

**PLANNING COMMISSION REGULAR MEETING**  
**January 10, 2023 – 5:30 P.M.**  
**Hybrid Meeting**

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

**Beginning:** 5:00 PM

**Location:** City Space

**Members Present:** Commissioner d’Oronzio, Chairman Solla-Yates, Commissioner Schwarz, Commissioner Russell, Commissioner Mitchell, Commissioner Stolzenberg

**Members Absent:** Commissioner Habbab

**Staff Present:** Patrick Cory, James Freas, Missy Creasy, Kyle Ervin, Carrie Rainey, Dannan O’Connell, Brennen Duncan, Matt Alfele, Jack Dawson, Jeff Werner

Chair Solla-Yates called the meeting to order at 5:00pm and asked if commissioners had questions on the agenda. Beginning with the brewery expansion, Commissioner Russell asked for information on the water/sewer concern. Ms. Rainey provided an overview of the concern noting that the utility study remains underway and the condition on the SUP would address any concerns. Commissioner Mitchell noted that the critical slopes reports in the past focused on remediation of the sites under review. He asked if this information will be provided in reports in the future. Ms. Creasy noted that at the time of these applications, we do not have that information available. Commissioner Mitchell asked that the commission be notified of these kinds of changes.

Concerning the street grade waiver item, Commissioner Mitchell asked if Commissioner Stolzenberg received answers to his questions and it was confirmed that he did. Commissioner Schwarz asked if the City would consider Fair Housing regulations and Ms. Creasy noted yes. There are comments included on plans that remind the applicant of their responsibility to comply with all federal requirements. Commissioner asked for clarification on wavier verses appeal. Commissioner Russell asked if the 8% road grade maximum requirement does not meet ADA, why is that the requirement. Mr. Dawson provided background on accessibility regulations. He noted that retrofits of existing streets can be a challenge and 8% is reasonable for existing streets. Mr. Duncan noted that 8.33% is the steepest grade meeting ADA for all routes of travel (this is for trails). The regulations take in to account that lower grades are not always viable and that 8% is achievable in most cases. Commissioner Stolzenberg asked if since the SADM was in place, are we less likely to give waivers. Mr. Duncan noted that based on correspondence provided by regulators who have come to the community, ADA is paramount. Commissioner Stolzenberg asked when the grading could be expected for phases 5 and 6 of the project. It was noted that was a good question for the applicant as to timing for grading of the site. Commissioner Mitchell asked if the City is allowed to be more stringent than the VDOT regulations and it was confirmed that they could. Commissioner Stolzenberg asked about the runs of the slopes as well as retaining wall requirements. Mr. Dawson provided some background.

Commissioner Schwarz asked if the packet materials could be electronically “flattened” so diagrams do not move around the page. Staff noted they would explore. He also asked for information on the process for revising a critical slope waiver and it was confirmed that revisions are the same as new application process.

**COMMISSION REGULAR MEETING – Meeting called to order by Chairman Solla-Yates at 5:31 PM.**

**Beginning:** 5:30 PM

**Location:** City Space

## A. COMMISSIONER’S REPORT

**Commissioner Stolzenberg** – No Report

**Commissioner Mitchell** – Parks and Recreation met middle of December – LUPEC Group – Emmet and Ivy Corridor – Athletic Complex – Old Ivy Road

**Commissioner Schwarz** – BAR Meeting

**Commissioner d’Oronzio** – No Report

**Commissioner Habbab** – No Report – Not Present

**Commissioner Russell** – No Report

## B. UNIVERSITY REPORT

**Commissioner Palmer** – Very Quiet at the University – New Bridge to Newcomb Hall

## C. CHAIR’S REPORT

## D. DEPARTMENT OF NDS

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

**Robin Hoffman** – ADA compliance on East High

## F. CONSENT AGENDA

1. Minutes – Work Session – September 21, 2021

**Motion to Approve – Commissioner Russell – Second by Commissioner Stolzenberg – Motion passes 5-0 with two abstentions. (Commissioner Schwarz and Commissioner d’Oronzio)**

## II. JOINT MEETING OF COMMISSION AND COUNCIL

*Beginning:* 6:00 PM

*Continuing:* Until all public hearings are complete

*Format:* (i) Staff Report, (ii) Applicant, (iii) Hearing, (iv) Discussion and Motion

Mayor Snook called Council to order at 6:00 PM.

Chairman Solla-Yates called Planning Commission to order at 6:00 PM.

1. **SP22-00011 Three Notch’d Brewery Expansion** – On January 10, 2023, the Planning Commission and City Council will conduct a joint public hearing for an application for a Special Use Permit (“SUP”) for the property located at 522 2nd Street SE and identified in the City’s land records as Tax Map and Parcel (TMP) 280208100 (the "Subject Property"). The public hearing will be conducted both in-person and via virtual (electronic) means; individuals who wish to participate electronically or in person may register on the City’s website. Following the public hearing, it is the intention of the Planning Commission to vote on whether to recommend approval of the SUP. Scott Roth (Three Notch’d

Brewing Company, LLC, representing the owner, Monticello Associates, LLC) has submitted a SUP application for the Subject Property. Pursuant to City Code Sections 34-796 and 34-158, the applicant has submitted a SUP application to expand its existing operation and establish a small brewery. The applicant currently operates a microbrewery on site and seeks to expand production from the current maximum of 15,000 barrels per year to a maximum of 30,000 barrels per year. The Subject Property is approximately 6.72 acres with road frontage on 2nd Street SE and Monticello Avenue. The Comprehensive Land Use Map for this area calls for Urban Mixed Use Node. The Subject property is located in the Downtown Extended Zoning area, the use Matrix of which (City Code Sec. 34-796) allows for the use of property so zoned as small breweries pursuant to the approval of a SUP by City Council. The current use of the property is as a microbrewery, which is allowed By Right in the Downtown Extended Corridor.

#### **i. Staff Report**

**Carrie Rainey, City Planner** – Scott Roth and Three Notchd Brewery has a requested a special use permit for 522 2<sup>nd</sup> Street Southeast to expand the existing brewery from 15,000 barrels per year of production up to 30,000 barrels per year of production, which is our small brewery use category. The applicant has confirmed that no physical changes are currently proposed to support the expansion. The Narrative notes that 13 tractor trailers currently visit the site weekly to pick up products for distribution and deliver raw materials. However, many of the tractor trailers are underutilized. The applicant estimates only 6 additional tractor trailers will be needed to access the site because of the increase in production. Smaller trucks are currently utilized daily to pick up spent grain. This will continue if additional production is permitted. The traffic engineer has confirmed that he does not have any concerns with the increase in traffic created by the expanding brewery production. The proposed development will necessarily result in some increased demand on physical facilities and services provided. The Assistant Fire Marshall has confirmed that there are no concerns with potential impacts due to the brewery expansion. A preliminary review of the proposal indicates the city’s existing water and sewer facilities are generally adequate to serve the proposed development. However, the additional biological oxygen demand generated by the temporary expansion may require modification to the facilities on the subject property to address additional impacts to sanitary sewer treatment facilities. Staff has recommended a condition to be placed on the SUP, should it be approved, to ensure facilities are upgraded as necessary to address the additional impacts. The 2021 Comprehensive Plan Future Land Use Map designates the subject property as Urban Mixed-Use Node. All adjacent properties except for Crescent Hall are also designated Urban Mixed-Use Node. Crescent Hall is designated as higher intensity residential. The Comprehensive Plan describes the Urban Mixed-Use Node designation as urban mixed-use districts that support community housing, employment, and commercial development. The plan recommends a mix of uses in the same building, which are encouraged up to 10 stories in height. The higher intensity residential designation is recommended to provide opportunities for higher density multi-family focused development. Staff believes expansion aligns with urban mixed-use node category and will not have an adverse impact on the adjacent higher intensity residential area. The proposed brewery expansion also aligns with several goals of the 2021 Comprehensive Plan, which speaks to a desire to promote economic variety and the growth of existing businesses, particularly within areas designated for mixed-use in the Future Land Use Map Plan objective to ensure long-term economic sustainability of the city by planning for a wide variety of commercial land-use types and the objective for mixed-use areas to include facilitating economic activity in the city and ensuring the availability of sites for incremental business growth and expansion. This also includes Strategy 1.2, the sub-strategies to do, which is facilitate economic activity in existing and new areas of mixed-use opportunity as identified in the updated Future Land Use Map and ensure the availability of sites for business growth and expansion. The proposal also aligns with Goal 2 of the Economic Prosperity & Opportunity Chapter, which is to generate, recruit, and retain successful businesses and jobs and Strategy 4.4 to encourage the development of the city’s key commercial corridors and surrounding sites including current commercial corridors and mixed-use corridors and nodes as identified on the Future Land Use Map in addition to Strategy 4.5: partner with internal and external stakeholders to implement the

Strategic Area Investment Plan. The proposal aligns with the Strategic Investment Area Plan, which proposes Second Street Southeast as a retail corridor and encourages incremental change to meet the goals of the plan. The proposal aligns with the priority action items to encourage local serving retailers to locate in the SIA and to increase opportunities for jobs located in the SIA. Staff finds the proposed brewery expansion will further several goals of the 2021 Comprehensive Plan and the 2013 Strategic Investment Area Plan, aligns with the Future Land Use Map and will not create an adverse impact to the community. Staff recommends the Planning Commission recommend the application for approval with the following condition:

1. No expanded brewery production beyond 15,000 barrels per year is permitted on the subject property until:
  - a. The Utilities Department confirms existing sanitary sewer facilities can adequately handle the increased biological oxygen demand generated by the expansion and brewery production.
  - Or
  - b. Facilities on the subject property are upgraded to address the increased biological oxygen demand and the Utilities Department confirms the upgraded facilities will adequately handle the increased demand.

**Commissioner Mitchell** – I have shared this with the Secretary and Chair. I have a small stake in Champion. I am on the Board of Directors. While Champion may be considered a competitor, I think that I am able to deliberate without bias.

