that with CAT. Along Carlton Avenue, there is also onsite parking that can be removed to have a bus stop if it was able to be accommodated.

Chairman Green: Asks for further clarification for individuals with disabilities being able to access the bus stop because the grade change makes it difficult for some individuals to utilize the bus stop.

Mr. Collins: There are sidewalks that go up to the entrances that provide paths to the ADA pathways. Carlton 2 was redesigned to have a step down that will take you to access the parking lot via an elevator.

Chairman Green: If a resident is in Carlton 3 in a wheelchair and CAT puts their bus stop west of the entrance, does that resident have to walk over to Carlton 2, get in the elevator and go down to the parking lot in order to get to the bus stop?

Mr. Collins: There is a sidewalk in front of the PACE Center that will take the resident to Carlton Avenue, which is ADA accessible.

Commissioner Stolzenberg: States that there have been concerns regarding the quality of construction for Carlton Views 1 and asks if any changes have been made to prevent this from happening with future developments.

Mr. Wood: The developer has been working with City Council on this but is under the impression that there have been a lot of growing pains with Carlton 1 and the reason for the complaints have been due to lack of onsite management. It was difficult to put a site manager on site at all time with 54 units and tenants did not feel like they were getting the responses they needed. Once this is built to 150 units, onsite management can solve these issues. He believes they are building in high quality and the buildings are all highly energy efficient buildings.

Councilor Hill: In relation to the tax credits, what other uses would be put in its place if the tax credits are not approved?

Mr. Wood: The PUD rezoning outlines them in the use matrix, so it would be more of a mixed use environment with light commercial uses and office spaces. The residential buildings would still be residential with potentially commercial uses on the first floor but they would be at market rate. However, states that they are fairly confident that they will be able to use tax credits this year.

Ms. Robertson: Notes that under the zoning ordinance, because this is a rezoning, if the applicant does not get the tax credits so it can be 100% affordable, they will still provide the amount of affordable housing that would be required in connection with the residential development in the PUD.

Mr. Wood: Correct. The proffer was set up with the intent of having 30% affordable required, so with 150 units, that would be 50 units of affordable.

Commissioner Stolzenberg: If the applicant does get the tax credits, is the intent to make it 100% residential, or is it a possibility to add a neighborhood amenity?

Mr. Wood: It could be a possibility in the future, but once you lock down a tax credit building, it is 100% residential for that period of time, which is generally 30 years.

Chairman Green: Clarifies that without the tax credit and commercial would be limited to the proffered statement under the use matrix.

Ms. Robertson: Correct. Because a PUD is its own zoning district, the uses have to be set out in the development plan and will become the zoning use matrix.

Mr. Alfele: In addition to the uses being spelled out, it also denotes square footage allowable per phase.

Councilor Walker: What other funding streams would be considered if the applicant does not receive the tax credits?

Mr. Wood: At this stage, this would be the only application that would be submitted by them and no other options are available to do this type of building.

Councilor Hill: If the applicant does not get the tax credits, would they also not get the CAT funding?

Mr. Wood: If they do not get the tax credits, they would try again in 2020 or go for another use.

Councilor Walker: Asks if they have a commitment to hold off until 2020 before proceeding with other uses.

Mr. Wood: 2019 is not meant to be a drop dead date, but it is meant to be a date that releases the developer to do other uses. The hope is that they would get tax credits for Carlton 3 and that nothing changes between now and when they attempt to get an allocation of credits and send them. If not, the developer would like the opportunity to do other uses allowable after 2019.

Councilor Walker: Can conditions on the PUD be included on the decision?

Chairman Green: Conditions cannot be put on PUD applications. We are voting on this as it stands.

Mr. Wood: Clarifies that the intent is to do this affordably and that they are not currently considering other options for uses.

Chairman Green: If another funding stream became available and tax credits were not approved, would the applicant apply for them?

Mr. Wood: Certainly. Other streams must be applied for. City funds are vital and other funding streams are meant to be used as gap sources of funding, not the primary source.

Commissioner Lahendro: Feels as though the area is very steep in certain areas and does not think that Carlton 1 would be handicapped accessible, particularly on the north side of Carlton 1 to the road on the east.

Mr. Collins: States that railings can be added but those have not been incorporated because that area has not been constructed yet.

Commissioner Lahendro: Notes that he was under the impression that it was ADA accessible as is. Railings would not be sufficient and it would also need a level intermediate landing or something similar.

Mr. Collins: States that switchbacks can be incorporated as well once the building is built out.

PUBLIC HEARING

Bill Emory: This PUD rezoning application is an afterthought and it is an inappropriate use of the PUD ordinance to increase density while the quality of life for the residents suffers. Carlton Views is located in an unsupported area and is designed a step back from friendship court in terms of amenities for residents and that was built in 1978. The PUD rezoning is out of sync with the City's Land Use Plan and good zoning practice. There has been no planning and planning is always best before action is taken. Hopes that the rezoning is denied and the applicant will build things that the zoning matrix allows from the SUP, like a daycare, convenience store, space for small business, playground for children, covered place for the elderly to sit outside, etc. These parcels represent 2% of the 3.2% of the City that is zoned for industrial uses. If rezoning were considered, it should be done Citywide to avoid a lawsuit.

MaryAnn Nesbit: Has lived in Carlton Views for just under a year and has seen improvements happen with management. Shares concerns about the design of the building that could be built next door because of the spacing and knowing that the industrial park is needed. There are trailer homes across the street and the access roads that go by this are pleasant and the traffic is pleasant. The facility is very functional for those who share a similar age group, but she does not see that result with Section 8 applicants. The facility is very much needed for those with whom it was designed for, as it is beautifully designed, solid, and provides security and comfort. The City needs it and benefits from it and management has addressed many of the problems that have come up. She looks forward to the expansion but notes that there is an active railroad track close to where the proposed building is meant to be and that there are deterrents when it is not kept within what it was originally planned for.

Mark Kavitt: Notes that he was an employee at PACE for over two years and knows the facility extremely well. Everyone in the facility does qualify for nursing home care but the idea is to keep them out of these facilities by providing them with support. One of the largest concerns is the parking situation. On any given day if you arrive after 8:30, all of the parking spaces are gone. The employees of PACE were parking on the road because of this. The facility has been very concerned about how they were going to accommodate the shared parking and even

looked at the possibility of running a shuttle with a parking lot offsite in the area to accommodate the employees. Notes that he used to go into Carlton 1 on a daily basis and voices concerns about the management. The area between PACE and Carlton 1 is very steep and feels that it is nowhere close to being ADA accessible.

Nancy Carpenter: Voices concerns about the tax credits. She understands that we do need affordable housing but due to the large tax cuts that are given to a lot of people that provide funding for low income tax credits, sometimes the availability of those funds have been limited and that is an ongoing issue. Shares the importance of having amenities for families within low income housing residencies and unfortunately, there is no safe place to do so in Carlton Views. The quality of life at Carlton Views is also concerning because of the amenity problem, the lack of food resources, and topography issues. Council should critically look at the development of this phase and think about the quality of life for people in that area.

COMMISSIONER DISCUSSION

Commissioner Dowell: Feels torn on the matter and notes that she likes the quantity of available units provided but if the applicant doesn't get the tax credits then they are in a bind.

Commissioner Stolzenberg: If they do not get the tax credits, would it still be 30% affordable at 60% plus 15% at 40%?

Ms. Robertson: Correct, that is what the proffer says. It speaks about affordability and has an alternative provision that says if they get the tax credits, it will be 100% affordable at specific limits. If not, affordable housing is still available, it would just be in a lesser total number.

Commissioner Heaton: Agrees that the numbers are impressive and move us towards a major goal for the City, but is curious what the facility would look like in 20 years with the restrictions and lack of amenities available.

Chairman Green: Was specifically impressed with the use matrix and states that it is very intentional. She is also torn on the idea because she likes the number of proposed units but is concerned with the grade and accessibility. While the amenities aren't there right now, are we going to deny the proposal outright just because they aren't there yet? Should they build the amenities first and do they need to all be provided on site or just be in close proximity to amenities such as parks? Is there a percentage that should be open green space? It is a food desert but she is unsure that we can just wait to build affordable housing until a market is built.

Commissioner Lahendro: The purpose of a planned urban development is to cluster the buildings to create open spaces and amenities to create a greater quality of life through innovative design. In this case, it is being brought in too late and is being submitted to maximize the density on the site and offer no benefits that has already created the opportunity for amenities and quality of life. Feels that as a Planning Commissioner, he should be supporting good planning practices and he cannot support this because of the mockery it makes of a PUD.

Commissioner Mitchell: Agrees and states this request is nothing more than a technical means to an end, and worries that the tax credits will not be approved.

Commissioner Lahendro: Would hate to see the precedent set that if it is an affordable housing development then it doesn't need the same good community planning.

Commissioner Mitchell: The only reason it is a means to an end is because the policies in place left no other options available. Once the Comprehensive Plan has been updated it should resolve these issues.

Commissioner Stolzenberg: Agrees and states that as Mr. Emory stated, he would like to see this idea be possible anywhere throughout the City without using technicalities. There is plenty of open space in the site plan, it's just covered in asphalt for parking.

Chairman Green: Shares that they have approved way worse projects for two units and does not like the PUD and the technicality.

Commissioner Heaton: This is not a "plug in the data" and decide if the PUD is appropriate or not, but it is meant to be a board of Commissioners trying to decide how best we can move the community forward.

