

**Minutes**  
**PLANNING COMMISSION REGULAR DOCKET**  
**TUESDAY, May 8, 2018 – 5:30 P.M.**  
**CITY COUNCIL CHAMBERS**  
**NDS Conference Room**

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

*Beginning:* 4:30 p.m.

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

Members Present: Chairman Lisa Green, Commissioners John Santoski, Genevieve Keller, Jody Lahendro, and Taneia Dowell

Members Absent: Lyle Solla-Yates

Chair Green called the meeting to order at 5:00pm and Ms. Creasy provided an overview of the agenda. Commissioner Keller asked for a refresher on the protocols for PUDs and that information was provided.

Brian Hogg asked about the BAR approval for 167 Chancellor Street. Ms. Creasy stated that as this is an item for preliminary discussion this evening, this a good time to provide feedback.

Chair Green asked if there were any questions on 227 Brookwood. Commissioner Keller wanted to make sure there was a safety plan for the site as well as a plan for drop off and pick up. Chair Green wanted clarity that any future owner who would use the family day home permit would be appropriately licensed. Ms. Robertson noted that the requirements have some exemptions on licensure requirements so the wording would need to take that into account.

Commissioner Keesecker asked if the 10<sup>th</sup> Street façade could be considered as part of the EC as he has concerns about the wall of the garage. It was noted it could.

II. Commission Regular Meeting

*Beginning:* 5:30 p.m.

*Location:* City Hall, 2nd Floor, Council Chambers

Members Present: Chairman Lisa Green, Commissioners Genevieve Keller, Jody Lahendro, Kurt Keesecker, John Santoski, and Taneia Dowell

Members Absent: Lyle Solla-Yates

**COMMISSIONERS' REPORTS**

Commissioner Lahendro: reported he did not attend the April 19<sup>th</sup> 2018 PACC TECH meeting because he was out of town but was able to obtain the minutes. There were three items presented: 1) the UVA athletics master plan update was discussed as well as a draft phasing of the different athletic projects; 2) the County presented an update on the Three Notched Trail planning; and 3) there were project updates by each agency representatives. Mr. Hogg was at the meeting and may have something else to add. He also reported the HAC Allocations Committee met on April 26<sup>th</sup> and were reviewing the affordable housing fund application process. We are working to simplify the application process, to provide greater flexibility, and implement a committee selection process that includes affordable housing representatives. The Tree Commission met on May 1<sup>st</sup> which he had to miss that because we gave our Comprehensive Plan public presentation that night.

Commissioner Keller: no report

Commissioner Keesecker: reported he attended the Hydraulic and 29 Steering Committee meeting on April 12, 2018 to talk over some details related to the Hydraulic and 29 plan. This is after the day that the Planning Commission had endorsed the Small Area Plan in general so the foundation of that plan is consistent in moving forward but with the consultants continuing to explore options at various 'pinch points' on the edges of the work area, for instance trying to improve the right hand northbound lane from Hydraulic to 29. They considered an option for taking 2 lanes west bound under Hydraulic and under 29 to improve that flow; discussed the interface of Hydraulic and Brandywine and the stretch that moves around that curve; discussed some options to review for bike lane options and connectivity at the 29/Hydraulic

intersection proper and in the end the committee recommended that consultants look further at an option that connected all 4 quadrants at that intersection for bike/pedestrian.

On April 18<sup>th</sup> he attended the Emmet Streetscape meeting which was the initial kickoff meeting where the consultants provided their observations of the existing conditions. They presented a brief overview of the study process, timeline, and goals based on the Smart Scale application provisions. The team anticipates a visioning process with three principles, complete street, safety, and beautification of the corridor. This study runs from Ivy Road to Arlington and Emmet Street. He said there was a group discussion on how to resolve one of the major questions that the team will have to address which is how to move the multimodal trail on the stretch of Emmet through the pinch point where the train trestle is. There is an existing very narrow area so there is some discussion of a tunnel. He reported on another Hydraulic and 29 meeting on April 26<sup>th</sup> which he did not attend but a discussion was held regarding how to package the different projects within the work area into an application for Smart Scale. He recalled the study area included eight projects and not all could be funded at once so there was some discussion about what combination of those would be put forward and when. We got an email from Mr. Emory that it was a pleasure to see how quick the Hydraulic and 29 plan came together and how it might have benefitted other parts of the city if those had been undertaken at different times; but it hasn't been that quick because they met for about 15 months and met every two weeks. It has been a fairly concerted effort and the VDOT staff has done a super good job organizing it in a way to keep it moving.