**Commissioner Russell** – I asked a question in the pre-meeting. I thought it would be helpful for the public to understand the clarification on what the biological demand is.

**Ms. Rainey** – Biological oxygen demand is a water quality parameter, which refers to the amount of oxygen required by organisms to break down organic matter in the treated water. Breweries are one of the uses that may put in additional elements into our sanitary sewer treatment facilities that require additional oxygen to break down. Our Utilities Department is currently testing to confirm whether there is adequacy at our facilities to handle that or if additional measures are needed.

## ii. Applicant Presentation

**Scott Roth, Applicant** – We are excited to continue to expand. We won't go to 30,000 barrels anytime soon. We are getting close to that threshold of 15,000, which was a talking point for us. When we took over the IX Property, that was part of our original discussion about potentially getting to this threshold. This has been on our radar for the last couple of years. It is time to potentially 'make the jump.' We will hopefully exceed that number sometime next year.

**Commissioner Stolzenberg** – I noticed that you guys have a new non-alcoholic beer. Is that counted in this total production amount?

**Mr. Roth** – It would be for now. We are going to be moving most of the production of that product down to our new facility in Nellysford. That won't factor into the equation next year.

**Commissioner Stolzenberg** – One of our purviews of review is odor. When you are brewing, there is a distinct malty smell on the sidewalk around there. Is a builder like an odor filter, a normal thing, or that when breweries get bigger, they typically install? Is that onerous or expensive thing to do?

**Mr. Roth** – I have never heard of anyone installing that. I will say that the odor will not become more concentrated or stronger in any capacity. We can only brew 20 barrels of beer at a time. It is really the frequency with which we would be brewing that would increase. There is not going to be any more potency to it

than what is currently experienced. That would be my only comment around that. I don't know that there would be a great way to mitigate the smell.

### iii. Public Hearing

**Robin Hoffman** – I have 2 questions for the brewery. I understood that there is a drought that the beer making does not cause a strain on the water count. I am wondering if that is still true. There is a hemp filter where they manufacture hemp products. One of them is at the Shenandoah facility in Elkton. The town had a problem with that smell. They were able to use this technology that does not allow any of the odor go into the public.

### iv. Commission Discussion and Motion

**Motion – Commissioner Mitchell – I move to recommend approval of this application for a Special Use Permit in the Downtown Extended (DE) zone at 522 2nd Street SE to permit the small brewery use with the following condition:**

**a. No expanded brewery production (beyond 15,000 barrels per year) is permitted on the subject property until:**

- i. The Utilities Department confirms existing sanitary sewer facilities can adequately handle the increased biological oxygen demand generated by the expansion in brewery production, or**
- ii. Facilities on the subject property are upgraded to address the increased biological oxygen demand, and the Utility Department confirms the upgraded facilities will adequately handle the increased demand.**

**Second by Commissioner d'Oronzio. Motion passes 6-0.**

2. **SP22-00008 and P 22-0091 Bypass Fire Station** - On January 10, 2023, the Planning Commission and City Council will conduct a joint public hearing for an application for a Special Use Permit ("SUP") and Critical Slope Waiver for the property located at 345 250 Bypass and identified in the City's land records as Tax Map and Parcel ("TMP") 450001000 (the "Subject Property"). The public hearing will be conducted both in-person and via virtual (electronic) means; individuals who wish to participate electronically may register on the City's website. Following the public hearing, it is the intention of the Planning Commission to vote on whether to recommend approval of the SUP. Charlottesville Public Works, on behalf of the owner of the Subject Property, the City of Charlottesville, has submitted a SUP Application and Critical Slope Waiver for the Subject Property. Pursuant to City Code Sec. 34-796 and Sec. 34-420, the owner has applied for a SUP to build a new fire station on the Subject Property. The Subject Property is approximately 145.17 acres with road frontage on the 250 Bypass, John Warner Parkway and Melbourne Road. The Comprehensive Land Use Map for this area calls for Open Spaces and Parks and the Subject Property is located within the R-1 and Public Park Protection Overlay zoning district classifications. The City's zoning matrix allows municipal offices and buildings in R-1 districts with the approval of a SUP. The property is adjacent to other properties currently used for residential and school uses, and is located across from multifamily housing on the opposite side of Melbourne Road. The proposed development calls for disturbance of land within a Critical Slopes area, so a waiver is requested per City Code Sec. 34-1120(b)(6).

### i. Staff Report

**Dannan O'Connell, City Planner** – Scott Hendrix, City Senior Project Manager, is requesting a Special Use Permit (SUP) pursuant to City Code Sec. 34-158 to allow for a new City fire station on the Subject Property. The Subject Property (345 US 250 Bypass) is owned by the City of Charlottesville and includes McIntire Park, the Brooks Family YMCA, and the existing City Fire Station #1. The applicant is proposing to construct a new 8,000 square foot station to the south of the existing fire station. It is on the same parcel. The subject property

co-locates several park and amenity spaces including McIntire Park, Vietnam Memorial, Greenleaf Park, the YMCA, McIntire Little League ballfields, and the Charlottesville Skate Park. Surrounding parcels are developed with single-family residential uses and 2 public schools. The subject property is currently zoned R1 (Single Family Residential). Under the R1 zoning classification, municipal offices or other government buildings are only permitted with a special use permit. The current fire station #1 is a legal non-conforming use. It was constructed with no special use permit on file for the site. The Comprehensive Plan Future Land Use Map designates the subject property for open spaces and parks. Open spaces and parks are specified to include both public and private spaces but no density form or use restrictions are specified. After review, staff finds the proposed use is consistent with the Future Land Use Map and harmonious with the existing patterns of use within the neighborhood. The proposed redevelopment addresses several of the 2021 Comprehensive Plan goals regarding efficient planning for public infrastructure and improving city fire and emergency medical services. The proposed new fire station will be a lead certified building with improved accommodations and workplace safety provisions for city fire department and EMS personnel. The facility will permit the growth and expansion of the city's emergency response services and can accommodate both firefighting and EMS services from a single facility. The proposed additional use would result in a reduction of public open space within the city. However, the wooded area proposed for the development is not utilized for any active or passive recreational uses. Construction of the new station would not interfere with the nearby trails connecting Charlottesville High School to the YMCA and the greater Rivanna Trail System. Staff recommends that the request for a fire station could be approved with one condition. The condition is that, prior to site plan approval, the existing stub road accessing the property shall be vacated from the city right-of-way. This was something that came up in our review. It is a minor administrative thing. The current design is compliant with the required setbacks for R1 zoning.

**Commissioner Mitchell** – What is going to happen to the existing fire station?

**Mr. O'Connell** – For now, it will remain in use to provide firefighting services. To date, I don't think it has been decided what the building will be used for after the new station is completed.

**Commissioner Mitchell** – You have answered the question that I had about the stub road. That is going to continue to exist. It is still going to be city property. It is still going to be maintained by the city. That is still going to be used as an entrance and exit for the fire department. In the applicant's application, Section 1.5, the application was written on September 15<sup>th</sup>. The design team is going to continue working with the city to mitigate the loss of trees. Has any work been done on that since September? Has it evolved? Do we know more about saving more trees?

**Mr. O'Connell** – I don't think any more work has been submitted on that other than what has been provided in the application.

**Commissioner Mitchell** – When do we reap the benefit of that additional thinking?

**Mr. O'Connell** – There will be landscaping requirements as part of the site plan review. If this special use permit is approved, they would have to submit a final site plan to the city. I believe that would come back to the Planning Commission for approval as well.

**Commissioner Russell** – The staff report mentioned a community meeting. Can you summarize any changes or anything that came up? You summarized that there were some questions. Did anything significant come from that conversation?

**Mr. O’Connell** – No, I don’t think any changes were made to the plan. The public seemed supportive. It was mostly questions about removal of trees, any impacts to the parks, the trail systems, and LEAD certification/how green the building would be.

**Commissioner Stolzenberg** – I find this whole process strange because we are asking ourselves permission to do things. Pretending that the applicant is not going to do whatever they want, I have concerns about the stub road condition. Now, Council is at an impasse agonizing over any vacation of any road, right-of-way with no clear end date in sight. If we have it as a condition and are not able to do it for various reasons or it is delayed, that holds up this whole redevelopment. If we don’t have it as a condition, the applicant (the city) can still do it if we (the city) feel it is a good thing to do.

**Ms. Creasy** – The site plan would not be compliant. It was a setback concern.

**Commissioner Stolzenberg** – When you say it is compliant setback-wise, that is only Rt. 250 and not to the stub road.

**Mr. O’Connell** – To our review knowledge, it is compliant regardless of what the stub road is or is not. It was mostly a question of removing this legal technicality that could cause a problem in the future. This is not meant to hold it up.

**Commissioner Stolzenberg** – I am for the general concept of vacating it. That seems fine to me. I am worried about adding it as a condition just in case they cannot figure out the vacation for possibly 2 years.

**Mr. O’Connell** – The condition is a ‘housekeeping measure.’ It should not impact the zoning compliance of the property.

**Commissioner Stolzenberg** – If we don’t make it a condition, you will still nudge them to do it when they submit.

**Commissioner Palmer** – You mentioned that EMS could be run out of there as well as fire. Is that so you can consolidate what is down the road on McIntire Road?

**Mr. O’Connell** – I am not sure on that. The applicant might be able to speak better on that.

**Councilor Payne** – Do you know how many trees are planned to be disturbed? How much of McIntire Park is planned to be disturbed to pursue this new design?