Commissioner Solla-Yates: What is the timeline for the bike trail running directly from the site to Riverview Park?

Mr. Alfele: It has not come up anytime recently, so probably a long timeline.

Commissioner Solla-Yates: Riverview Park is one of the most popular parks in the region and could be a huge potential asset, but doesn't think we are doing enough to get people to the park and enjoy it.

Mr. Alfele: One of the biggest hurdles with that trail would be Franklin because it is a railroad bridge with one-way traffic.

Commissioner Mitchell moved to recommend approval of the application to rezone the subject properties from M-1, to PUD, on the basis that the proposal would service the interests of the general public. Seconded by Commissioner Stolzenberg. Motion is approved 5-2.

Chairman Green: Would like to state that the New Hill project was not reviewed by or had any knowledge of by the Commission and is surprised at how the project has commenced.

IV. COMMISSION'S ACTION ITEMS

1. ENTRANCE CORRIDOR REVIEW BOARD

a. Dairy Central Phase 2

Staff Report – Jeff Werner: The applicant is submitting a Certificate of Appropriateness for a 228,700 square foot apartment building with 175 units with 1400 feet of commercial space and parking garage beneath the building. The project is for phase 2 of 4 phases for the Dairy Central building on 946 Grady Avenue and is located on the southern end of a 4.5 acre parcel on the Preston Avenue Entrance Corridor. The larger parcel is occupied by the buildings associated with the former Monticello Dairy. Phase 1, in the northern portion, contains the dairy buildings and is designated an Individually Protected Property (IPP). Phase 1 was reviewed by the BAR and the COA approval process was completed in June 2018. Phases 2, 3 and 4 are outside IPP boundary and are thus subject to ERB review. Relative to the proposal, the ERB reviewed a special use permit request in March to increase the residential density and building height and the ERB found that these would not adversely impact the corridor and the Planning Commission and Council approved the permit. The Planning Commission's approval included 3 conditions: that the design height, density and other characteristics must remain as presented,

understanding that some changes may arise during design review, however substantial changes must require modification to the SUP, that along 10th Street NW the 5th floor shall step back a minimum of 10 feet from the floors below, and that along West Street the floors shall step back a minimum of 45 feet from the property line. All conditions have been addressed in the proposal. The Planning Commission also requested that the courtyards be designed as useful spaces, the 10th Street elevation must not represent a back wall to the street, a screening of the parking garage from West Street and that the landscaping plan that was shown will remain. Accept for a few minor changes to window and balcony locations, the massing scale design materials match what was presented previously. Relative to the design, the project features 3 bays separated by courtyards with the bays jointing by a fronting on the alley between phase 1 and 2. The bays, contemporary design and variation of materials, textures, patterns, and colors break the massing into modules that are more compatible with the adjacent residential neighborhood, which is compared to a monolithic structure. The design and details are consistent to the design guidelines. The first floor walls are brick with metal storefront and punched windows. The upper floors are a combination of brick and fiber, cement, metal or panels with punched windows and recessed balconies with glass doors and metal railings. For the arrangement of the buildings on the site, the 3 primary facades engage the street. They incorporate wide sidewalks and landscaping like street trees that produce shade and a sense of enclosure and defined edges. The benches enhance the pedestrian experience and the courtyard provides open space for the occupants. The parking garage is accessed through the alley and there is a bike storage room near the building lobby. The arrangement of the buildings are consistent with the design guidelines. As for the compatibility with the Preston Avenue Entrance Corridor, the proposed building, streetscapes, site improvements and site lighting are all compatible with this entrance corridor. Relative to the City's vision for this corridor, a key goal is to create a variety of new mixed use larger scale projects and the City corridor designation relative to zoning is to facilitate the development and redevelopment of medium scale commercial and mixed use projects. This project complies with both of those. This project also provides a residential component to a larger mixed use project which will provide the adaptive reuse and rehabilitation of a historic structure. Staff supports the recommended design and recommends approval with conditions including: 1. the applicant will provide an inventory of all final materials, colors and light fixtures selected. 2. Lamping for exterior lighting to be dimmable and not exceed a color temperature of 3000K. 3. The glass for the residential windows and doors will be no lower than 56 VLT. This is lower than the preferred 70 VLT, however these windows and doors are in residential units; the fenestration is punched (versus a glazed curtain wall or storefront); glass used in commercially produced residential windows (i.e. Pella, Marvin, etc.) typically has a VLT in the mid-50s and lower 60s; and for segments of Phase 1 of the Dairy Central project, the BAR approved the use of glass with VLT 50 and VLT 68 on some portions of Phase 1.* 4. Signage requires separate permits and approvals. All internally illuminated signage shall appear to be lit white at night. 5. Rooftop mechanical equipment will be screened within the appurtenance. 6. Metering and/or electrical service equipment for the proposed street lamps [to be installed in the public right of way] and for the building's residents/occupants will be fully concealed or located so as to allow full screening. Relative to condition 3, the first floor storefront glass is 70 VLT, as typically required. The windows and doors on the residential units are of a lower VLT (as low as 56), but requests that Commission expresses the uniqueness of the site and the use of the glass.

Commissioner Mitchell: Clarifies that this is intended for the back of the building, not on the Entrance Corridor and asks why it needs to be reviewed if it is not actually touching the Entrance Corridor.

Mr. Werner: Correct, but it is a parcel that does connect to the entrance corridor.

Commissioner Solla-Yates: Asks what the public interest is for clear glass in residential uses.

Mr. Werner: References Tarleton Oaks where they requested to use a lower VLT and found that 70 VLT was not found in either the BAR design guidelines or the Entrance Corridor design guidelines but it has become the

standard that is used. The rationale is that the glass at 70 VLT at street level doesn't have a mirror but as you go higher and transition to punched windows, the design circumstances can change. Most glass is normally in the 50s range and in this case the idea is that you don't get a large glass building that looks like a big mirror. The higher areas can be in the 50s as long as the lower storefront area remains at 70.

Commissioner Lahendro: There are a lot of characteristics, not just VLT, in the samples that affects the glass and the transition of light. After looking at the samples, there was negligible difference between the 56 and 70, which is why 56 is such a standard with residential windows.

Chairman Green: Did the BAR approve the plan with the cow on the side of the building?

Mr. Werner: Yes. As long as the logo is not copyrighted, it is allowed and it would be on the side of 10th Street. Notes that viewing it within the context of what has been approved at phase 1 is important to understanding how the design works together with phase 2.

Commissioner Solla-Yates: Regarding windows, does the requirement of 56 eliminate a lot of window options or is that relatively minor?

Mr. Werner: There are about 6 different numbers when using glass, but they use the VLT. Some glass may have coding on it so it doesn't appear fully clear but it comes down to the reflectivity and at what point it becomes a mirror. As far as the glass market goes, it's not impossible but would like to leave it up to the designer to answer.

Chairman Green: Once the Comprehensive Plan has been completed, she requests that Mr. Werner shows the Commission some samples so they can all better understand these glass differences.

Applicant –Chris Henry: The historical context of the mural of the cow references an old picture from the 1970s where there was a twenty foot tall caricature of a cow standing in front of the building. It is a point of conversation, which they hoped it would be. He reminds the Commission of the extensive community engagement process that has been constructed. It started in phase 1 with the BAR and was followed by a series of community meetings and a small community design group that was met with monthly to keep the lines of communication open with the neighborhood.

Lee Quill, Cunningham Quill: The location of phase 2 is on the corner of 10th and West Street right behind the dairy building. The front of the building is important along West Street and it has been broken into a street and block plan to provide interconnectivity for pedestrians and vehicles. The main entrance to the garage and loading are internal along the alley. Notes that it was kept low with the historic building and stepped up towards the middle of the site and likewise in the center of the site is higher and then steps down as it approaches the residential neighborhood. The Street along 10th is activated with individual entrances to the units with stairs and added planters.

COMMISSIONER QUESTIONS

Commissioner Lahendro: Asks the applicant what they would like to use for exterior glass.

Mr. Quill: In the windows of the units above, there is a range in the 50s – low 60s because they are more energy efficient and they are hoping for earth craft. Quite simply, it is an industry standard and they would like to stay within that standard. The arrangement for this proposal is around 56, but it could vary slightly.

Commissioner Lahendro: Does that include everything above the first floor?

Mr. Quill: There are some residential units on the first floor that will have manufactured windows. The lobby and retail locations need to have great visibility to see the activity will have the storefront type of glass. If there are concerns about the type of glass, the best thing to do would be to go out into the light and view them, as viewing them in florescent light does not look very appealing.

Commissioner Heaton: Requests for the applicant to expand upon the pets being allowed in the open space.

Mr. Henry: There will most likely be a one pet limit with a fee associated with it. There is also a plan for a pet washing facility in the garage.

Commissioner Heaton: So is the plan for pet residue intended for the courtyard, not the sidewalk?

Mr. Henry: Correct, as it is illegal in the city for pet waste to be on the sidewalk.

COMMISSIONER DISCUSSION

Commissioner Dowell: Comments that she likes the idea of the project but does not feel like the massing and design of the building is in scale with the rest of the community around it.