Commissioner Santoski: no report

UNIVERSITY REPORT, Brian Hogg: reported that May 17<sup>th</sup> is the PACC meeting and at that meeting the University of Virginia Foundation will be presenting their plans for demolishing the Cavalier Inn and beginning clearing for the Ivy Corridor site. My colleague, Michael Joy will present an update on the Athletics Master Plan. At the June Board of Visitors meeting there will be several items on the Buildings and Grounds Committee's agenda: The design of the Ivy Mountain Musculoskeletal Center will be presented for final approval. It is just over the City line in the County and it will be replacing the Kluge Children's Health Center. The designs of the proposed addition and renovation of Alderman Library, of the new Softball complex, and of the new Student Health building (the next project on the east side of Brandon Avenue) will all be presented to the Buildings and Grounds Committee for review.

CHAIR'S REPORT, Lisa Green: reported she did not have any meetings this month. The Citizen Transportation and Advisory Committee will meet on the 16<sup>th</sup> of May, 7:00 pm at Water Street Center. The East High Streetscape Project does not have another meeting set as of yet but she encourages you to go to East High Streetscape.org and take the survey and let your voice be heard. This is an add on to the Belmont Bridge as part of Smart Scale funding to have the project extend all the way to 10<sup>th</sup> Street past the bridge. The Emmet Street project meeting is May 12<sup>th</sup> at the Cavalier Inn from 9:00 am to 11:00 am. This is a citizen information meeting and there is a walking tour beginning at 11:00.

DEPARTMENT OF NDS Missy Creasy: reported we have two Comprehensive Plan meetings this week, one on Thursday from 12:00 noon to 2:00 pm. at City Space and one on Saturday from 10:00 until 12:00 at the Central Library in the McIntire Room on the third floor. These are two of the four that we have scheduled for the month of May for citizen participation for the Comprehensive Plan to gather feedback on the different chapters as well to gather feedback on the draft map that the Planning Commission has put together. The next meeting is May 29<sup>th</sup> in the Belmont neighborhood in the evening. Following the meetings the Planning Commission will be working with the comments received and providing updates to materials moving forward through the Comprehensive Plan process. The Commission has a work session scheduled on the 22<sup>nd</sup> on the calendar that doesn't have a specific topic to it and wondered if you had a topic and/or would like to take a break since we do have four meetings this month.

Commissioner Keller moved to dispense with the May 22<sup>nd</sup> work session, seconded by Commissioner Santoski, motion passes 5-0.

MATTERS TO BE PRESENTED BY THE PUBLIC NOT ON THE FORMAL AGENDA – no speakers present

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

No vote was taken on the consent agenda. Items will be forwarded to the next meeting.

Vice Mayor Heather Hill gaveled in City Council

### III. JOINT MEETING OF COMMISSION/ COUNCIL

Beginning: 6:00 p.m.

Continuing: until all public hearings are completed

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

SP18-00006 - 227 Brookwood Drive – Landowner Diane Anderson has submitted an application pursuant to City Code 34-420, seeking approval of a Special Use Permit (SUP) for this property to authorize a Family Day Home for up to eight (8) children on the Subject Property

Matt Alfele provided the staff report.

Chair Green opened the public hearing. There were no speakers so she closed the public hearing

Commissioner Keller moved to recommend approval of this application for a Special Use Permit for the subject property in the R-1S zone to permit a Family Day Home with the following listed conditions.

- a. Limiting the number of children to a maximum of eight (8).
- b. Limiting operation hours from 7:00am to 5:30pm.
- c. That there be on file with the City a plan for the drop off and pick up of children exiting and entering cars and that it be provided annually to all of the parents whose children are attending this facility and as a new child joins it be provided to that family as well.
- d. A requirement for state licensure as required.