**Mr. O’Connell** – The limits of the disturbance was around 0.8 acres.

**Mayor Snook** – We already funded it in the Capital Improvement Program. We want to make sure that the site works.

**Mr. O’Connell** – To accommodate the proposed fire station, the applicant is proposing to disturb critical slopes as defined in our critical slope ordinance. The Fire Department wishes to keep the existing fire station in operation until its replacement is completed. The new building will be located to the south of the existing intersection along the bypass and encroaching into nearby critical slopes. Nearby critical slopes run parallel to the 250 bypass and around the existing stub road and fire station as depicted in your staff report. In evaluating their waiver request, city staff is in general agreement with the applicant’s justification for waiver approval under finding #2. Critical slopes surround the subject property along its entire frontage with the Rt. 250 bypass. This unbroken critical slope area makes additional access to the property via the bypass or existing stub road

impossible without causing some disturbance. The existing fire station #1 will be kept in service until the replacement building is completed requiring the existing station to be demolished and replaced to avoid the critical slope area. It would unreasonably restrict the use of the property for providing public firefighting service. Constructing the new station further to the east would require additional land disturbance and tree removals to extend the access roadway and cross an existing drainage area. The proposed locations south of the existing station allows for a compact one-story design that reuses the existing parking and road areas minimizing tree removal and impervious construction. Regarding negative impacts to consider, the development of the site will result in some loss to the existing mature tree canopy. However, the proposed fire station has been designed to minimize on-site land disturbance and will not negatively impact the adjacent public trails. Alternative building sites on the subject property would involve additional land disturbance, tree removals, and trail closures or relocations. Staff have no recommended conditions for this waiver request.

## ii. Applicant Presentation

**Scott Hendrix, Applicant** – I am glad to be here to talk about this important project. Regarding the question about tree canopy, we have had a survey done of all the trees, their size, their caliber, or their species. We are evaluating that information. We are working with the city arborist to come up with a solution to help mitigate the loss. There are going to be some requirements that we will have anyway through statute and code to replace trees as much as we can. We understand the issue.

**Keith Driscoll, Applicant** – We have been working with the city over the last couple of years to generate the plan.

### Next Slide

This is all the material that was presented to the community and was included in the information that you received with the 2 applications.

### Next Slide

This is the site plan. On the top of the sheet, you can see the existing fire station. To the south on the bottom edge of the sheet, is the proposed new station. We looked at several options when we started work with the city and the department to figure out what needed to be done. The existing station does not meet the fire department's needs on several fronts. The equipment that needs to be run out of this station no longer fits. A lot of the amenities and features within the station do not adequately protect the firefighters and EMS from hazardous materials and carcinogens that are associated with the fire apparatus. Something new and something different needed to be done. We looked at options to renovate and expand the existing station and options to ultimately create a new station for several reasons, primarily creating a better layout and more functional space. With cost reasons, a new station was determined to be the most effective use of city funds. Keeping it generally in the same location deploying out onto Rt. 250, as the current station does, was what was recommended in the 2016 fire station location needs assessment. That was very advantageous to the department. This one does not introduce new impacts to the surrounding community. It maintains the current level of service and response times that the station can provide. As mentioned earlier, we looked at several options for locations to put the new station, including to the east and behind the existing station. Ultimately, it was determined that this 1-story station that is proposed would be the most functional for the Fire Department. It resulted in the smallest impact to the existing wooded area. We are looking at annexing the stub road. The limits to the stub road are the grading and the paving. They are all remaining the same. It is a matter of administratively pulling that into the park property.

**Commissioner Russell** – I was interested in Commissioner Mitchell's question about the intended use for the existing fire station. I did not realize how old it was.



**Mr. Hendrix** – It was constructed around 1962. It is currently not designated with any historical designation. The Fire Department is probably not going to have a use for it. We have a request into the city management now to decide as to whether the building needs to come down or will it be repurposed. It probably does not have a future in the Fire Department.

**Commissioner Russell** – It would be great to find some use for the building that exists and is seemingly in okay condition.

**Mr. Hendrix** – There is asbestos and a lot of materials in there. It is a 1962 construction. It was designed and built probably for a 40- or 50-year lifespan.

**Commissioner Stolzenberg** – I have a question about the vehicular access around the back. It looks like there is a path now that goes down to an asphalt path that goes through the park. It is shown being rerouted. Does it only go to the bioretention facility and then stops?

**Mr. Hendrix** – It does. It is for bioretention maintenance. You need to be able to get equipment down there. It is not a paved road. It is just a grated seated grass route.

**Commissioner Stolzenberg** – Is the current one for bioretention? Is that just the current vehicular path?

**Mr. Hendrix** – I believe that is more hiking.

**Commissioner Stolzenberg** – Can we get that hiking path or this maintenance road driveway to the bioretention to connect to the trail and preserve its use as the path it is now? Potentially think about paving it. I ask because we have been slowly building the shared use path down Rt. 250. Right now, it ends at Meadowbrook Heights. It will probably keep going a little longer. At some point, it hits the bridge. That is going to be a hard thing to do. You can cut back to some paths back there and get up to the YMCA.

**Mr. Hendrix** – There is an asphalt path in place now on the other side of the station. The station is going to have a walking connection to that. The station is also going to have a public restroom in the front of the building in a secure location where people can't get into the building. They can come in and use the restroom right off the trail. We think that is an amenity that people would like. We think that the way that trail transverses now and up past the YMCA accomplishes what I think what you are suggesting. We are going to have a fitness center for the men and women to work out. The trails are another part of their fitness regimen. These people need to be in good shape. They support this connection to the trails.

**Commissioner Palmer** – Will this facility be taking EMS stuff at McIntire Road?

**Mr. Hendrix** – It is designed to do that. It is designed to have EMS features built into it like the pharmaceutical closet and freezers that are required. Will it be there on the first day? We don't know. We are building a facility that will last 50 years, be in service for 50 years. During that time, we expect the EMS will run out of there at some point.

**Commissioner Palmer** – Because I have heard it with the YMCA after it was built, there were bird strikes on the big glass wall. I did not quite see how much curtain wall you had on the back of the facility. That has been a problem at the YMCA. As you go through the design process, do not skimp on those mitigation things that are out there to reduce bird strikes.

**Mr. Hendrix** – We have not considered that. Thank you for that.

### iii. Public Hearing

**Charles Warner** – I was the fire chief from 2005 to 2015. I lived in and out of the station for 37 years. It sounds like you all are on board about making this happen. I did not want to take any chances because this was being discussed when I was in the Fire Department. The firefighters deserve this for the role that they play 24 hours in the station. It originally had a working bomb shelter that has been mired with mold issues in the station. The station is very complex and small for the increasing number of staff. The location of the station is something we have looked at over the years repeatedly to show that the response times from the station is critical to the service we provide as far as lifesaving. It is also critical for our insurance purposes and is part of the reason why we have an ISO class one. I wanted to reinforce the need for the station and urge you to help pass this forward and get it done.

**Sam Gulland** – I support the fire station and measures to give the Fire Department the resources they need. This building looks awesome. I wanted to bring up a relevant section from state code. The Code of Virginia requires that new public facilities, roads, schools, fire stations, must be approved by the Planning Commission as being substantially in accord with the adopted Comprehensive Plan before they are authorized. I don't think a Comp Plan has been completed for this fire station. I would ask that any motion to approve the SUP also include the determination that this fire station is substantially in accord with the November 15, 2021 Comprehensive Plan.

**Robin Hoffman** – I am a registered nurse. I understand how much we need the EMT services through the Fire Department, paramedics, and the medical aspect of their facility. It needs to be state of the art. The Rt. 250 bypass has been burdened with different traffic. They have been trying to do the turnabout at the I-64 intersection. It seems that the traffic there is cumbersome. I am wondering what kind of signaling where the fire trucks can come out without any problem. I am wondering if that is part of the plan.

### iv. Commission Discussion and Motion

**Ms. Creasy** – The fire station being in conformance with the Comprehensive Plan is a requirement. We have been working on this project for a long time. I cannot remember if we have done that in the past. I know we have mention of it in our Comprehensive Plan. There won't be any concern. I think that it would be Ok if you choose to include that in the motion. We will verify that is appropriate enough. If we need to take other action, we will come back and do that.

**Commissioner Stolzenberg** – If you would think about those stairs from the path, incorporating bike runnels for firefighters who are commuting to work via bike or scooter. They could get up to the level of the entrance.

**Motion to Approve Special Use Permit Application – Commissioner Stolzenberg – I move to recommend approval of this application for a Special Use Permit in the R-1 zone at 345 US 250 Bypass to permit a municipal City fire station. Second by Commissioner d'Oronzio. Motion passes 6-0.**

**Motion to Approve Critical Slope Waiver – Commissioner Stolzenberg – I move to recommend approval of the critical slope waiver for Tax Map and Parcel 450001000 as requested, with no reservations or conditions, based on a finding that:**

- **Finding #1: 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).**
- **Finding #2: 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). Second by Commissioner Mitchell. Motion passes 6-0.**

**Motion – Commissioner Stolzenberg – I move that the proposed the US-250 bypass fire station that the general character, location, and the extent of the proposed public facility is substantially in accord with the city’s adopted 2021 Comprehensive Plan. Commissioner Mitchell. Motion passes 6-0.**

The meeting was recessed for a short period of time until staff arrived for Entrance Corridor Design Review Overview.