Commissioner Lahendro moves that having considered the standards set forth within the City Code, including the City Entrance Corridor Design Guidelines, I move to find that the proposed design for Phase 2 of the Dairy Central project (946 Grady Avenue), which lies within the Preston Avenue Entrance Corridor, satisfies the ERB's criteria, is consistent with the Guidelines, and is compatible with the goals of this Entrance Corridor, and that the ERB approves the Certificate of Appropriateness application as submitted with the following conditions:

1. The applicant will provide an inventory of all final materials, colors and light fixtures selected.
2. Lamping for exterior lighting to be dimmable and not exceed a color temperature of 3000K.
3. The glass for the residential windows and doors will be no lower than 56 VLT; because of the punched windows and their higher placement [on the elevations]. The glass for the lobby, retail, and office windows will be no lower than 68 VLT.
4. Signage requires separate permits and approvals. All internally illuminated signage shall appear to be lit white at night.
5. Rooftop mechanical equipment will be screened within the appurtenance.
6. Metering and/or electrical service equipment for the proposed street lamps to be installed in the public right of way and for the building's residents/occupants will be fully concealed or located so as to allow full screening.

Second by Stolzenberg. Motion approved 7-0.

PLANNING COMMISSION

2. Comprehensive Plan – reserved time for continued discussions

Commission plans to continue discussing the Comprehensive Plan during a work session on December 8.

Chairman Green: Suggests wrapping up the transportation, environment, economic, facilities and preservation packet between 11-12 pm. From 12-1 pm, the plan is to finish the Land Use narrative and map discussions from 1-4 pm. If the public is interested in only in hearing about the community engagement portion, the Commission will most likely not get to that portion until Tuesday, December 20.

Mr. Alfele: States that if time allowed, it would be beneficial to do a mock trial of the rezoning map because it is so new to everyone, including staff.

Chairman Green: That could be a possibility once Council has reviewed the plan. The decisions made now should be strictly on how the Comprehensive Plan should be and then look at it when things start moving forward. The goal for Council's review is that once it has been finalized, it is then followed. If Commission finalizes everything in December, when does staff anticipate that it will be given to the Council to start reviewing it?

Ms. Creasy: The current plan is for the beginning of December.

V. Adjournment

Commissioner Dowell moves to adjourn until the second Tuesday in December 2018.

CITY OF CHARLOTTESVILLE
DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES
STAFF REPORT TO THE ENTRANCE CORRIDOR REVIEW BOARD (ERB)



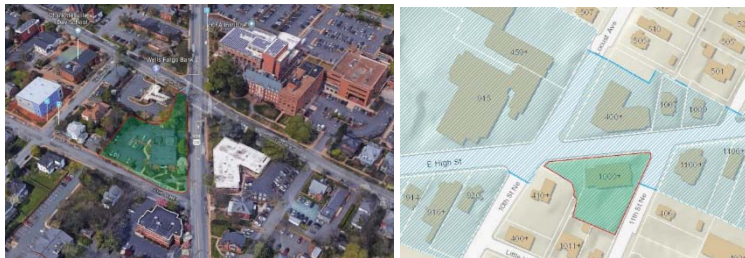
ENTRANCE CORRIDOR (EC)
Request to Amend the May 8, 2018 Certificate of Appropriateness

DATE OF PLANNING COMMISSION MEETING: February 12, 2019

Project Name: ReadyKids Building Addition
Planner: Jeff Werner, AICP
Applicant: brw architects
Applicant's Representative: David Timmerman
Applicant's Relation to Owner: Architect

Application Information

Property Street Address: 1000 E. High Street
Property Owner: Children, Youth and Family Services (ReadyKids)
Tax Map/Parcel #: 540114000
Total Square Footage/Acreage Site: 0.5695 acres
Comprehensive Plan (Land Use Plan) Designation:
Current Zoning Classification: HS, High Street Corridor, with Entrance Corridor Overlay. **Entrance Corridor Overlay District:** §34-307(a)(10) East High Street/9th Street from Long Street to East Market Street
Current Usage: Two-story, brick, medical office building used by local non-profit ReadyKids to provide for youth counseling services.



Background

May 8, 2018: ERB approved CoA request for partial demolition of portions of the existing building and construction of two-story additions at each end; 8,520 SF total new space, bringing the total space of the building to approximately 13,500 SF; providing much needed space for an important community organization. The two additions will transform the existing building from a 1960s, mid-century modern style to a more contemporary/modern design.

Keller moved to approve the CoA with staff recommended conditions. (Lahendro second. Vote 4-0.)

1. The ERB should view material samples. Cut sheets for materials should be submitted.
2. All glass must be specified as clear, with minimum 70% visible light transmittance (VLT).
3. Signage requires separate permits. All signage shall appear to be lit white at night.
4. Rooftop mechanical equipment will be screened within appurtenance.

May 8, 2018 staff report: (page 146) www.charlottesville.org/home/showdocument?id=61709

May 8, 2018 meeting minutes: (page 6) www.charlottesville.org/home/showdocument?id=62331

Applicant's Request

Amend the approved CoA to account for the following design revisions.

East Addition

- Replace pitched roof with flat roof.
- Eliminate upper clerestory.
- Brick: Eliminate soldier coarse accent bands.
- Siding: Eliminate recessed accent bands.
- In lieu of wood siding, use cement fiber material.
- North Elevation
 - Eliminate three windows at lower level.
 - Modify stacked windows, reduce spandrel panels.
- South Elevation
 - Add two windows at first floor.
 - Modify lower level windows from three to two.
 - Modify stacked windows, reduce spandrel panels.
 - Replace lower floor entry with a window.

West Addition

- Reduce angle of pitched roof.
- Upper clerestory modified to transom panels at the two storefront sections.
- Brick: Eliminate soldier coarse accent bands.
- In lieu of wood siding, use cement fiber material.
- Retain grade at former drive-through; construct exterior stairwell to lower level entry.
- North Elevation
 - Reduce width of storefront windows; infill at corner with siding.
- South Elevation
 - Reduce width of storefront windows; infill at corner with brick.
 - At first level entry, replace brick with siding.

February 12, 2019 note:

The remainder of this report is updated from the May 8, 2018 report.

Struck text ~~abe~~ reflects changes due to the requested amendment.

Bracketed text [abc] indicates additions to the prior staff report.

Minor edits for grammar and spelling are not noted.

Existing Building: The existing building is a two-story, masonry office building, approximately 115' long (along the frontage on High Street) and x 60' deep (at the corner with 11th Street). Constructed in 1964, its low, linear design reflects the style of that period. It has a flat, overhanging roof with two, truncated mansard features. Exterior walls are red brick and cream-colored square concrete blocks (*stone panels*, as described by the architect; painted *cream* in a prior renovation). Punched, single-lite, sliding windows. Entry door are full-lite, storefront type. At the west end there is a drive-through/porte cochere with the support wall constructed of brick piers unfilled with perforated concrete block. This will be demolished and replaced with the West Side Addition.

Exterior walls, roof, and windows will remain. Concrete block wall and cornice to be painted a more subtle color; grey tones more complementary to the brick.

The existing roof is to remain in between the slightly higher roof lines of the new additions.

West Side Addition: Footprint of 1,824 SF and 3,640 SF total new space. Remove existing drive-through/porte cochere and, ~~with the lowering of the grade to sidewalk level,~~ construct two-story brick and glass addition. (~~Lowering the grade and removing the drive-through will eliminate the driveway and access off of High Street, creating a more pedestrian-friendly street edge.~~)

The Main Floor will hold the new Waiting/Activity Room and Conference Room. The Lower Floor will provide space for Education Rooms, and a Kitchenette and Break Room. ~~A small garden terrace will be provided outside the Break Room.~~ The South West Side will also become the new main entry with an accessible ramp and updated entry sequence. It will provide separate public entrances for both the waiting room as well as the Education Centers on the lower floor. West Addition roof slopes upward toward the Playground, ~~providing clerestory windows for plenty of]~~ facilitating extended transom panels above the storefront sections and providing] natural light into the Activity Room.

East Side Addition: Footprint of 763 SF and 1,520 SF total new space. To comply with setback requirements, the addition includes removing/renovating SE corner of the existing building; the facade of the addition will align with 11th Street. The new space will provide additional Counseling Offices, a Family Counseling Room, a ReadyKids shared office, as well as a new, protected exit stair. The East Addition roof is ~~mostly flat; its corner rising to address the High Street and 11th intersection.~~

[For this amendment, no changes are proposed for Landscaping, Parking, Signage, or Lighting.]

Standard of Review

The Planning Commission serves as the entrance corridor review board (ERB) responsible for administering the design review process in entrance corridor overlay districts. This development project requires a site plan, and therefore also requires a certificate of appropriateness from the ERB, pursuant to the provisions of §34-309(a)(3) of the City's Zoning Ordinance. The ERB shall act on an application within 60 days of the submittal date, and shall either approve, approve with conditions, or deny the application. Appeal would be to City Council.

[**Note for Feb 12, 2019:** Final Site Plan was approved January 25, 2019. If CoA amendment is approved, modifications to the Site Plan will be minor and can be addressed administratively.]

Standards for considering certificates of appropriateness:

In conducting review of an application, the ERB must consider certain features and factors in determining the appropriateness of proposed construction, alteration, etc. of buildings or structures located within an entrance corridor overlay district. Following is a list of the standards set forth within §34-310 of the City Code:

§34-310(1): Overall architectural design, form, and style of the subject building or structure, including, but not limited to: the height, mass and scale;

The project is sensitive to the existing structure in materiality and scale, while re-imagining the building within our current time and place.

East and West Additions create variation to the existing flat, one-plane roofline. Overall the massing is in keeping with the other structures in the corridor vicinity.

The additions will have a brick skin; tying them into the visible portions of the existing building.