Seconded by Commissioner Keesecker, motion passes 5-0.

ZM18-00002- 1335, 1337 Carlton Avenue (Carlton Views PUD)- Hydro Falls, LLC, Carlton Views I, LLC, Carlton Views II, LLC, and ADC IV C' ville, LLC (landowners) have submitted an application pursuant to City Code 34-490 et seq., seeking a zoning map amendment to change the zoning district classifications of the following four (4) parcels of land: 1335 Carlton Avenue (Tax Map 56 Parcel 430), 1337 Carlton Avenue (Tax Map 56 Parcel 431), Tax Map 56 Parcel 432, and Tax Map 56 Parcel 433.

#### Report by Matt Alfele:

Fountainhead Properties has asked to rezone four parcels of land to the “planned unit development” category, which allows for customized rules for specific sites. Two buildings have already been constructed and a third is nearing a groundbreaking. The rezoning request is part of a larger development that started back in 2012. The first phase of the development was the completion of the by-right Blue Ridge PACE Center. He said this January, the Planning Commission approved a site plan for a third phase known as Carlton Views II. This calls for 48 units and is moving forward in part because Council authorized the spending of \$1.44 million from the Charlottesville Affordable Housing Fund.

Scott Collins, Civil engineer: represented Fountainhead before the Planning Commission. He understood the concerns about the PUD process but said the approach was taken to expand the possibility of more affordable housing within city limits. He stated we’re actually building on a very successful project and it looks great and has been well received in the community. This is really providing something for the community that Charlottesville doesn’t have. It’s providing for a campus style development that provides accessible and affordable housing next to an amenity that is set up to provide services for residents within a walkable area.

Stacy Pethia Housing Coordinator: said the first two residential buildings were financed with low-income housing tax credits which are received through the Virginia Housing and Development Authority. They have already signed agreements clarifying that those units will be affordable for 30 years. Fountainhead could only build four housing units on the remaining land by-right. The rezoning would increase the residential density on the entire site from 21 to 32 dwelling units per acre. Ms. Pethia said Fountainhead has contacted her to request additional funding for the third residential

building. That will require the rezoning to be granted in order to qualify for the low-income housing tax credits from the VHDA.

Commissioner Santoski: said he has grown wary of the planned unit development (PUD) mechanism.

He noted that we've had it happen in the past that when we've looked for PUD documents, most recently thinking about the one out on 5th Street, there was a lack of documentation within the public files about what exactly that document was. He was referring to the Beacon on 5th Street, a recently constructed apartment complex built by Riverbend Development. Council approved a PUD rezoning for the project in March 2004 but it wasn't constructed until over a dozen years later. Commissioner Santoski expressed concern that if the rezoning took place now and the development was not built, the development could be out of synch with changes that might come in the current review of the Comprehensive Plan.

Mr. Alfele: said he is aware of that frustration but that Fountainhead's application laid out expectations for the future. He pointed out how they provided a really good document so that if someone in ten years comes along they would have this document and would really know what they can and cannot do on this parcel. That has not always been the case.

Commissioner Lahendro: said he was also skeptical of using the PUD method in this case. He felt that we're not getting the real benefit of a PUD when two-thirds of the site has already been decided upon and the third that's left is at the opposite end of the site.

### Open the Public Hearing

Mark Kavitt: said he is in favor of seeing more affordable housing done if it is really affordable housing. Until last week he was employed at Blue Ridge PACE Center and is familiar with this piece of property and had been following this matter for quite some time but he had been told to really not discuss much and keep my mouth shut which I don't have to worry about that now. His main concern is parking, and the site line from the street with cars going back and forth as well as entering and exiting the street. The parking lot beside PACE is used 100% by PACE. They are now using street parking in addition to the front of the building and a little bit up the hill. He saw an initial plan sometime back on the parking area that made it look like it was over where the dumpsters are and that is totally not true. They are using the entire space and they are still growing. There are about 25 JAUNT buses that come into PACE in the mornings and 25 that go out in the evening. With cars parked on the street you are not able to see the distance going up the hill on both sides while turning. We could really use some affordable housing for seniors. He feels that more research needs to be done on this project and more details in the plans as well that addresses some of the concerns that have been brought up tonight.