### **III. COMMISSION’S ACTION ITEMS**

*Continuing:* until all action items are concluded

#### **1. 240 Stribling Avenue – Street Grade Waiver – Appeal**

##### **i. Staff Report**

**Brennen Duncan, Traffic Engineer** – I am here to talk about the staff report for a street grade waiver that was denied by staff. The applicant has taken their ability to appeal that to the Planning Commission. This is for 240 Stribling. This came before the Planning Commission as a PUD application and critical slope application in 2021. During that process, we noted the steepness of some of the streets. In that application, they subsequently said ‘not a problem, we will address when we get to the site plan stage.’ We made our comments known. We received the application for the site plan noting that the 8 percent that should be met was 9.5 percent. The applicant submitted a request for up to 10 percent. They have grades at 9.5 percent on their current site plan application. In their waiver, they identified 5 areas of reason that they should be granted the waiver. Those included existing site constraints, minimizing the environmental impacts, community safety & welfare, accessibility considerations, and supporting documents from VDOT and AASHTO that say that they allow for streets steeper than the 8 percent. Their application for that waiver is included. With the existing site constraints, staff did not feel that there was enough justification to grant it solely on site constraints. There are steep grades on the site. As part of their current site plan application, they are moving a lot of earth. There are cuts and fills close to 10 to 12 feet all over the place. It is not like they are trying to adhere to the existing topography of this site. They are doing a mass terraform of the site to get to their final thing. With environmental impacts, they noted that to accomplish the 8 percent grades, there would be a lot of fill that they would have to bring in. They had not presented us with background documentation of that. Staff did not feel the need to ask for it. It was more of a financial burden of having to bring in and truck out dirt than an actual environmental reason. Noting the amount of dirt that is moving on the site and looking at some of the topography, I don’t have the ability to say ‘yes’ or ‘no’ as to whether there are truly 1000 truckloads that will be coming in. The third item they had on there was community safety & welfare. It was the trucks coming in and out down Stribling. They would also need to add retaining walls at the back. The retaining walls seem more like a financial burden, which in the city code, does not allow staff to take into consideration when making these determinations. There already are retaining walls that are 10 to 15 feet tall adding 4 to 6 feet of retaining wall on top of that does not seem like a safety concern over and above what is already there. The 4<sup>th</sup> item is where staff’s hesitation with granting this waiver is. It is the accessibility considerations. ADA is a very complex document. It is not even really a document. It is a way of thinking. There are guidelines for ADA as it pertains to buildings, the right-of-way, and trails. A lot of times, it is one of those things where you are not truly in violation until you are sued. Staff’s stance on this is the maximum allowable ADA grade that is presented in any text is 1 on 12, which is 8.33 percent. There is a stipulation in there that allows for sidewalks to meet an existing road grade. That is in compliance. It is staff’s understanding and talking to the Federal Highway Administration and the intent of the code that we feel it deserves is that it should be as accessible as possible. The current code says it is 8 percent and we can waive it up to 10 percent. We are trying to make it as accessible as possible and think that 8 percent is achievable. With the last point referencing the VDOT and AASHTO, the city is allowed to be more restrictive than VDOT and AASHTO. Currently, our code is more restrictive than VDOT and AASHTO. Referencing that

and saying that you are following that really does not have any varying on whether or not we should grant the waiver. Overall, staff did not feel there was enough backing, reason to grant the waiver.

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This is the development as proposed in the initial application. On the left of the screen is Stribling Avenue. In the middle of the screen, there is the cul-de-sac for Morgan Court. The green highlighted areas on the screen are the 4 locations where the road exceeds the 8 percent threshold. The application was put in as a blanket application for all these areas. We treated it as that. If you choose, you can maybe look at it as 4 separate areas. There is possibly a way where you could make it work on some of these if not all of them. It is still my assertion that the development could be done meeting the 8 percent, while still leaving the current layout. The fact that we brought this up during the whole PUD discussion when the layout was not set, that is frustrating from staff's perspective. You could have a completely different layout. This would not be an issue. It is the same thing with the critical slopes. We must stay within the critical slopes that we asked for back when we were getting the PUD. If we had a different design, you are accounting for it on the front end instead of trying to do a design and it does not fit. One of the main reasons for the denial was that there are 2 fixed grade points. There is Stribling Avenue and Morgan Court. The straight grade between those 2 roads is 6.3 percent. There is no reason not to be able to achieve 8 percent. We have granted the waiver in other recent things. It is not that staff is saying that it is never appropriate. In this instance, with the fact that you can physically connect those 2 points with a straight line of 6 percent. It is staff's recommendation that Planning Commission uphold the denial.

**Chairman Solla-Yates** – If we approve this, are we opening ourselves to a lawsuit?

**Mr. Duncan** – I don't believe so.

## **ii. Applicant Presentation**

**Clint Shifflet, Applicant** –

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I want to explain to the Planning Commission what a 10 percent slope street is, what they feel like, and how they function is important. What is some precedence, some context in the city? I want to go through a couple of these so we can be aware. This one is at Rose Hill Drive at the intersection of Preston Avenue. Right here, we are right at about 10 percent at this location.

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This is another example. This provides a little more neighborhood context. This is Sunset Road just down the street from the proposed development. With this location, we picked up a slope of about 12.5 percent. If you go further down Sunset Road, it gets much steeper than that. We did a desktop survey across city GIS. It is important to know there is a lot of precedence for this. There are dozens of streets in Charlottesville that exceed 10 percent.

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This is an elementary diagram here. We wanted to demonstrate the difference in an 8 percent and 9.5 percent grade. That is what this represents. The gray line at the bottom is 0 percent, the blue line is 8 percent, and our waiver request is up to 10 percent. Our current design indicates a maximum slope of 9.5 percent, the red line. That is to scale.

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We wanted to demonstrate how we are trying to limit the use of the steep grades. It is important to note that we are not coming in here and trying to throw steep grades everywhere. We are trying to be thoughtful about how

we are implementing them. The areas in green indicate the areas that our current design has grades steeper than 8 percent. You will notice that between the green areas, we intentionally flatten out at the intersections to provide PRO-WAG (Public Rights of Way of Accessibility Guidelines). It is what the city engineering staff is 'hanging their hat on' for these sorts of things. We are flattening at each of those intersections in such a way that we can provide road crossings that are compliant with the PRO-WAG Standards.

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This is the existing conditions and constraints map. This is in the waiver. A lot of these things that you are going to see here were in the waiver. The brown lines indicate the proposed road network overlaid on the existing conditions. We roughly have a slope across the site particularly from that high point on the left end of the site closer to Stribling Avenue of about 11 percent in grade existing today. If you draw that blue straight line, the existing slope is 6.3 percent tying point to point. What that does not consider is that there is a high point. There is a ridge that comes up and then back down that you must navigate. It also does not consider the fact that we must flatten out at each of the intersections to provide a flat enough grade for adequate pedestrian crossings. It is tough to evaluate it based on whether it is 6.3 percent. Large segments of the road cannot be that steep. We heard Mr. Duncan note 2 fixed points. Those are 2 fixed points on the site. I would argue that the more constraining element of the site on the east side of the site is associated with Moore's Creek, the associated steep slopes, and the 100-year floodplain. That condenses that site and further constricting length to be able to transition grade. There are several constraints. If you look at the left side of the sheet here, we have residential uses close to those property lines. We must stay close to the existing grade to not impact the lot. That is also a constraint. I would say that this site is heavily constrained, even beyond those 2 points that staff pointed out.

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We were asked by the engineering staff, as part of the waiver process, to demonstrate why granting the waiver would have a positive environmental impact, how it would improve community safety. We 'hung our hat' on 2 items. This is why we are asking for the waiver in the first place. Approval of the waiver would provide a balanced site. The earthwork of the project would roughly balance minimal dump truck loads in and out of the site to carry fill there, which causes decreased volume of construction traffic. Denial of the waiver would result in greater than 1000 large dump truck trips to and from the site to import approximately 12,500 cubic yards of fill dirt. That means an increased volume of construction traffic on Stribling Avenue and everything that comes along with that, increased air pollution, noise, vibrations, community nuisance with that many trucks coming in and out off Stribling Avenue. We feel this can be avoided. On the analysis we did for this, we did a rigorous earthworks cut field balance analysis as part of our design. We are considering things like compaction rates, depth of pavement sections. We feel these 15 or 12,500 cubic yards/1000 dump truck loads was arrived at in a precise manner. We do support that number, and we feel that is accurate.

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The second part of the environmental impacts is that street grades will have a major impact to the site retaining walls. We heard some things in the email correspondence and again tonight that maybe the perception of what is driving this waiver request. We ran some numbers. We talked to Charlie and the development people last week. Fill dirt is essentially free. You have projects going on at UVA getting rid of dirt and paying to do so. In my experience, it is rare that a contractor would have to pay to bring in fill dirt. That is essentially no cost. When we looked at the cost of retaining walls that would need to be constructed, we get about \$50,000 worth of retaining walls. That is a nominal number given the overall scope and budget of the project. Approval of the waiver to provide the slopes up to 10 percent grade would result in minimization of the retaining walls' height and length. A denial would result in an additional 185 feet of retaining walls at an average height and an additional 2.5 to 4 feet in height to what we are proposing of 231 feet of retaining walls.

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This is the second big point we heard from staff, which was pedestrian accessibility considerations. Road grades up to 10 percent as requested are consistent with the following accessibility guidelines. Specifically, the US Boards Pro AG, which is the public right-of-way accessibility guidelines. In their code section “Within Street or Highway Right of Way,” it states, “where pedestrian access routes are contained within a street or highway right-of-way, the grade of pedestrian access shall not exceed the general grade established for the adjacent street or highway.” If the sidewalk slopes match the adjacent street, they are compliant. That deals with longitudinal slopes. Thinking about cross slopes as we cross intersections as the second piece of this, in the guidelines titled “Pedestrian Street Crossings Without Yield or Stop Control,” it states, “where pedestrian access routes are contained within pedestrian street crossings without yield or stop control, the cross slope of the pedestrian access shall be 5 percent maximum.” We have demonstrated this in the site plan documents and the waiver request. We have run cross section profiles across each of those intersections to demonstrate that we are at 4.8 percent max. We are in compliance with all the guidance that is applicable to the project.

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The waiver request for street grades that we are asking is in compliance with national, state, and city standards and design as it relates to road design. AASHTO (American Association of State Highway and Transportation Officials), in their green book, is the leading guidance manual that contains the current standards for highway and street design. VDOT derives their standards from the national standards. Charlottesville, in part, leans on some of that guidance. The green book for the local roads and streets states grades for local residential streets shall be less than 15 percent. It is way higher in steepness than what we are requesting. VDOT’s geometric standards for urban and local street system states that maximum percent of grade shall be 15 percent. In the Charlottesville Standards and Design Manual, it states that the maximum street grades shall be less than 10 percent. Our request is within the framework of all these guidelines.

We would like to point out that this waiver request is in line with the goals of the Comprehensive Plan in considering the impact of development and natural & cultural resources as well as prioritizing the quality of life for Charlottesville residents. The waiver demonstrates in great detail the environmental and community benefits, which significantly outweigh the reasons to deny the waiver. We have demonstrated compliance with local, state, and national guidelines and regulations for highway design and street design and accessibility standards.