The overall scale of the new additions is compatible with the existing building and meant to go hand in hand with the idea that ReadyKids is a safe, protected environment. ReadyKids promotes a comfortable

and healthy environment. At the additions, larger windows are used to bring in natural daylight and create a stronger connection with the outdoors.

Staff Analysis: The proposed architectural design, form, and style--including height, mass and scale--are appropriate.

§34-310(2): Exterior architectural details and features of the subject building or structure;

The facades of both additions are a mix of brick, painted siding, storefront and punched windows intended to be in scale with the existing building openings. Some of the larger glazing areas correspond to spaces in the new interiors that will benefit from natural light and connection to the outdoors.

Staff Analysis: The proposed architectural details and features are appropriate.

§34-310(3): Texture, materials and color of materials proposed for use on the subject building or structure;

The predominantly brick exterior of the two additions will complement the brick of the existing building; providing consistency in color and avoiding incongruity between old and new. New accents and detailing will add variety and interest to the exterior. Large storefront windows add a new layer to the exterior palate.

The proposed building materials/colors:

Walls: Brick at existing building to remain. At the additions, brick (to match existing) and painted siding. At existing building, concrete block sections to be painted grey.

Painted cornice (new and existing): Painted grey to match/accent the brick and the painted cement block walls.

Roof: Flat membrane roof at new and existing.

Windows: Continuation of punched window scheme with sections of metal/glass storefront panels and clerestory.

Stairs (at parking): Brick to match building.

Staff Analysis: The proposed texture, materials, and colors of materials are appropriate.

§34-310(4): Design and arrangement of buildings and structures on the subject site;

While a very strong sense of place already exists on this site due to the strength of this organization, the new construction will only bolster the sense of place. This project provides room for growth without compromising the exterior assets of the site.

The project improves vehicular circulation by removing the former bank drive-thru off of High Street. The remaining, existing parking lot entry is located off of 11th street, which is a safer and less trafficked area. While most of the existing parking remains untouched, this project does impact the parking at the western portion of the lot and improves the overall vehicular circulation in and out of this area. Further, it adds an improved entry sequence for the public.

The new Site Plan, with new building entry sequence and revised parking layout, illustrates a safer, more pedestrian friendly site. Further, the new West Addition will create a direct connection between the new Waiting Room and Playground; currently children have to cross the entry drive.

Staff Analysis: The design and arrangement of the building on site is appropriate. This is an auto-oriented use appropriately located on East High Street, but with the west addition--removal of the driveway, ~~grading change~~, and sidewalk repair--it will also improve the pedestrian experience.

§34-310(5): The extent to which the features and characteristics described within paragraphs (1)-(4), above, are architecturally compatible (or incompatible) with similar features and characteristics of other buildings and structures having frontage on the same EC street(s) as the subject property.

The additions to the existing building maintain the general massing, scale and materiality seen within the general High Street context. The alterations improve upon the existing, transforming a somewhat dated building with an exciting, open new design that reflects the good work carried out inside.

Removing the existing drive-thru and replacing it with landscape buffer will better define the street edge and improve safety in this area.

Staff Analysis: The goals are to make the site function well for the users of this site and the Entrance Corridor, and to have an attractive development that is compatible with its surrounding context. The site design will function well. Compared to other buildings and structures having frontage on the same EC street, this site is comparable to many existing commercial uses along East High Street. Maintaining existing street trees and adding new will be a good improvement.

§34-310(6): Provisions of the Entrance Corridor Design Guidelines.

Relevant sections of the guidelines include:

Section 1 (Introduction)

The Entrance Corridor design principles are expanded below:

- ***Design for a Corridor Vision:*** *New building design should be compatible (in massing, scale, materials, colors) with those structures that contribute to the overall character and quality of the corridor. Existing developments should be encouraged to make upgrades consistent with the corridor vision. Site designs should contain some common elements to provide continuity along the corridor. New development, including franchise development, should complement the City's character and respect those qualities that distinguish the City's built environment.*
- ***Preserve History:*** *Preserve significant historic buildings as well as distinctive architecture from more recent periods. Encourage new contemporary design that integrates well with existing historic buildings to enhance the overall character and quality of the corridor.*
- ***Facilitate Pedestrian Access:*** *Encourage compact, walkable developments. Design pedestrian connections from sidewalk and car to buildings, between buildings, and between corridor properties and adjacent residential areas.*
- ***Maintain Human Scale in Buildings and Spaces:*** *Consider the building scale, especially height, mass, complexity of form, and architectural details, and the impact of spaces created, as it will be experienced by the people who will pass by, live, work, or shop there. The size, placement and number of doors, windows, portals and openings define human scale, as does the degree of ground-floor pedestrian access.*
- ***Preserve and Enhance Natural Character:*** *Daylight and improve streams, and retain mature trees and natural buffers. Work with topography to minimize grading and limit the introduction of impervious surfaces. Encourage plantings of diverse native species.*
- ***Create a Sense of Place:*** *In corridors where substantial pedestrian activity occurs or is encouraged, or where mixed use and multi-building projects are proposed, one goal will be creating a sense of place. Building arrangements, uses, natural features, and landscaping should contribute, where feasible, to create exterior space where people can interact.*
- ***Create an Inviting Public Realm:*** *Design inviting streetscapes and public spaces. Redevelopment of properties should enhance the existing streetscapes and create an engaging public realm.*
- ***Create Restrained Communications:*** *Private signage and advertising should be harmonious and in scale with building elements and landscaping features.*
- ***Screen Incompatible Uses and Appurtenances:*** *Screen from adjacent properties and public view those uses and appurtenances whose visibility may be incompatible with the overall character and*

quality of the corridor, such as: parking lots, outdoor storage and loading areas, refuse areas, mechanical and communication equipment, Where feasible, relegate parking behind buildings. It is not the intent to require screening for utilitarian designs that are attractive, and/or purposeful.

- **Respect and Enhance Charlottesville's Character:** *Charlottesville seeks new construction that reflects the unique character, history, and cultural diversity of this place. Architectural transplants from other locales, or shallow imitations of historic architectural styles, for example, are neither appropriate nor desirable. Incompatible aspects of franchise design or corporate signature buildings must be modified to fit the character of this community.*

Section 2 (Streetscape)

Removing the existing drive-thru and entrance off of High Street and the front facade and landscape of the new addition will improve the vehicular and pedestrian experience. All vehicular traffic will enter and park on the building's south side. This project provides an integral community organization with the space it needs to continue thriving; the additions create an exciting make-over for a 1960s building, giving it a more contemporary appearance while at the same time maintaining the general massing and overall feel compatible with its general surroundings.

Staff Analysis: Retention of the existing street trees and the planting of new, coupled with the removal of the driveway (on High Street), ~~the grading change~~, and sidewalk repair will create a pedestrian-friendly frontage.

Section 3 (Site):

Staff Analysis: The proposed site features are appropriate.

Section 4 (Buildings):

Staff Analysis: The proposed renovations and additions to this existing building are appropriate within the context of this segment of the High Street EC.

Section 5 (Individual Corridors):

High Street Vision

The southeast side of High Street from Long Street to the light at Meade Avenue shares similar characteristics with the Long Street corridor. Properties here have potential to be redeveloped at an urban scale with shallow setbacks, higher density, and mixed uses. The natural character of the river should be preserved, and riverfront properties may incorporate the river as a site amenity. *Future infill and redevelopment on the northwest side of High Street from Riverdale Drive to Locust Avenue and on the southeast side of High Street from Meade Avenue to 10th Street should complement the smaller scale of the abutting residential neighborhoods on either side.* The retail areas of this part of the corridor will continue to provide basic service-business functions until redeveloped into a mix of uses including residential. This area may be considered for nearby offsite or shared parking in the future, due to the small parcel sizes and convenience to transit and the downtown area. From Locust Avenue to Market Street there will be opportunities for denser development. The area surrounding Martha Jefferson Hospital is a potential historic district. *A pedestrian environment should be encouraged along the entire corridor with sidewalks, landscaping and transit stops.*

Staff Analysis: The proposal is consistent with and appropriate to the Vision for the East High Street EC.

Public Comments

See attached e-mail.

Staff Comment and Recommendation (The following has been revised for the Amendment Request)
The previously approved renovations and additions to this building are intended to accommodate the on-site expansion of ReadyKids. One of the city's oldest non-profits, ReadyKids is dedicated to serving area youth through education advocacy, counseling, and school-readiness programs. While some of the fenestration changes are due to programming needs—most specifically, to increase the sense of privacy, as well as reduce outside distractions—the requested changes are primarily the result of structural and design modifications necessary to bring the project's cost within the organization's budget.

In fact, the proposed modifications result in the east and west additions being more subdued and subordinate to the original building. Previously—and now in hindsight--the pitched roofs punctuated the ends, separating them from the existing building. At the same time, the brick accent bands overemphasized the horizontal lines of the entire building. With the modified roofs, revised fenestration and simpler lines, the two ends now appear less as appendages than as sympathetic and organic additions to the 50-year old middle.

In that context, and in consideration of the EC Design Guidelines, staff finds the proposed changes to be appropriate and compatible with the East High Street Entrance Corridor.

Staff recommends approval as submitted.

Note: Approval on the Consent Agenda affirms the motion for approval as stated below.

If pulled for discussion and review:

Approval

Having considered the standards set forth within the City Code, including the City Entrance Corridor Design Guidelines, I move to find that the proposed amendments to the CoA for ReadyKids (1000 East High Street), satisfy the ERB's criteria, are consistent with the Guidelines, and are compatible with the goals of this Entrance Corridor, and that the ERB approves the application as submitted[.]