Bill Emory: a resident of Woolen Mills neighborhood said he was also opposed to the project. This development as initially designed spread out across the 4.8 acres at 21 DUA which allowed for focusing on the well-being of the residents vis a vis recreation and open space. Bumping up the density will come at the residents' expense. The Planning Commission understands but the general public might not understand that there is no different zoning for rich and poor, there is no special Hogwaller lens that changes the scope of review in this matter to "This is good enough for where it is going, this is good enough for who it is for". I have faith that the ten PUD objectives and the Zoning Map Amendment requirements will be evaluated here exactly as you would evaluate them if this rezoning was in a higher income portion of the City. The meaning of "not complying with the Land Use Map" is as significant here as it would be on Dairy Road. I wish you all had been given the opportunity for a work-session as you often do with PUD applicants. There are questions and concerns that could have been addressed with the developer in such a format, these include: The former SUP conditions regarding maximum number of bedrooms and fifty foot height limit which have not been carried forward. The lack of innovative arrangement of buildings and open space. The lack of the higher quality which is possible through PUD zoning. Is this a cohesive unified project? What percentage of the current residents are working for PACE or are PACE clients? Will the pedestrian linkage between buildings A, Carlton Views II, and the PACE Center actually come to pass? Instead of having to walk out in the street or take the JAUNT bus. Can it be required? Where is the Carlton Views II open space? (Parcel A) Generally, the quality of the open space is minimal. It is not usable for recreation, much of it is not accessible to the elderly. Where is the variety of housing types? Where is the mix of incomes? What employment or stores exist near this proposed residential density? Why would we locate the economically vulnerable people in an area with no services within walking distance? Westhaven is walkable, South 1st Street is walkable, and this neighborhood is not.

What is improved by changing from M-I with an SUP to PUD? Staff finds the only substantial and realistic change the rezoning to PUD will achieve is an increase in residential density.

The code, the PUD objectives, should lead to quality like Timberlake Place rather than quantity, people warehouses floating on asphalt, like this. The PUD ordinance allows a developer to build a neighborhood, this doesn't make the cut.

Rachel Vigor: a current resident of the existing Carlton Views said the quality of life in the building is not high. She said there's general frustration with the apartment. She said people experience it as being hastily built and not built right and things such as broken dishwashers, the sliding doors for balconies being too heavy to move, doors closing on people as they enter or exit their apartments. Ms. Vigor said management is lacking and people are asked to go to another apartment complex on Prospect Avenue if they have complaints. She added she cannot afford to live there and will be moving out soon.

Closed the Public Hearing

Mr. Collins: rebutted stating the plan is conceptual at this time. He also said that as more units come on line there would be more on-site management staff. Most apartment complexes, if it's anywhere below 100 units, it's very typical to find the leasing offices and staffing off-site because they do it from another place.

Commissioner Keller: said for all of the specificity of this, there's still a good number of details and questions that remain unanswered for instance, she wanted to see a diagram depicting how people would be able to walk and circulate around the entire community. She said we want these to be very good and livable and successful communities. She commented that maybe a little more time to address some of these questions would result in a better community and a better PUD.

Lisa Robertson, Interim City Attorney: pointed out of that if the item was deferred, four different planning Commissioners would hear the presentation from scratch.

Mr. Collins: asked for a deferral when it appeared the Commission was going to vote to recommend denial. He had hoped for a recommendation for an approval because of the timing of getting funding to help subsidize the project.

Commissioner Santoski: said he understood that complexity. He said these things are so complicated and pull in so many different pieces of funding and it's not the developer or the agency's fault. It's so hard to grab that federal money and other local monies to make these things work.

Commissioner Lahendro moved to accept the deferral Seconded by Commissioner Keller, motion passes 5-0.