**Commissioner Mitchell** – You have answered all the questions. Why are we here? These guys suggested all along that there were going to be problems with the grade if you got to a certain steepness. Given the process, you indicated that you would work through it as you worked through the site plan. When did you know that 9.5 was needed?

**Mr. Shifflet** – This was discussed at the PUD level. The idea was whether we were able to obtain this and stay within that 8 percent limit. We would prefer you to do so. The answer is ‘yes.’ From an engineering perspective, it can be done. We can make the road at 3 percent, 4 percent, or 5 percent with 100-foot retaining walls. Anything can be accomplished. At the PUD process, we did a lot of front-end engineering work. We all know that the PUD is not a fully engineered document, not fully designed. When we get our geotechnical data on the soils, we start digging into the cut fill balance, what those street sections look like. That has a big bearing on how much soil is coming in and out of the site. It is that next level of engineering that informed us. Can we do 8 percent? Yes, we can. We think it is better for the community if we can get this at 9.5 percent. It was that final engineering process that led us to that decision. We would rather not come in for a waiver. It would be easier that way for everyone. As final engineering progressed, it led us to this conclusion.

**Commissioner Russell** – I want to try to understand what this means for people navigating the site. That is why I struggle with interpreting code and understanding what the street means versus the sidewalk. How would

someone with a mobility issue get from a car? How would they navigate? What barriers are they going to encounter?

**Mr. Shifflet** – During the site plan review process, we will have to answer all those questions in detail. The city engineering staff will be reviewing the plans to make sure we are meeting all applicable accessibility requirements. Those will have to be demonstrated or they can't approve our site plan. There are checks and balances of that. We don't get this waiver and then do whatever we want from that perspective. To answer your question, the site plan will demonstrate that. The 2 multi-family buildings have under-building parking with designated ADA spaces with elevators. The solution to accessibility is different depending on where you are at on the site and what you are trying to access. As far as the streetscape and sidewalks go adjacent to the streets and for the street crossings, we are in full compliance of those standards.

**Commissioner Russell** – Sidewalks would either step up.

**Mr. Shifflet** – The sidewalks would follow the road grade.

**Commissioner Russell** – I find that point mute because you are creating the road grade. You were establishing the grades in the road. I don't think that is an effective argument.

**Mr. Shifflet** – I will note the notion of 8.33 percent and then came up. That number has no bearing in this. That number relates specifically to a ramp. An ADA ramp is usually a curb ramp for a pedestrian access up onto a curb or access to a building. You must have landings and so forth. That is a different thing. By the letter of the law, if you have sidewalks that are not associated with roads or streets, the maximum longitudinal slope that you can have is 5 percent. 8 percent exceeds that. 8.33 is arbitrary when we are talking sidewalks that follow street grades as far as any of the ADA/Pro-Wag Standards are concerned.

**Commissioner Russell** – Are you saying that for the sidewalks to truly be accessible, they would have to be 5 percent grade?

**Mr. Shifflet** – If a sidewalk is not associated with a street, a different set of rules apply. If you have a sidewalk that runs through a park and does not follow the street grade, for the sidewalk to be ADA compliant, must be at 5 percent or you can transition grade 8.33 percent slope ramps. That is not applicable in the setting of a road network.

**Commissioner Russell** – Is there a public park facility in the site plan?

**Mr. Shifflet** – There is. Some of that is being programmed now as we speak with our landscape architect. There certainly is step down green space areas. That large area in the middle is a large green space. For the most part right now, those are being looked at as more passive uses, more passive green space areas as opposed to something more programmed. There is quite a bit of green space in here.

**Commissioner Russell** – What is the pain factor of bringing in 1000 loads of dirt? How many days will that take?

**Mr. Shifflet** – I don't know. I would think several days in a heavy volume and heavy frequency. That is round trips. Some of that is going to have to do with availability. When you are trucking in dirt from another site, you need to get it when it is ready to be taken. It may not occur all at once.

**Commissioner Russell** – I am trying to understand the order. A project that already is going to have a lot of truck traffic. We heard about that in the public comment. Those are some concerns of the neighborhood.

**Mr. Shifflet** – With construction traffic back and forth on Stribling Avenue, as things start to go vertical, houses start to be built, materials are being brought in, you are going to have a good amount of traffic. During the site work process, it is that initial mobilization effort for the most part. You are bringing in the heavy equipment to the site. You are moving dirt around within the site. For the site work component, it is largely self-contained. You will have that traffic coming in with materials for the buildings. We feel that we can limit a good chunk of that heavy construction traffic by limiting the need to import dirt.

**Commissioner Stolzenberg** – Is that site phase the grading? Is the grading at the beginning?

**Mr. Shifflet** – The erosion sediment control plan is going to dictate how the site work progresses. You must put in a construction entrance that is stone to minimize dirt coming in and out of the site. You would establish areas to impound stormwater during construction, so it does not run off into Moore's Creek. We refer to those plans as an erosion sediment control plan. This plan probably has 4 to 6 phases of E&S, where it is documented how the site plan progresses. You would put in those measures to deal with stormwater and then progress with your mass grading efforts.

**Commissioner Russell** – Is there one large grading and clearing?

**Mr. Shifflet** – Were you speaking of how the buildings will come to be? Is that what you meant by phasing?

**Commissioner Stolzenberg** – You have 4 E&S phases and 6 phases in your phasing exhibit. Is 6 for the buildings?

**Mr. Shifflet** – They don't necessarily correspond with each other. The 6 phases are for the buildings. Thinking through the process of cost estimating and getting with a general contractor and figuring out how that is going to come to be, some of that phasing could shift. There are market needs, how many units need to come online, and how quickly. Some of that is still being worked out. The E&S plan is independent. We expect that to remain the same.

**Mr. Duncan** – What Commissioner Russel is asking: Will all the clearing and all the grading and all the roads be put in at one time? Or will those be staged with the E&S plan? We know the buildings are in different stages. Will the grading, roadway, the fill, etc. must happen from the get-go?

**Mr. Shifflet** – The mass grading efforts, getting everything to the final grade will be occurring at the same time. There might be some discussions that we move forward. Do we build the road network up to this point and then phase that second half of road construction? Maybe. Everything will initially be on grade.

**Commissioner Stolzenberg** – You are saying that if we don't give you the waiver, you will have to import 12,500 cubic yards. If you do get the waiver, you are showing exporting 1800 cubic yards. It is something like 80 dump trucks.

**Mr. Shifflet** – When you get to a site like this, you encounter unforeseen things. We can never know that number exact. That number is within an area that we can fine tune moving forward with additional site plan reviews and refinement of the plans to get that to zero. You can never guarantee zero. If you look at the breadth of earthworks that is taking place on site, that 1800 is close. The idea is that if the waiver is approved, that we can make the site balanced and eliminate a large number of truckloads that come in. No guarantee that some won't come in.



**Commissioner Stolzenberg** – That is an export in your plan. If you have that extra margin, a couple thousand extra cubic yards of dirt, can you use that to make your grades less steep on some of these roads in the final site plan stage?

**Mr. Shifflet** – We can explore that. If you are looking at 1800 cubic yards over a site this large, the benefits will be minimal. We have something that we are still considering like building foundations. There are still some final engineering things that could tweak that number back and forth by a factor of 10 to 20 percent of that 1800. That is where we are at right now with our engineering calculations. We feel confident that we can get that to balance. That is how we design sites. That is how we move forward with these sorts of projects with a goal of making the earthworks balance. The answer is maybe. 1800 cubic yards is minimal over a site this big. Can we eliminate the need moving forward once some more refinement takes place, of being able to eliminate 5 feet of 9.5 percent road out of each of those green sections? Maybe. That is something we would do if we can. We feel confident of the need for the 9.5 percent. I know the waiver is up to 10 percent. I know that with the cross slopes of the road, where the pedestrian crossings are, we are proposing 4.8 percent. We are allowing for construction tolerances. We know that contractors always get it right. We don't want to get too close to that 5 percent. It is the same thing with the 9.5 percent. It is not uncommon that a contractor puts a road down and it is 0.1 percent off in either direction. We are trying to give ourselves that buffer.

**Commissioner Stolzenberg** – For that lower right apartment building, do you know where the entrance is?

**Mr. Shifflet** – Not offhand. Those buildings are being developed right now with the architect. We know where the vehicular access is coming in. The idea is that the ADA access needs people would enter from designated spaces underneath the building. We may have some exhibits on the site plan already that demonstrate that. We will have to anyway. There will be several entrances coming out to the street there. Where on the building they are going to be located, it is still to be determined.

**Commissioner Stolzenberg** – There are going to be multiple entrances to the building. Are they independent?

**Mr. Shifflet** – I am not sure. I don't know.

**Commissioner Stolzenberg** – What is the height of the buildings?

**Mr. Shifflet** – I don't know. It was not included in the waiver.

**Commissioner Stolzenberg** – I don't care about all these slopes. That green piece on the bottom right can be made to a 50 percent grade. Nobody is ever going to walk there. It does not go to anything. A lot of Road J, given that the only thing along it, is 10 townhomes that have stairs in them. Getting to the apartment building and getting out of the site is what I care about. People can still live in the apartment building by driving everywhere. The aim of these rules and ADA compliance is to make it possible to navigate the world without having to drive everywhere and to use the public sidewalks. Are there some renderings of what slopes are steep and what are not that can be done to help alleviate that to create within that 1 to 12 path to get to the bottom right apartment building?

**Mr. Shifflet** – We can share some of the analysis that we have done with engineering. We have done a lot of iterations of this with the 9.5 percent slope on that bottom street. I hear what you are saying. That is the most crucial leg there. That is where you are diving down. We must honor the flatter slopes at the intersections. This is fully in line with all leading ADA regulations. This 9.5 percent slope is just as compliant as an 8 percent slope would be in that location. It is fully within the framework. If this project was funded by Virginia Housing or LI HTC, you would have to show accessibility routes and things of that nature to show that your site is accessible. This would work. This would also meet their standards for ADA compliance.