[...] as submitted *with the following conditions....*

Alternate Motions

Denial

Having considered the standards set forth within the City Code, including the City Entrance Corridor Design Guidelines, I move to find that the proposed amendments to the CoA for ReadyKids (1000 East High Street), do not satisfy the ERB's criteria, are not consistent with the Guidelines, and are not compatible with the goals of this Entrance Corridor, and for the following reasons the ERB denies the application as submitted: ...

ERB Deferral

I move to defer until the March 12, 2019 ERB action on the proposed amendments to the CoA for ReadyKids (1000 East High Street).

Applicant Deferral

I move to accept the applicant's request to defer ERB action on the proposed amendment to the CoA for ReadyKids (1000 East High Street).

Attachments:

- January 31, 2019 email from Allison Henderson on behalf of ReadyKids.
- brw architects renderings showing side-by-side comparison of the four elevations—those approved May 8, 2018 and those representing the proposed changes (dated December 17, 2018).

From: Allison Henderson <ahenderson@readykidscville.org>
Sent: Thursday, January 31, 2019 4:26 PM
To: Werner, Jeffrey B <wernerjb@charlottesville.org>
Cc: David Timmerman <dtimmerman@brw-architects.com>; Bill Barefoot <bbarefoot@readykidscville.org>
Subject: Re: Ready Kids

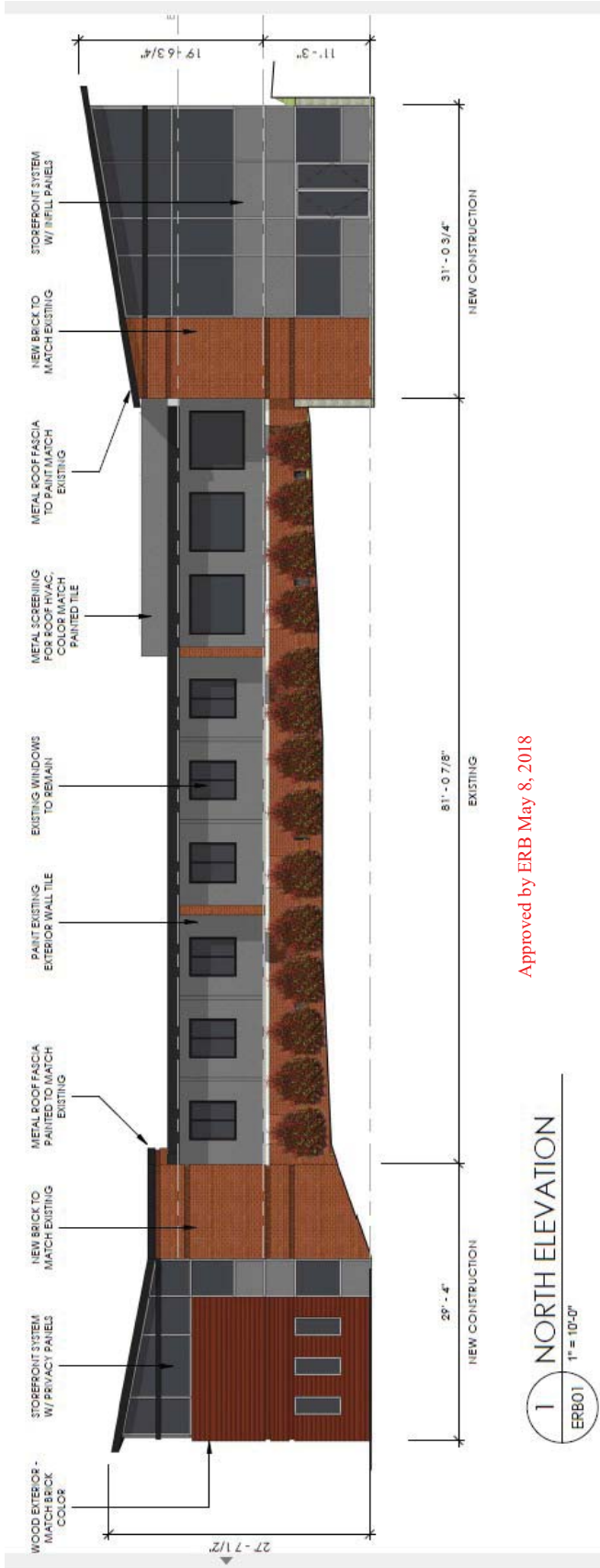
Hi Jeff,

Thank you so much for taking the time to learn about ReadyKids and present the best case possible for expediting the project. Here is a quick blurb to include in your staff report from our Board President:

"As President of the Board of Directors at ReadyKids, and a City resident, we greatly appreciate the City expediting final approval of this project. Any delay would cause unnecessary expense and ultimately delay our ability to provide programming for at-risk children and families in our community" .--Rich Schragger

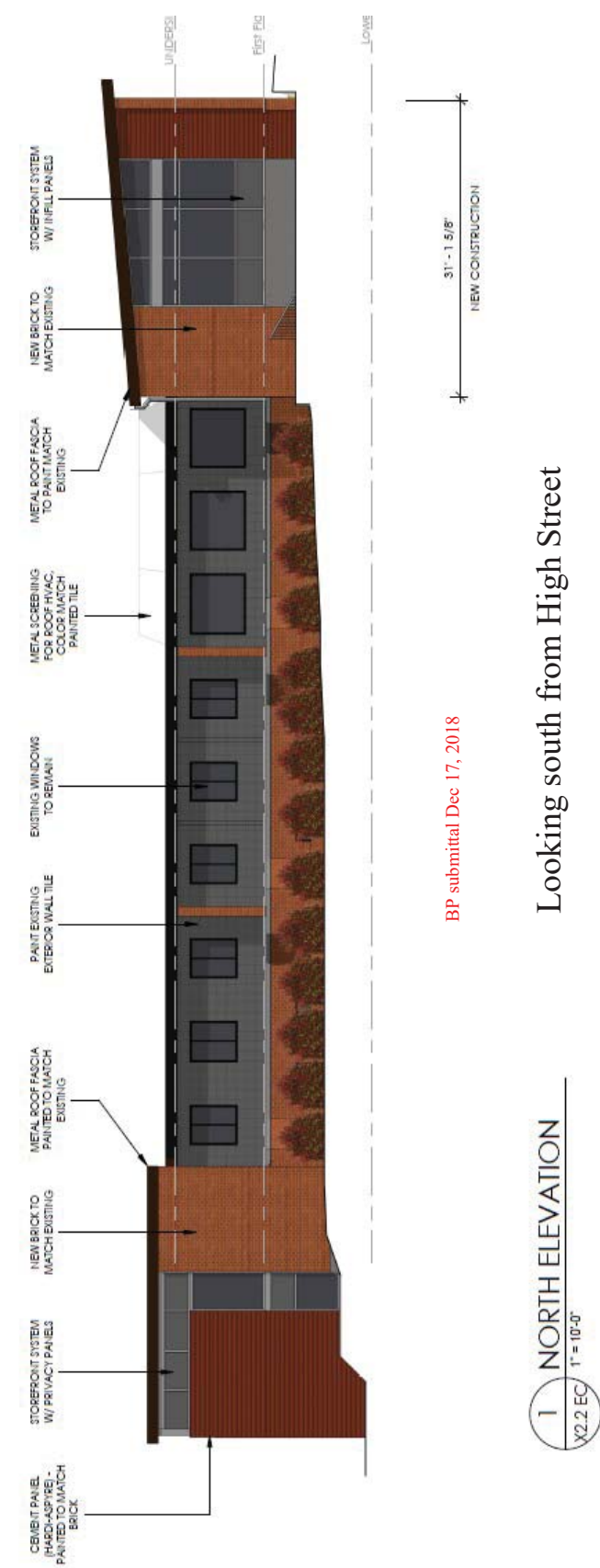
Thanks,
Allison

Allison S.C. Henderson
Director of Philanthropy
ReadyKids
1000 E. High Street
Charlottesville, VA 22902
434.296.4118 (W)
703.772.9602 (C)
www.readykidscville.org



Approved by ERB May 8, 2018

1 NORTH ELEVATION
 1" = 10'-0"



BP submittal Dec 17, 2018

1 NORTH ELEVATION
 1" = 10'-0"

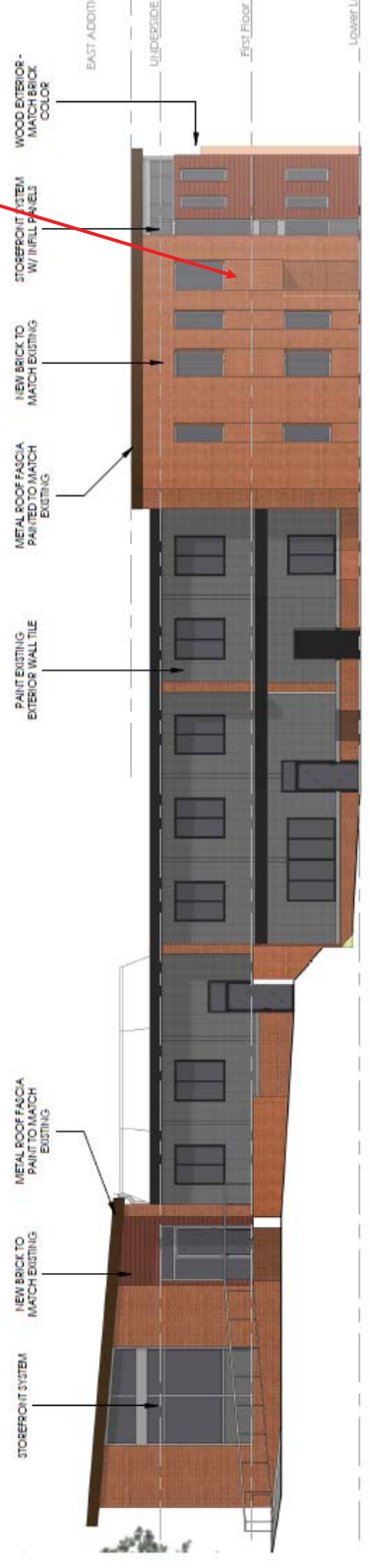
Looking south from High Street



No brick changes from approved.
 Color is not different.