#### IV. COMMISSION'S ACTION ITEMS

Chair Green Gaveled out of the Planning Commission and into Entrance Corridor

##### **Entrance Corridor Review Board - 10th Street and East High Street:**

This is a certificate of appropriateness for a three-story medical office building at the corner of East High Street and 10th Street NE. The 1.1-acre property at the corner of 10th Street and East High Street is owned by Sentara Martha Jefferson Hospital. Three buildings currently on the site would be demolished. The Comprehensive Plan calls for "mixed-use" at the site and the zoning is in the Downtown North district, which would allow for the new building without further approvals from City Council.

Jeff Werner: Historic Preservation Planner, said the proposed new building is a three-story medical office building with a two-story entrance fronting on High Street and a two-story rear parking structure with 178 spaces.

Chair Green: said it goes against every single thing that we've been talking about in the design of what we're doing in this area. It's everything we're trying to go away from.

Ms. Creasy: added there are comments in the preliminary site plan that note the continued conversations and compatibility with the project and one of those changes was a request to put a pedestrian entrance on East High Street. She said staff has determined that the height, mass and scale of the building is appropriate under the entrance corridor guidelines.

Mr. Werner: said compared to existing buildings and structures fronting on East High Street this site is prominent and the proposed building's scale and materials are appropriate for a corner building. Also the large parking deck at the rear is unfortunate in terms of massing but permitted. The project's architect said he felt his team had provided a site plan and drawings that well placed the new building within its surroundings.

Mark Dignard: Innovate Architecture | Interiors: pointed out how this building embodies a tough site, a very acute angle on a corner with sloping streets that surround it. The idea is, how do we put a building there and its parking in such a way that adds to as opposed to taking away from the community and the entrance corridor. Mr. Dignard said the project will use some of the same materials and elements as at a portion of the former Martha Jefferson Hospital that now houses the CFA Institute.

Many of the commissioners felt the parking deck was not the best use of the space.

Commissioner Keller: said we need housing and we need mixed-use. One of the worst things now about downtown is the parking deck at the other medical building on East Jefferson Street. To add this one, we'd just become a wasteland.

Mr. Dignard: said from 10th street, pedestrians will only see a brick wall with planting. He said the rendering included in the application shows a white surface in the parking deck, but the actual product would look different. He said from a vehicular standpoint or a pedestrian standpoint, we've kind of hidden the cars along High Street. You get a glimpse of the entrance driveway along the side of the building to get back to the parking, but you really can't see it very well.

Commissioner Keller: said she thought the building looked like a "mini-hospital" rather than a medical office building. She feels that it just doesn't fit that corner very well, and then you add the parking deck to it and it's just an insult.

Mr. Dignard: said medical office buildings tend to be square. He explained the reason is the medical design wants you to have a nice rectilinear space to be able to lay out the space, and as you develop a project, you want to develop every square foot you can.

Commissioner Lahendro moved to deny the certificate of appropriateness because the brick wall along 10th Street was too high. They also said the pedestrian experience on East High Street would not be improved by the current application. Motion passes 4-0-1 vote; Commissioner Keesecker abstained; Seconded by Commissioner Santoski.

**Entrance Corridor Review - 1000 East High Street - Ready Kids,** A certificate of appropriateness for an addition at the ReadyKids building operated by Children, Youth and Family Services at 1000 East High Street.

Commissioner Keller moved to approve the certificate of appropriateness for an addition at the ReadyKids building with the staff recommendations for conditions:

1. The ERB should view material samples. Cut sheets for materials should be submitted.
2. All glass must be specified as clear, with minimum 70% visible light transmittance (VLT).
3. Signage requires separate permits. All signage shall appear to be lit white at night.
4. Rooftop mechanical equipment will be screened within appurtenance.

Chair Green Gaveled out of Entrance Corridor and back to the Planning Commission.

2. **Preliminary Discussion 167 Chancellor Street:** The applicant is seeking to amend the existing special use permit to modify the setbacks where the addition would encroach. The applicant is not seeking to increase the number of residents allowed on both properties or change the use of the special use permit; the use of Sorority/fraternity and the limit to no more than thirty-three residents would remain the same. The preliminary proposal calls for increasing the gross

square footage (GSF) of the existing building from is 3,815 GSF to 5,505 GSF with addition, pedestrian improvements including a new six (6) foot sidewalk on the east side of Madison Lane where there currently is no sidewalk, enhanced landscaping including new street trees and proposed pedestrian lights on-site.