**Commissioner Stolzenberg** – I get that it meets the letter of the law. ADA compliance only applies within the site for the rights of way. We will let you do twice what the city minimum is without a waiver.

**Mr. Shifflet** – They cover 2 different things. ADA is largely how many parking spaces you have and what those parking spaces need to look like. They cover some specific things. PRO-WAG provides more detail outside of that.

**Commissioner Stolzenberg** – It is looser. I get that it is compliant. The spirit of the city's street grade limits is to make the site accessible. Do you feel that you have made this design as accessible for getting to the places where people are going to go? Could you sacrifice other places like the bottom of the hill to be even more out of compliance with the city's rule to make it better on top?

**Mr. Shifflet** – I think that the answer is 'yes.' If you look at the extents of the 9.5 percent that we are using there, picking that up in other areas, you are not getting any benefit. That lower road is where that diving is occurring. We need that length to transition that vertical amount. I get what you are saying. I think this is 'fully baked.' We come into a project wanting the same thing. We all have the same goals. We do not come in asking or wanting steep grades. Our previous iterations have some flatter grades. We noticed that this is not constructible. We have made some of those considerations. We have done our best to limit the 9.5 percent slopes to the areas that are most necessary for the project.

**Commissioner Palmer** – You mentioned in other projects showing accessible routes. I think people talking about accessibility is the most important aspect of this waiver would be to see those groups. If you are going to ask for a 9.5 percent slope, how can somebody navigate the site to get around that potential hurdle? It sounds like there are these different percentages being thrown out. It seems that maximum of 8.3 percent is something that you could design.

**Mr. Shifflet** – If you look at the sidewalk network here that we have proposed, you can draw a blue line on all the sidewalks. I am not trying to nitpick the letter of the law. There is a standard. We are meeting that standard for PRO-WAG and ADA compliance. 8.3 percent is no more compliant than 9.5 percent. Any of these sidewalks meet PRO-WAG and would meet the leading accessibility standards.

**Commissioner Palmer** – It would be best to establish a best practice percentage that maybe exceeds PRO-WAG. There is maybe a roundabout way. It seems that if you are asking for a waiver, you might want to consider showing how the site might look.

**Mr. Shifflet** – To your point, the site plan design/review process that we will go through the next 12 months, we will be working with engineering to further refine it. They are going to want to see that regulations have been met, that we are providing reasonable pedestrian access or ADA compliant access throughout the site. If we don't, we don't get an approved site plan. Those things are standards that we are held to as part of the site plan review process. There could be some programming moving forward where we have some of those winding sidewalks with courtyards. Some of those things are being developed. You will see some of that come to life as the plan progresses.

**Commissioner Stolzenberg** – For Road C, PRO-WAG lets you have any sidewalk grade that is as steep as the road. Can you make that sidewalk less steep such that it gets further above the road as you go further down to make the actual path?

**Mr. Shifflet** – No. If you did that, you would be held to 5 percent. If you start to flatten that sidewalk grade and start to manipulate that such that it is not running parallel to the road, you are held to that 5 percent. You are

coming out of the ground pretty high. You could navigate that with a series of ramps. It is going to be cumbersome. You are going to have some walls and ramps. I think there is an engineering solution for everything. In this instance, it is not practical.

**Commissioner Stolzenberg** – Maybe it is like The Standard where the sidewalk is a foot above the road. There is a planting area.

**Mr. Shifflet** – As the road continues to go down at 9.5 percent, your sidewalk is at 5 percent.

**Mr. Duncan** – Every 100 feet, you are going to be a foot and a half higher. If you start at one end of Road C, when you get to the end, you are 4 or 5 feet above the road.

**Commissioner Russell** – How did we start at the 8 percent? It seems that is not achieving anything, except that it was stated in the original application materials.

**Mr. Duncan** – The 8 percent grade in the city code has been there for many years. I don't know why they picked that percentage. There are plenty of streets that exceed that. ADA has only been a thing since the early 90s and it came into the main accessibility concerns. The PRO-WAG has not officially been accepted yet. It is in the non-accepted state. ADA is ever evolving. I don't know where the 8 percent came from. We have city code and The Standards & Design Manual. The applicant did correctly point that The Standards & Design Manual allows for 10 percent maximum. Our city code allows for 10 percent. The exception is that it is 8 percent with up to 10 percent with a waiver. ADA access for sidewalks is 5 percent. ADA access for trail systems is 8.33 percent. That is the highest percentage that is allowable stated. You can meet a road grade. That is where we can accomplish that. It might not meet offsite sidewalk ADA accessibility. It would meet a trail system accessibility guideline. It is achievable with some engineering on this site. That is why we denied the waiver.

**Commissioner d'Oronzio** – I understand Commissioner Stolzenberg's query on accessibility. It seems with this 8 percent, with your explanation, we are being subjected to peer pressure from dead people. The person who wrote the 8 percent isn't here. To Commissioner Stolzenberg's point on this lower right corner and your Exhibit B, you present 2 options. Option 1 is to build a higher retaining wall and deal with the consequences of that. Option 2 is that you bleed into the 100-year floodplain. That is a nightmare. Dealing with that corner, which a couple of us have said 'who cares,' is there a split debate option?

**Mr. Shifflet** – Per city code, even if we took that end section from 9.5 percent to 10 percent, you are picking a half percent over 50 feet. What are you gaining there? A couple feet.

**Mr. Duncan** – Is there a functional use for that?

**Mr. Shifflet** – It is a turnaround for emergency vehicles. The cul-de-sac is substandard. If you look at the emergency access, they can do a T-type turnaround. We coordinated with the city fire chief. We have some more details to work out.

**Chairman Solla-Yates** – I understand that we can say 'yes' or 'no.' Can we offer amendments?

**Mr. Duncan** – I don't know. I believe Ms. Creasy said that this is the first time we have had a grade waiver appeal in the city. We have either not needed them or granted. What are you proposing? I would be happy to discuss with you and whether they are practical. Without knowing that, I don't know how to answer your question.

**Chairman Solla-Yates** – Can we require landings on steep grades on sidewalks?

**Mr. Duncan** – I think that would be difficult.

**Chairman Solla-Yates** – Can we say that this is required to make grade requirements unless there is access up here from this building and exempt this and this?

**Mr. Duncan** – I believe that could be something that is set.

**Commissioner Russell** – I still don't understand if there is a way in which the applicant can show if there are sidewalks that someone could navigate through the site or to major features like Stribling. How would someone navigate the site not have to use those slopes? I am not even sure that is relevant since an 8 percent grade is not achieving accessibility. I don't understand what we are trying to do.

**Mr. Duncan** – There are different levels of accessibility. There is building accessibility. There is the right-of-way. There is a sidewalk outside of a building. The right-of-way is the least restrictive of all of those, which is why we are trying to hold to an accessible trail standard for the sidewalk. Would it meet an interior building steepness grade? No.

**Commissioner Stolzenberg** – The federal government will let us go up to 15 percent. It is only our ordinance that says up to 8 percent and up to 10 percent with a waiver. For that standalone sidewalk, is that the federal government that says it must be 5?

**Mr. Shifflet** – It is 5 percent maximum, longitudinal slope unless it is a ramp, which can go up to 8.33, and 2 percent cross slope. There are many stipulations.

**Jack Dawson, City Engineer** – To talk about the private ADA, you can have a 5 percent sidewalk. As soon as it goes above 5 percent, it is a ramp. You cannot go higher than 8.33 percent at all with a ramp on private property. If you have 8.33 percent, you can only rise 6 inches. It can only go 6 feet, 8 feet.

**Mr. Shifflet** – Once you get above a half foot of vertical rise, that kicks in the need for railing, landings.

**Mr. Duncan** – It is 50 or 100 feet when you need a landing.

**Mr. Dawson** – Under the original ADA guidelines, which comes from the Department of Justice, the only thing it references is PRO-WAG and that you don't need handrails. If you looked at ADA and looked at this road, the original intent of ADA on private property, the entire sidewalk would need to have handrails. Since that violates street frontage practices, the original ADA excluded that. As designers, we all should be striving to make things as accessible as possible. It is not necessarily the case because you exceed 5 percent. This is not about convenience for able bodied people. It is about equity and federal regulations. It is confusing. The Standards & Design Manual says 'should.' At all intersections, there 'should' be 50 feet of landing for 2 percent so that we don't get a situation where we have very steep roads coming together and having ramps that are outside of reasonableness to expect somebody with a disability to navigate that. That is not conveyed on here. That is in the code as a 'should.' We are going to encourage that. That would be something. The sidewalk waiver we gave was because they achieved full compliance at the intersection with cross slopes and the landings. Staff would prefer that the safety be focused at the intersections where the pedestrians interface with the traffic. That is something that is in the code, and we would like to see. Those details don't get done until after this waiver is entertained with the final plans.

**Mr. Shifflet** – Those details in the site plan are in the waiver packet. You will notice a series of at least 2 profiles. That is a profile of these street crossings. We are tasked to design a project that tries to meet the goal of the Comprehensive Plan, achieves all the goals that we arrived at with this PUD, and considers community welfare. We have guidelines that we must follow. They can't be moving around. We are meeting the pedestrian, highway, and street guidelines at every point. With the intersections, we are meeting the stipulation. What we are hearing from the city is that you must meet PRO-WAG. We are consistently hearing that. We are demonstrating PRO-WAG.

**Mr. Duncan** – 8 percent has been the standard since the PUD. We have not changed that.

### iii. Commission Discussion and Motion

**Commissioner Mitchell** – We decide to either grant the waiver or we decide to deny it. I like where you are going with the modifications. The modifications are going to be so complicated. I don't think we are qualified to help with the modifications. As the waiver is currently worded, I cannot support this waiver request. I would love for these guys to talk about some modifications that would make it work.

**Ms. Creasy** – I don't believe that there are any limitations on that. The code does not get too much into detail, except to say that this is the appealing body.

**Commissioner Stolzenberg** – I don't think we should engineer any mitigations here. This is a preliminary site plan. I think there is a possibility to say if we think a waiver might be good for the reasons in our standards of review that we could make some encouragements to something like, 'generally please make every effort to make the road north of Road D as low a slope as possible as they go forward.'