Approved by ERB May 8, 2018

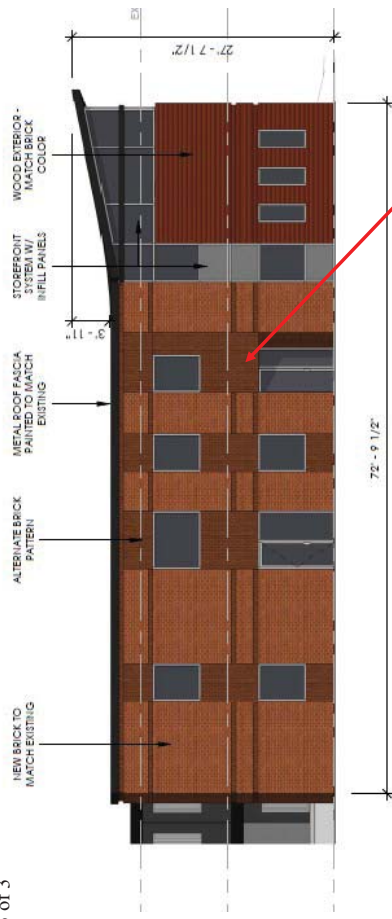
1 SOUTH ELEVATION
 ERB02
 1" = 10'-0"



BP submittal Dec 17, 2018

1 SOUTH ELEVATION
 X2.3 EC
 1" = 10'-0"

Looking north from rear parking lot.

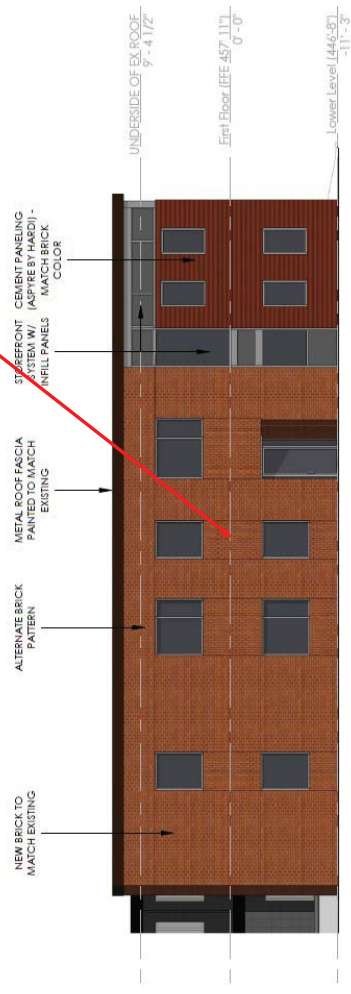
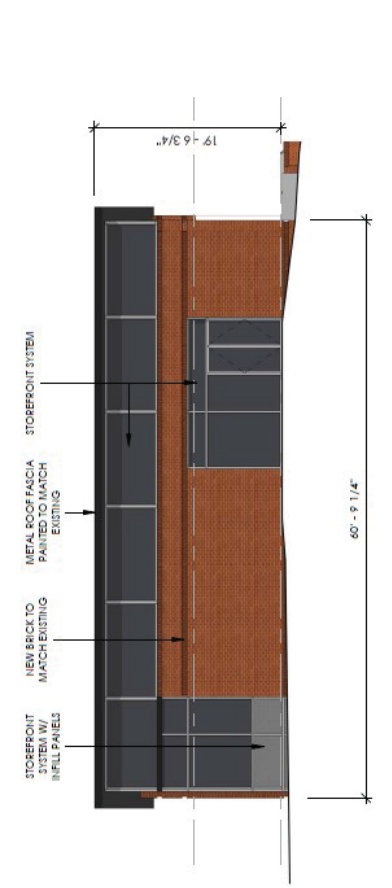


Approved by ERB May 8, 2018

No brick changes from approved. Color is not different.

Approved by ERB May 8, 2018

2 WEST ELEVATION
 1" = 10'-0"
 ERB03



Approved by ERB May 8, 2018

2 WEST ELEVATION
 1" = 10'-0"
 ERB03

Approved by ERB May 8, 2018

2 WEST ELEVATION
 1" = 10'-0"
 ERB03

Looking west from 11th Street, NE

Looking east from ReadyKids playground

CITY OF CHARLOTTESVILLE
DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES
STAFF REPORT



REQUEST FOR A WAIVER: CRITICAL SLOPES

PLANNING COMMISSION REGULAR MEETING
DATE OF PLANNING COMMISSION MEETING: FEBRUARY 12, 2019

Project Planner: Carrie Rainey
Date of Staff Report: February 4, 2019
Applicant: Charlottesville Redevelopment and Housing Authority (CRHA)
Applicant’s Representative(s): Ashley Davies, Riverbend Development
Current Property Owner: Charlottesville Redevelopment and Housing Authority (CRHA)

Application Information

Property Street Address: 900-1000 1st Street S
Tax Map/Parcel #: 26-115
Total Project Area (Limits of Disturbance): Redevelopment Site (“Site”): 12.26 acres or 534,045 square feet; Phase 1 construction: 3 acres or 130,680 square feet
Total Area of Critical Slopes on Parcel: 0.82 acres | 27% of total site area
Area of Proposed Critical Slope Disturbance: Not provided
Comprehensive Plan (General Land Use Plan): High Density Residential (Phase 1)
Current Zoning Classification: R-3 Multifamily Residential (Phase 1)

Background

The Charlottesville Redevelopment and Housing Authority (CRHA) has submitted applications seeking final site plan and subdivision approval(s) for the proposed redevelopment of the Site. The submissions provided to City staff for review represent that no critical slopes, as defined in Z.O. §34-1120, will be disturbed by the development. However, a City Engineer compared the details of CRHA’s plan submissions to the City’s *Map of Properties Impacted by Critical Slopes*, and concluded that the development proposed will disturb critical slopes, including physical improvements located in critical slopes and construction activities likely to take place within critical slopes.

CRHA asks the City to authorize it to disturb critical slopes areas through the Critical Slopes Waiver Application (Attachment A), to the extent necessary for construction of the building(s)

they propose to construct within “Phase 1” of redevelopment, but has submitted an application depicting zero (0) impact to critical slopes and depicting critical slope limits that differ from the limits shown in the City’s *Map of Properties Impacted by Critical Slopes*.

As is permitted by §34-827(d)(4) of the Zoning Ordinance, and §29-111(a)(1) of the Subdivision Ordinance, staff requested that CRHA’s representatives provide supplemental information (spot elevations) to allow for a delineation of the actual boundary of critical slopes areas. CRHA’s representatives provided additional data in January 2019, but the survey data provided is not of sufficient density to establish that the City maps are incorrect.

Application Details

The purpose of this requested waiver is to allow CRHA to construct a development of 63 multi-family residential units, a community resource center, and a library. This proposed construction is Phase 1 of the ultimate redevelopment of the Site. (At the present time, CRHA does not have a specific plan for construction in subsequent phases, they are seeking approval of a final site plan and final subdivision plat only for Phase 1).

Since CRHA has not provided supplemental information referencing the critical slopes as shown on City’s *Map of Properties Impacted by Critical Slopes*, City staff has provided an exhibit (Attachment E) with the City’s Critical Slopes Map superimposed. Explanation of City provided exhibits is provided below under Staff Analysis. Improvements specific to areas where critical slopes would be impacted should the waiver be approved are shown on Attachment E and include portions of the buildings, sidewalk adjacent to the building, the parking lot, stormwater management facilities, site grading, and recreation amenity spaces. Temporary construction activities will further impact the critical slopes.

According to the City’s critical slopes map, existing critical slopes areas located on Phase 1 include 0.82 acres or 27 percent of the Phase 1 site. According to the application, existing critical slope areas located on Phase 1 include 0.53 acres or 18 percent of the Phase 1 site. The applicable definition of “critical slope” is as follows:

Any slope whose grade is 25% or greater, **and** (a) a portion of the slope has a horizontal run of greater than 20 feet, and its total area is 6,000 SF or greater, **and** (b) a portion of the slope is within 200 feet of a waterway. See City Code Sec. 34-1120(b)(2).

Based on the information presented within CRHA’s submissions, combined with the information available from the City’s Critical Slope Maps, staff believes that the area designated as City Critical Slope within Attachments C-E meets the above-referenced components of the definition of “critical slope”. A comparison of applicant-determined and City-determined critical slope limits are shown within Attachments C-D.