Mr. Keesecker said on a corner condition heavily traveled basically a building with two fronts will require a fairly unique architectural solution. He said the massing has the ability to be appropriate and as a SUP the impacts of the loss of the setbacks and the improvements to the space between building and the public way to make that space more animated and better.

Chair Green: The question coming to us is the approval of the SUP and to grant a more non-conforming setback.

Commissioner Lahendro: said he objects because this violates every one of the secretary standards of rehabilitation and a façade-ostomy and using it for the back of the house and it is not a façade anymore. He said it is inappropriate for the scale and the massing for the building and the context around it.

Applicant: Chancellor is a lot more like a typical Charlottesville residential street. The front entrance is usually a bump-out dormer and residential feel. Chancellor Street was the primary street. This is the BAR submission, to face Chancellor Street as Madison Lane developed, the elevation flipped to address Madison Lane more appropriately fit.

Mr. Hogg: said St. Anthony's is perfectly symmetrical; it was neo-classical building when it started and now it's got two big neo-classical porticos. This was a Queen Ann house with porch facing Chancellor Street and this was the back of the house. The two houses at the end, 165 and 167, in fact face Chancellor Street and the reason is that this is the back yard. He said all of the other houses on Madison Lane face Madison Lane. He commented that a large portion of this addition is the big party room going onto the patio, legibly their dining room. Every fraternity in the last five years has come to the BAR or some other regulatory agency saying that we need a party room and we will put it underground so it won't be so noisy when we are on Preston Avenue near people. It's basically demolishing the south end of this house. He is not sure that your analysis of trying to fit this in to this pattern of development in this neighborhood as a variation of the setbacks is really convincing. Mr. Hogg said he doesn't think the board's discussion of the compression and release really reflects his experience on that side of the street. He also finds it interesting you are proposing a 6 foot sidewalk and he feels the sidewalk on that side of Madison lane is 3 or 4 feet.

Ms. Newmyer: said this is just a local street but it's always said if we can provide a wider sidewalks that is great.

Commissioner Santoski: said he thought it looked nice and thought the changes to it enhance the building were good.

### 3. Zoning Text Amendment – Mixed Use in Downtown Extended

Commissioner Keller move to initiate a Zoning Text Amendment to implement changes to the Mixed Use Zoning regulations to specify minimum gross floor area requirement that must be satisfied in order for a development to receive additional height or density. This minimum standard is 12.5% of gross floor area and would apply only in zoning districts which no different percentages specified. This amendment is proposal one endorsed by PLACE via March 9, 2018 correspondence, Seconded by Commissioner Lahendro, motion passes, 4-0-1 (Commissioner Keesecker abstained).

Commissioner Keller move to initiate the Zoning Text Amendment based off of proposal two consideration in our packet. the that within mixed use, buildings, developments and projects; off street parking facilities must meet the following requirements along streets designated as framework streets and the Streets That Work element of the Comprehensive Plan 1) within structures pertaining parking any floor at street level of a framework shall devoted to a permitted use other than parking or little to any parking use at the street level of a framework street shall be concealed from view from the framework street using linear retail residential, commercial or office space; 2) entrances to surface parking lots and structured parking lot shall be located along the framework street but shall be located along non-framework streets or alleys; 3) the surface parking lot must be located behind building and screened from the framework street with landscape elements, Seconded by **Commissioner Lahendro**, motion passes 5-0.

**Ms. Robertson** said she will do the report for proposal one using the same information she put in the legal audit code review and received a recommendation from the PLACE Design Task Force. This one will be ready by the June meeting. She said proposal two seems straight forward but the PLACE Task Force said there needs to be some further study to determine whether there are any problematic areas that if it were adopted as a requirement that this couldn't be accomplished.

**Commissioner Keller** said it has been an honor and a privilege and a pleasure to serve with you guys (Commissioner Keesecker and Commissioner Santoski) since 2009 and looks forward to seeing you in other venues. Thank you for all of your commitment, hard work, vision, chairing and vice chairing and all of those things that you both have done so well.

Meeting adjourned at 1:30