**Commissioner Russell** – I am inclined to agree. The way it is written, it is 8 percent up to 10 percent that is allowable. I still can't understand why we are stuck on 8 percent, except that it adheres to a trail standard. This is not a trail. I don't know on what grounds we are standing to deny other than we do not feel great about it being as gentle of a slope that is accessible. I am not understanding what 8 percent versus 9.5 percent is doing at the end of the day.

**Commissioner d'Oronzio** – Commissioner Stolzenberg, you had a discussion with staff. There were some examples provided of street grades. I have a specific question about one of them. That is 6<sup>th</sup> Street to Avon on Blenheim Avenue.

**Commissioner Schwarz** – Rose Hill next to Burley Middle School is the one that you said was 8 percent.

**Commissioner d'Oronzio** – I go over that one on Blenheim every day. That is 7.8 percent. That 7.8 percent is a steep hill. This is helpful for me to visualize that. As you exit the IX Complex and go up Blenheim Avenue towards Avon Street. That is 7.8. In one sense, we are talking about the accessibility issue and the guidelines. We are second guessing these guidelines, which in some respects might be robust. In other respects, they might be a horrible cluster that has been put together to make sense of something that is not sensible. We are talking about 8 percent versus 9.5 percent versus a set of guidelines. 8 percent stinks.

**Commissioner Schwarz** – I am going to agree. 8 percent is already steep. I would care more about this if this was a mixed-use project. You need to trek all the way up Stribling to the corner of JPA and Fontaine to find anything commercial related that you could go to. There is no way to go down to the Fontaine Research Park. It is a purely residential development out in the corner nowhere that is designed for cars. FHA assumes that you can use an automobile to get to an accessible location. It is unfortunate. What we need is a work session where we take a wheelchair to an 8 percent slope.

**Commissioner d’Oronzio** – You are right. We are talking about walkability and accessibility.

**Commissioner Stolzenberg** – I have walked many of these grades before this meeting. Hills are not good. If you go to the bottom of IX, it is 8 percent if you turn left and 9.5 percent if you turn right. They are both unpleasant. You must weigh the harm that the extra 1.5 percent grade does for 100 years to the people who live at the bottom of this development against the harm that will be done by bringing 1000 dump trucks down Stribling. According to the standards of review, if there is one of them that seems compatible, the health and safety effects of having to do that. Since it sounds like it is going to be done at the first stage of this project, we won’t have a sidewalk done at that point. Everyone who walks down Stribling is in the street and must navigate these dump trucks. I lean towards approving the waiver to a shall in everything possible so that the parts of the site that are up the hill is as low a slope can be achieved.

**Motion – Commissioner Stolzenberg – I move to approve the waiver that would allow those streets identified in the applicant’s waiver request to exceed 8%, but not more than 10%. Second by Commissioner Schwarz. Motion passes 5-1.**

## 2. Presentation – Entrance Corridor Design Review Overview

**Jeff Werner, Historic Preservation Planner** – I am here to talk to you tonight about the city’s Entrance Corridors and your role, which is the Entrance Corridor Review Board. It is a responsibility that was given to you by City Council in 2003. Within the city, there are several designated areas by the city of design control overlay districts. These include the city designated historic districts, which are under the purview of the Board of Architectural Review. I stress city designated because there are historic districts which are not city designated. The BAR does not have purview over those. There are the entrance corridors. With the map, I try to put on there. There is a lot going on. The entrance corridors are under the purview of you as the ERB. The BAR and ERB review process are similar and different. For an entrance corridor project, staff has more flexibility for administrative reviews. In an average year, you will formally review 4 or 5 requests. That includes special use permits, comp plan, and design review certificate of appropriateness. You can see that this is what you can look at. On a monthly basis, the BAR reviews between 6 and 8 projects. I am very busy with the BAR. I work directly and regularly with the BAR. I am here tonight because I infrequently work with you. We have some things coming up in the entrance corridor. We figured it was time to reintroduce you to me.

### **Next Slide**

Council established 12 entrance corridors and made the Planning Commission the Entrance Corridor Review Board. Per code, the entrance corridor projects are reviewed for architectural design, form, style, materials, and site design. It is done through the application of Entrance Corridor Design Guidelines. The ERB purview applies only to the exterior of the building and only to what can be seen from the entrance corridor. It is different from the BAR. It is what you are seeing from that road that is designated as an entrance corridor.

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The design guidelines are online. The design guidelines are anchored in 10 design principles. Not every guideline is applicable to every situation. That requires flexibility from you all in how and to what extent those guidelines are applied. These are the 10 principles. The guidelines stem from those 10 principles.

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The design guidelines have 5 chapters. There is an introduction, a chapter on streetscape, a chapter on site, a chapter on buildings, and a chapter that summarizes each corridor.

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The last chapter is where things get into the specific corridors. There are recommendations for each corridor.

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You can see the 12 entrance corridors and the recommendations for each specific corridor. With the EC guidelines adopted in 2011, the corridor specific recommendations are out of sync with the current Comp Plan and with current zoning.

**Next Slide**

The guidelines are germane and useful and anchored in good design. Before getting into how the guidelines are applied, I wanted to talk to you about 4 scenarios in which they are applied to support.

**Next Slide**

The first is the staff administrative review. Most EC project requests can be reviewed administratively by staff. If somebody disagrees with staff, it can be appealed to you all. I often tell applicants that we can work it out or they can go to the ERB.

**Next Slide**

This is a good example of administrative staff review. This is the Kentucky Fried Chicken on 29 North. I said 'no.' I asked them to tone it down. They were great to work with. The result was something that is better than a franchise design. You will only review what are new buildings. If it is a façade alteration on Barracks Road, I can take care of it.

**Next Slide**

We also administratively review signs in the entrance corridor. This is a sign for Raising Canes on Emmet Street. On the right side is an illustration of a sign at night. One of the things that we don't control is light and glare. Another is that if it has red in it and in the evening, we don't want to see a red glow from the sign. I can take care of that administratively.

**Next Slide**

The other thing that requires you is a request for a Comprehensive Signage Plan. For example, Barracks Road Shopping Center. Most recently, you looked at something for the medical building on 10<sup>th</sup> and East High Street. Those result in you reviewing it and making a recommendation to City Council.

**Next Slide**

Things can be relatively simple, and they can be very complex.

**Next Slide**

The other thing you look at and review are special use permit requests within the entrance corridor. That is where you review it. As a recommendation to Council, do you feel that there will be an adverse impact on the corridor? Can that impact be addressed with the design review? It is not an action on your part. It is a recommendation that you and the Planning Commission send up to Council.

**Next Slides**

It can be as simple as looking at a drive-thru window. It can be evaluating additional height.

**Next Slides**

The big thing you are involved in is the design review of new buildings. You get to make the decision on approving the CoA application. Anybody can appeal those decisions to City Council. You have looked at things that are relatively simple like this. You were involved in the apartment component of the Dairy Market project on West Street. You reviewed the landscaping plan and the lighting plan.

**Next Slide**

Back to EC review process and applying what our guidelines from 2011 to a Comp Plan approved in 2021.

**Next Slides**

During a review you all must make some judgement calls on corridor specific recommendations. Overall, the guidelines are flexible and broad. They are only guidelines. They are not requirements. You all must give some thought to it. For example, there is broad direction about lighting. It does not specifically say what lighting means. I will work with applicants on levels of lamping from LEDs. Since we are allowed to prevent unwanted glare, we have some measures that we apply. With signage, what does that exactly mean? I can interpret ‘do not obstruct architectural elements.’ If somebody does not like it, we can set it up for you. We talk about the façade organization of buildings, materials, colors, and things that are important regardless of how a site is used or the density. The guidelines allow you a tool even if the Comp Plan and zoning have changed. The guidelines address franchise development. They talk about mechanical equipment being screened. These are flexible guidelines that we can use regardless of what the underlying zoning says. There are pieces of this that we can still use. Chapter 6 was the corridor specific recommendations we will have to work together on. Since 2011, the Comp Plan has been updated and the ordinance has changed. We have some ordinance changes pending. We need to have some discussions about that. We need to update the design guidelines. Where we are now with what we have now, I am going have to rely on you to interpret as best as we can the documents that we have applying the current zoning and current Comp Plan.

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Maybe next month, I am hoping we look at 2005 JPA, Hillsdale Place, zoning ordinance changes, and how we address entrance corridors in those.

**Commissioner Mitchell** – 2005 JPA is going to be a real challenge. Council has approved the number of units and pretty much approved the massing of that through the SUP. It is going to be big. How do we wrestle with the concerns about aesthetics when we know that this is going to be difficult for a lot of people?

**Mr. Werner** – That height has been established. What you are working within is that height. Does this design, as presented, comply with the guidelines? It is architecture. It is subjective. To the best of your ability, go through where it fits, where it does not fit. The courts expansion came 4 or 5 times to the BAR. It was not the same project every time. Each time it went to the BAR, it required a staff report, an update, and a review. Unless someone deferred something, it does not change it. My relationship with the BAR is different from you. The design review with the BAR is more of a discussion. If I have a question about something, I will send it to the BAR. If I had a question about an entrance corridor, I could only ask you all in a meeting. I am not asking you to vote on something. With you all, it has traditionally been that once I have a project design, I bring it to you. How you choose to treat a project, there might be questions. I cannot tell you what to do.

**Commissioner Mitchell** – What about the setbacks? Is that a function of the Planning Commission and Council? Is that a function of the ECRB?

**Mr. Werner** – There is what the special use permit dictates. You cannot violate that. If an applicant thinks you have done it wrong, they can appeal to Council. There is a remedy. You want to do the best you can. There is a resolution if somebody disagrees with your decision. We can use the guidelines if you think a step back is necessary or if you think something needs to be adjusted. When we have these conversations with the BAR, we are being upfront with the applicant. Sometimes, we must communicate things. Without taking an action, ask them to go back and reevaluate something. There needs to be a dialogue during the meeting. I can’t tell you what to do until we are looking at it.