The following information is relevant to the evaluation of this request:

- Large stands of trees: **The rear of the site is wooded**
- Rock outcroppings: **None**
- Slopes greater than 60%: **None**
- Waterway within 200 feet: **Pollocks Branch**
- Location of other areas of the Property, outside critical slopes areas, that fit the definition of a “building site” and could accommodate this proposed development: **The majority of the proposed building footprints and parking areas, and related grading/ land disturbance, are located outside of the critical slopes areas. Based on the information available to staff at this time: the proposed development, as shown with surface parking, could not be conducted without disturbing critical slope areas. However, a development of similar use and residential density could potentially be accommodated outside of critical slope areas with a different site design.**

Vicinity Map



Provided on Final Site Plan, dated January 25, 2019

Standard of Review

A copy of Sec. 34-1120(b) (Critical Slopes Regulations) is included as Attachment B for your reference. The provisions of Sec. 34-1120(b) must guide your analysis and recommendations.

Review and Analysis of the Waiver Request

Attachment E shows the proposed improvements affect the critical slopes. City staff believes approximately 13,000 square feet, or 0.30 acres, of the critical slopes will be impacted by physical improvements (buildings, parking lots, sidewalks, permanent grading). Temporary construction activities will further impact the critical slopes; but cannot be assessed with the information provided by the applicant.

Each applicant for a critical slopes waiver is required to articulate a justification for the waiver, and to address how the land disturbance, as proposed, will satisfy the purpose and intent of the Critical Slopes Regulations, as found within City Code Sec. 34-1120(b)(1). In order to grant a waiver, City Council is required to make one of two specific findings, either:

(1) public [environmental] benefits of allowing disturbance of the critical slope outweigh the benefits afforded by the existing undisturbed slope per City Code 34-1120(b)(6)(d.i), or

(2) due to unusual physical conditions or existing development of a site, the critical slopes restrictions would unreasonably limit the use or development of the property, see City Code 34-1120(b)(6)(d.ii).

Applicant's Justification for Finding #1

The applicant states that “the proposed project is designed to preserve all critical slopes. This waiver is being submitted because some of the building footprints are close to areas of critical slopes, therefore this waiver is being requested should some minor disturbance of the slope areas be necessary to accommodate building footers. The primary public benefit of this project is providing a development that is 100% affordable units to our community.”

Per Section 34-1120(b)(1), the critical slopes provisions

- A. *Erosion affecting the structural integrity of those features:* The application states the structural integrity of critical slopes is preserved through the proposed layout.

- B. *Stormwater and erosion-related impacts on adjacent properties:* The application states stormwater is handled via on-site detention facilities and areas near the existing stream are left undisturbed.
- C. *Stormwater and erosion-related impacts to environmentally sensitive areas such as streams and wetlands:* The application states there are no proposed impacts to environmentally sensitive areas of the site.
- D. *Increased stormwater velocity due to loss of vegetation:* The application states no impacts to sensitive areas and vegetation on slopes and area near the stream is preserved.
- E. *Decreased groundwater recharge due to changes in site hydrology:* The application states no impacts to groundwater recharge are anticipated.
- F. *Loss of natural or topographic features that contribute substantially to the natural beauty and visual quality of the community, such as loss of tree canopy, forested areas and wildlife habitat:* The application states area proposed for redevelopment is not a natural or forested area.

Staff Analysis:

The following are descriptions of the City-provided analysis exhibits for reference:

Attachment C: A comparison of the critical slopes as shown by the applicant on the final site plan(dated January 25, 2019) and final subdivision plat (dated January 25, 2019) and City determined critical slopes, as shown on the City's *Map of Properties Impacted by Critical Slopes*, and confirmed through further analysis of provided survey information.

Attachment D: A comparison of the critical slopes as shown by the applicant on the final site plan(dated January 25, 2019) and final subdivision plat (dated January 25, 2019) and City determined critical slopes, as shown on the City's *Map of Properties Impacted by Critical Slopes*, with a 200-ft water course buffer overlay for reference.

Attachment E: City determined critical slopes, as shown on the City's *Map of Properties Impacted by Critical Slopes*, overlaid on the final site plan (dated January 25, 2019).

Environmental Sustainability Department Comments:

1. The critical slopes depicted on the applicant's Final Site Plan do not match the critical slopes in the City's records, even though they are labeled "City defined critical slopes". The City records include a significant amount of critical slopes that are not depicted on the Final Site Plan. Most notably, the proposed access point and parking lot and

associated grading at the southwestern portion of the property traverses critical slopes depicted in the City records, but that are not shown on the site plan. There are other areas where grading, tree removal, and excavation related to one of the buildings, and/or installation of erosion and sediment control measures may disturb critical slopes, if the City records of critical slopes are used. This makes an accurate review of the applicant's Critical Slopes Waiver Request problematic.

2. The applicant states in their Critical Slopes Waiver Request that "Areas of slope that are adjacent to the property frontage do not qualify as critical slopes because they are more than 200 feet from a waterway". However, the definition of a critical slope in City Code Chapter 34-1120(b)(2)b states that **a portion** of the slope must be within 200 feet of a waterway. In their Final Site Plan submittal, on Sheet 2 the applicant depicts a "200' limit from existing stream", but does not show the extent of the City defined critical slopes at the terminus of this limit, which makes it impossible to determine if those slopes are actually within this 200' limit. Additionally, it doesn't appear that the existing stream (Pollocks Branch) has been surveyed in the vicinity of the start of the "200' limit from existing stream". The portion of Pollocks Branch that has been surveyed by the applicant does not align with the lines representing Pollocks Branch that are used as the start of the "200' limit from existing stream". What is the data source used by the applicant for the spatial location of Pollocks Branch in this area? If the City's GIS data are used for the spatial location of Pollocks Branch, then there are several spots along Pollocks Branch that are within 200' of the slopes in question, which would classify them as critical slopes. When the City critical slopes are overlaid onto the applicant's Final Site Plan Sheet 2, even using the applicant's spatial location of Pollocks Branch, there are other points along Pollocks Branch that appear to be within the applicant's "200' limit from existing stream". If it continues to be the applicant's assertion that these slopes are not critical because they are more than 200' from Pollocks Branch, then additional information regarding the spatial location of Pollocks Branch is needed to verify this claim.
3. Even if the applicant's depiction of the critical slopes on site is used rather than the City's, it is still highly questionable whether the proposed 3 to 4 story building at the eastern end of the site can be constructed without impacting critical slopes. The corners of the building are within 5 feet of the applicant's depiction of the critical slopes. Gaining access behind the building and excavating for the building footers and foundation would seem to necessitate impacting the critical slopes. The applicant needs to further justify how this building can be constructed without impacting critical slopes.

NDS Engineering Comments:

The City Engineer's estimation for areas impacted by the proposed development on City critical slopes are found in Attachment E and described above. The City Engineer feels that the plans as provided depict overly conservative limits of disturbance, and that utilizing standard construction practices, impacts to the critical slopes (for footer construction and rear accessibility for vertical construction) is likely be much greater than currently depicted on the applicants plans.

Planner Comments:

Per Section 34-1120(b)(6)(d)(ii), the shape and location of the critical slopes may unreasonably restrict the use and development of the subject properties in a manner in accordance with the Comprehensive Plan. Alternative site layouts may reduce impacts to critical slope areas, but may also impact other development factors such as achievable residential unit counts due to increased construction costs.

2013 Comprehensive Plan

Staff recommends the Planning Commission consider the following goals of the Comprehensive Plan while making a recommendation:

Chapter 1 Land Use, Goal 3.1 Respect natural resources and sensitive environmental areas, including designated flood plain areas, rivers and streams.

Chapter 4 Environment, Goal 3.5 Improve stream and vegetated buffer conditions to increase wildlife and aquatic habitat, groundwater recharge and stream base flow, decrease sedimentation and improve environmental aesthetics.

Chapter 5 Housing, Goal 3.1 Continue to work toward the City’s goal of 15% supported affordable housing by 2025.

Chapter 5 Housing, Goal 5.5 Support redevelopment of public and/or other subsidized housing to re-integrate those properties into existing neighborhoods, consistent with other Comprehensive Plan objectives/strategies. Where applicable, support resident bill of rights as formally adopted.

General Land Use Plan

The approved Land Use Plan calls for the Phase 1 site to be High Density Residential, which is defined as a density of more than 15 dwelling units per acre (DUA) by the 2013 Comprehensive Plan. The applicant currently proposed a density of 21 DUA.

Other Information

Staff recommends the Planning Commission review and consider the staff comments provided for the final site plan (Attachment F) and final subdivision plat (Attachment H). Modifications to the final site plan and final subdivision plat as a result of deficiencies noted in the comment letters may modify the anticipated impact to critical slopes on the Phase 1 site.

Staff Recommendation:

Staff recommends the Planning Commission focuses whether the public benefits of disturbance of the critical slope outweigh the public benefits of keeping the critical slopes undisturbed, as well as the potential negative erosion and stormwater impacts to environmentally sensitive areas that may be detrimental to the health, safety, and welfare of the public.

Planning Commission Role: Advisory Recommendation

The Planning Commission should consider all of the information presented by CRHA within the waiver application, as well as the information and analysis provided by Staff, and then determine whether or not:

- A. Within the critical slope area, do there exist any of the following topographic features whose disturbance may cause negative impacts?
 - (i) Erosion affecting the structural integrity of the critical slopes, adjacent properties, or environmentally sensitive areas.
 - (ii) Stormwater impacts to adjacent properties or environmentally sensitive areas.
 - (iii) Loss of tree canopy and wildlife habitat that contribute to the natural beauty and visual quality of the community.