Something else to consider, what happens inside that building is irrelevant. We are evaluating the design and what you see. You will have to set aside what this is being used for. The assumption is that the use and density have been allowed. You are evaluating the design, materials, landscaping, and lighting. Is it appropriate?

**Commissioner Mitchell** – The BAR is focused on historic preservation. They are also focused on design. Is the Planning Commission the right place to be thinking about design?

**Mr. Werner** – Fortunately, you have a couple of design professionals right now. The BAR does have a lot of architects. I could have a quorum with business owners, private owner in a district, and two historians. We could have a quorum without any design professionals there. The difference between the BAR and you all are the frequency with which I work with them. My job is to help you. I try to guide you as best as I can.

**Commissioner Schwarz** – There is an item on page 4. At the top, ‘the expressed intent of the City Council enacting the provisions of this subsection that matters related to public health and safety has may be defined by the Planning Commission shall prevail over issues within the purview of the ERB.’ It does seem to imply that Council, when they enacted the entrance corridors wanted the Planning Commission to review this and wanted us to look at public health and safety.

**Mr. Werner** – When I have often brought things to you, the first question is: Why are you here? Why are you asking us? In government-speak, that is your job and that is what I have been told to do. In truth, that is what you have been charged with. Until we are told differently, that is the process we have. Why I am here this evening is that I know that there are things that are going to be revised and amended to change. In the interim, I have requests that are coming in that must go to you. All we have available are the tools we have available. I think that good decisions can be made with these. I don’t think you all can evaluate an extensive project in 20 minutes and make a vote on it. That is Ok. I have not worked with you all enough. I don’t know what you are thinking. That is what we have. We have these guidelines. What do they say? What do they mean? You will find them redundant and broad. Chairman Solla-Yates, you do a good job at the meetings of getting input and you all making decisions. We will have to work together. With updating the plan and updating the ordinance relative to the entrance corridor, we will have to have that conversation in the future.

**Commissioner Schwarz** – I remember there being something in the CIP for updating the BAR Guidelines. Is this something that can be tied to that?

**Mr. Werner** – Per our ordinance, every 5 years the design guidelines are supposed to be updated or revised. That could be nothing more than changing the font. We have the same problem with the BAR. What you have with the guidelines for the historic conservation districts is very precise neighborhood stuff. Before we revise those guidelines, we want to make sure that the Comp Plan and ordinance are intact. Some of the discussion I have heard is whether the BAR should be reviewing the entrance corridors. Possibly. I do have some doubts on that. There is no need to spend money revising those guidelines if entrance corridors change or something changes. We can make things work in the interim.

**Commissioner Schwarz** – Before the 24<sup>th</sup>, can we get a clarification on that paragraph that I read? Are we reviewing entrance corridor items with an eye towards public health and safety?

**Mr. Werner** – With enabling legislation, everything must be anchored in health, safety, and welfare. You pick any section of the code, that is where it starts with. I am not aware of anything in the guidelines that talks about the bus stops, crossing guards, etc. You are evaluating aesthetics. The reason you are evaluating aesthetics and design is because of the health, safety, and welfare of the community.

**Commissioner d'Oronzio** – I read that as the Planning Commission can't be forced down into a 'box canyon' on an issue of the ERB if it is interfering with the principle of the basic 'stop talking about aesthetics if you are talking about health and safety.' That is what trumps everything else. That is the way I read it.

**Mr. Werner** – The fact that you have voting in Virginia is to protect the health, safety, and welfare. It is the preamble at the beginning of every section. There are things coming from Ms. Creasy. I am not planning on speaking to you all again until we come forward with something specific on some of the projects.

**Commissioner Russell** – Your example of big box retailers is a great example of the entrance corridors working well. When I go somewhere and I can tell that there are entrance corridor guidelines in place, this place cares. This place cares about their place that they don't let a big box retailer come in and put their logo all over everything. That indicates a place that cares about its image and how it presents itself to its community and others. I don't see that as a big imposition. That is something that they can be asked to do. We talk about the elements of the Comp Plan, new buildings, and new things being compatible with elements of existing neighborhoods. We on the Planning Commission don't know what those things are. I think we are being a little flippant in saying that we are not designers because then we are not really responding to the community saying, 'we care about our neighborhood.' It is important that we have some awareness of design, and that being not just aesthetics, but materiality and things that are unique to Charlottesville. The entrance corridor guidelines do a really good job of not requiring someone to necessarily be a trained architect to go well. Understanding how infrequently you come to us, it is not that much of an imposition on the Planning Commission to review these things.

**Mr. Werner** – That is a good point. Not to be flippant, none of us are land use attorneys. I am not even an architect. You are representing an interest in the community. You are not just being asked what you think of this. You have a lens through which to view something and to evaluate it. The tension is on things like JPA where we have a prior document that said something. That has been litigated. We have a special use permit, which has determined the height and the use. We are now reviewing the design. We are not talking about not allowing this. I am glad you said what you said about the entrance corridor because it is one of those things that I was thinking about. What works? When you go into Fredericksburg on Rt. 20, they have strip malls. There is something different about that. There are things that when you are successful, you know it hides your weaknesses. We are succeeding in things. People are not paying attention to it because it has been successful. Go to UVA and look at those lights at the tennis courts. It is blinding. The BAR has come up with some reasonable guidelines that we have used. You asked us several years ago about glass. We had a good conversation about what clear glass means.

**Commissioner Stolzenberg** – Have there been any actions by the ECRB that have been what the public would consider big failures?

**Mr. Werner** – Yes and no. With the Wawa on 5<sup>th</sup> Street, it is hard to get excited architecturally. It is difficult. At the same time, the result is positive. With the Wawa, they wanted to put a big, shed roof. I said 'no.' We don't have shed roofs. I had some trouble with the face chip and dale railing at the top. We do not want to look at the mechanical units. There is some give and take. More than anything, it is where we have missed something, and it has happened.

**Commissioner Stolzenberg** – The Wawa is an interesting thing. I know at the county ARB, which is their ECRB, they have agonized over their various Wawas. They came up with a Wawa that reflects the Charlottesville sense of place. Should we be coordinating our entrance corridor guidelines and review with the way the county does entrance corridors? They are the same corridors.

**Mr. Werner** – They are, to a certain extent, coordinating. They are certainly not at odds. One of the big questions is the pedestrian experience. It is a Wawa. The design guidelines say there are areas of the city that are intended to be auto oriented. This is strip commercial. It is not trying to make it downtown Charlottesville. I look for good materials. You are not coming in with vinyl siding or trying to use stone and masonry and metal. Try to build some permanence into something and it is not something that is going to deteriorate in 5 years. That is my first threshold. You try to look at what is there, how this will fit into what is there. With the Comp Plan changes, it is hard to say what is there now is not the model. If you could explore some of the things that have been evaluated, we have not had that many things.

**Commissioner Stolzenberg** – It seems the last big thing was Gallery Court or Dairy Central.

**Mr. Werner** – For you all, it was Dairy Central, Carlton Oak, Hillsdale Place, which will probably be coming back modified. That is about it.

**Chairman Solla-Yates** – I have been very concerned about conflicts within city ordinances, city plans since we started doing government. I see many conflicts within the existing guidelines for the ERB. I understand the need for some updates, some moderation, and some reasonableness. I do not know how or when we do that. I do see the need.

**Mr. Werner** – The conflict is in those corridor specific recommendations where it says the maximum should be 3 to 5 stories. The current Comp Plan is not there. The prior chapters discuss what a building should be and how the site could be designed and activated, those are still applicable. When we come to something that seems that there is a conflict, we are going to acknowledge it, we are going to refer to the current Comp Plan and the current ordinance and apply them to the best of your ability.

**Commissioner Stolzenberg** – Is there a reason for the guidelines?

**Mr. Werner** – There is nothing specific. The guidelines are anchored in the ordinance. They are allowed by the ordinance. It is not the other way around. It is what is an entrance corridor and what things fall under the ERB purview. You may alter that. It would help to clarify what I look at and what you all need to understand. Right now, we have a policy that we work with. That should be clear and specific. The guidelines could change. We could modify the guidelines without worrying about the ordinance. It is in those street-by-street things. If we are going to do it, let's do it all the way.

**Councilor Payne** – I would share Commissioner Russell's perspective. I am most interested in the JPA project and practical meaningful role the Planning Commission has on what that project ends up looking like. That seems the most relevant areas, those larger developments which the Comprehensive Plan now allows. Those are the trickiest ones because those are the ones that people get the most upset about aesthetically. It seems like if you go to other cities, there is a meaningful difference in the building materials and the designs of how those larger buildings. Do you have something that is better and more intentional or something that is the cheapest possible building materials and designs. You get your gentrification boxes that you could see in any city. I don't know what if any mechanism there must be to try to guide that design as we move toward larger density. I don't know if this is a meaningful place to try to guide building materials and design in a more intentional way.

**Commissioner Russell** – It makes a lot of sense if we are going to have this quality of building that is going to reflect a thing that we are having to find out what that is. There must be a mechanism to do that. It is going to be the cheapest thing someone can do.

**Commissioner Stolzenberg** – There is a 3<sup>rd</sup> option that is the generic 5-over-1 that has been tortured by design review to be as articulated as possible. It still looks like it is from anywhere or even especially looks bad.

**Councilor Payne** – I would agree that process can result in random articulations and a couple new building materials that functionally are not interesting anywhere. To your point, they could be worse.

**Mr. Werner** – I was a builder earlier in my career. You want me to build something inexpensive. I can build something inexpensive. In 5 years, it is going to look like I built it inexpensively. There is a reason that places that were built in the 70s, people can't sell those places. There is a reality to the materials that are used. That is separate from how the architect puts those together. There is an element in these guidelines about what are those materials and how they are incorporated in a project. That is going to be a challenge moving forward. There are things coming. They look great on paper and in the renderings. You go out there and it is Styrofoam stucco. That is why I am here to offer some perspective on those.

The meeting was adjourned at 9:22 PM.