- B. Are there grounds for a waiver, pursuant to §34-1120(b)(6)(d)?
 - (i) Public benefits of allowing disturbance of the critical slopes outweigh public benefits of keeping the critical slopes undisturbed.
 - (ii) The Site has issues such as unusual size, unusual topography, unusual shape, unusual location, or other unusual physical conditions, therefore, requiring the critical slopes to remain undisturbed would effectively prohibit or unreasonably restrict the use, reuse, or redevelopment of the Site, OR would result in significant degradation of the Site or adjacent properties.
 - (iii) Would granting the requested waiver be detrimental to the health, welfare, or safety of the public? Detrimental to the orderly development of the Site or adjacent properties? Contrary to sound engineering practices?

- C. If the Planning Commission recommends that Council should approve the waiver request, are there any conditions that could mitigate the adverse impacts of disturbing the Critical Slope Area?

Suggested Motions

1. "I move to recommend approval of the requested critical slope waiver with no conditions, based on a finding that [*reference at least one*]:
 - The public benefits of allowing the disturbance outweigh the benefits afforded by the existing undisturbed critical slope, per Section 34-1120(b)(6)(d)(i)
 - Due to unusual physical conditions, or the existing development of the property, compliance with the City's critical slopes regulations would prohibit or unreasonably restrict the use or development of the property, per Section 34-1120(b)(6)(d)(ii)

2. "I move to recommend approval of the critical slope waiver, subject to conditions, based on a finding that [*reference at least one*]:
 - The public benefits of allowing the disturbance outweigh the benefits afforded by the existing undisturbed critical slope, per Section 34-1120(b)(6)(d)(i)
 - Due to unusual physical conditions, or the existing development of the property, compliance with the City's critical slopes regulations would prohibit or unreasonably restrict the use or development of the property, per Section 34-1120(b)(6)(d)(ii)

My motion for approval includes the following conditions:

_____ the following features or areas should remain undisturbed [*specify*]

3. "I move to recommend denial of the requested critical slope waiver"

Attachments

- A. Application, submitted December 14, 2018
- B. Critical Slopes Ordinance
- C. Comparison of Applicant-Provided and City-Determined Critical Slopes
- D. Comparison of Applicant-Provided and City-Determined Critical Slopes with Surface Water Course Buffer Overlay
- E. City Critical Slopes Overlaid on Applicant's Final Site Plan (dated January 25, 2019)
- F. Final Site Plan, dated and submitted January 25, 2019
- G. Staff Comment Letter for Final Site Plan, provided February 2, 2019
- H. Final Subdivision Plat, dated January 25, 2019 and submitted January 28, 2019
- I. Staff Comment Letter for Final Subdivision Plat, provided February 2, 2019



WAIVER REQUEST FORM

RECEIVED

DEC 14 2018

Please Return To: City of Charlottesville
 Department of Neighborhood Development Services
 PO Box 911, City Hall
 Charlottesville, Virginia 22902
 Telephone (434) 970-3182 Fax (434) 970-3359

NEIGHBORHOOD DEVELOPMENT SERVICES

For a Critical Slopes Waiver Request, please include one of the following application fees: \$75 for single-family or two-family projects; \$500 for all other project types. **additional application form required*
 For all other Waiver Requests, please include one of the following application fees: \$50 for single-family or two-family projects; \$250 for all other project types.

Project Name/Description South First St Apartment Parcel Number 260115000
 Address/Location 900-1000 1st St South
 Owner Name CRHA Applicant Name Ashley Davies, Riverbend Development

Applicant Address: 455 Second St SE, 5th Floor, Charlottesville, VA 22902
 Phone (H) 434-409-9127 (W) 434-245-4971 (F) _____
 Email: ashley@riverbenddev.com

Waiver Requested (review Zoning Ordinance for items required with waiver submissions):

- Sidewalk
- Drainage/Storm Water Management
- *Contact Staff for Supplemental Requirements
- Off-street Parking
- Site Plan Review
- Lighting
- Landscape
- Signs
- Setbacks
- Critical Slopes **additional application form required*
- Communication Facilities
- Other
- Stream Buffer Mitigation Plan

Description of Waiver Requested: critical slopes waiver in case of any minor encroachment of building footers

Reason for Waiver Request: same as above

Ashley Davies
Applicant Signature

12/13/2018
Date

Property Owner Signature (if not applicant)

12/13/2018
Date

For Office Use Only: Date Received: 12/14/2018

Review Required: Administrative _____ Planning Commission _____ City Council _____

Approved: _____ Denied: _____
 Director of NDS

Comments: _____

0118-00638

City of Charlottesville
CRITICAL SLOPES WAIVER REQUEST SUPPLEMENT

Please review city zoning ordinance section 34-1120(b) "Critical Slopes" and submit a completed Waiver Application Form, Critical Slopes Waiver Request Supplement and a Critical Slope Exhibit*.

Applicant: *Ashley Davies, Riverbend Development*

Property Owner: *Charlottesville Redevelopment & Housing Authority*

Project Description: What are you proposing to do on this site? *Multifamily*

Existing Conditions: *Playground and fields*

Total Site Area: *3 acres*

Zoning (if applying for rezoning—please note existing and intended change): *R-3*

Percentage of Area that is made up of critical slopes - meets criteria set forth in Sec. 34-1120(b)(2) *Definition of critical slope: greater than or equal to 25% slopes and a) a portion of the slope has a horizontal run of greater than twenty (20) feet and its area is six thousand (6,000) square feet or greater; and b) a portion of the slope is within two hundred (200) feet of any waterway:*

Total Critical Slope Area:

Critical slopes make up 0.53 acres of the site's 3 acres, or 17.9% of the site area. Areas of slope that are adjacent to the property frontage do not qualify as critical slopes because they are more than 200 feet from a waterway.

Critical Slope Area Disturbed:

We anticipate that 0 acres of the total critical slope area identified above will be disturbed, or 0 % of the total critical slope area. Proposed critical slope area to be disturbed is 0 % of the site area.

**Critical Slope Exhibit:* Survey indicating location and area of critical slopes and what portions of critical slopes are proposed to be disturbed. Survey should be prepared, sealed, signed and dated by a professional engineer or land surveyor licensed to practice within the Commonwealth of Virginia.

This application should be used to explain how the proposed project meets some or all of the requirements as described in Section 34-1120(6) "Modification or waiver." The applicant is expected to address finding #1 and/or finding #2 and justify the finding by utilizing the "critical slope provisions" as a guide. Completing this application will help staff make their recommendation to the Planning Commission and City Council.

City Council may grant a modification or waiver, upon making one or more of the following findings:

Finding #1: The public benefits of allowing disturbance of critical slope outweigh the public benefits of the undisturbed slope(public benefits include, but are not limited to, stormwater and erosion control that maintains the stability of the property and/or the quality of adjacent or environmentally sensitive areas; groundwater recharge; reduced stormwater velocity; minimization of impervious surfaces; and stabilization of otherwise unstable slopes)

The proposed project is designed to preserve all critical slopes. This waiver is being submitted because some of the building footprints are close to areas of critical slopes, therefore this waiver is being requested should some minor disturbance of slope areas be necessary to accommodate building footers. The primary public benefit of this project is providing a development that is 100% affordable units to our community.

Finding #2. Due to unusual size, topography, shape, location, or other unusual physical conditions, or existing development of a property, one (1) or more of these critical slopes provisions would effectively prohibit or unreasonably restrict the use, reuse or redevelopment of such property or would result in significant degradation of the site or adjacent properties.

The site design as proposed protects the critical slopes on the property. This waiver is only submitted in case some very minor disturbance to the areas of slope furthest from the stream is necessary.

Please address how Finding #1 and/or Finding #2 will be met utilizing the "critical slope provisions" noted below.

1. Erosion affecting the structural integrity of those features.

Structural integrity of critical slopes is preserved through the proposed layout. In fact, the plan completely avoids critical slopes intentionally.

2. Stormwater and erosion-related impacts on adjacent properties.

Stormwater is handled via on-site detention facilities and areas near the existing stream are left undisturbed.

3. Stormwater and erosion-related impacts to environmentally sensitive areas such as streams and wetlands.

There are no proposed impacts to environmentally sensitive areas of the site.

4. Increased stormwater velocity due to loss of vegetation.

No impacts to sensitive areas and vegetation on slopes and area near the stream is preserved.

5. Decreased groundwater recharge due to changes in site hydrology.

No impacts to groundwater recharge are anticipated.

6. Loss of natural or topographic features that contribute substantially to the natural beauty and visual quality of the community such as loss of tree canopy, forested areas and wildlife habitat.

Area proposed for redevelopment is not a natural or forested area.

Please list all attachments that should be viewed as support to the above explanations.

Preliminary Site Plan submittal entitled First Street South Apartments- Phase 1, dated 12/12/2018. This exhibit shows the proposed development as well as the areas of Critical Slopes as identified through the detailed survey of site topography.

Please sign the following statement.

I certify that, to the best of my knowledge, the information I have provided above is based on sound engineering and surveying data and that this site has been carefully inspected and reviewed for the purposes of completing this application accurately. I certify that as the property owner/applicant I have not given false information that may affect the decisions made regarding this development.

Property Owner

  12/13/2018

Applicant

Please do not write below this line. For office use only.

Planner's Comments/Recommendations:

Engineer's Comments/Recommendations:
