

Minutes

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

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

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

***Location:*** City Hall, 2<sup>nd</sup> Floor, NDS Conference Room

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

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

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

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

**II. COMMISSION REGULAR MEETING**

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

***Location:*** City Hall, 2<sup>nd</sup> Floor, NDS Conference

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

**A. COMMISSIONER'S REPORTS**

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Masterplan is to test the fit of new facilities to support the UVA health system and engineering schools, and replace outdated clinical and research infrastructure.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

**Commissioner Solla-Yates:** No report.

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

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

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

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

#### B. UNIVERSITY REPORT

Mr. Palmer was not present.

#### C. CHAIR'S REPORT

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

#### D. DEPARTMENT OF NDS

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

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

None.

**F. CONSENT AGENDA**

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

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

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

**III. JOINT MEETING OF COMMISSION/COUNCIL**

*Beginning:* 6:00 pm

*Continuing:* until all public hearings are completed

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

**1. CP18 - 00001 – East High Street Streetscape Concept**

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

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

**COMMISSIONER QUESTIONS**

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

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

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

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

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

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

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

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

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

## **PUBLIC HEARING**

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

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

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

## **COMMISSIONER DISCUSSION**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## COMMISSIONER QUESTIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Mr. Collins:** Clarifies that this is correct.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Councilor Walker:** What other funding streams would be considered if the applicant does not receive the tax credits?

**Mr. Wood:** At this stage, this would be the only application that would be submitted by them and no other options are available to do this type of building.

**Councilor Hill:** If the applicant does not get the tax credits, would they also not get the CAT funding?

**Mr. Wood:** If they do not get the tax credits, they would try again in 2020 or go for another use.

**Councilor Walker:** Asks if they have a commitment to hold off until 2020 before proceeding with other uses.

**Mr. Wood:** 2019 is not meant to be a drop dead date, but it is meant to be a date that releases the developer to do other uses. The hope is that they would get tax credits for Carlton 3 and that nothing changes between now and when they attempt to get an allocation of credits and send them. If not, the developer would like the opportunity to do other uses allowable after 2019.

**Councilor Walker:** Can conditions on the PUD be included on the decision?

**Chairman Green:** Conditions cannot be put on PUD applications. We are voting on this as it stands.

**Mr. Wood:** Clarifies that the intent is to do this affordably and that they are not currently considering other options for uses.

**Chairman Green:** If another funding stream became available and tax credits were not approved, would the applicant apply for them?

**Mr. Wood:** Certainly. Other streams must be applied for. City funds are vital and other funding streams are meant to be used as gap sources of funding, not the primary source.

**Commissioner Lahendro:** Feels as though the area is very steep in certain areas and does not think that Carlton 1 would be handicapped accessible, particularly on the north side of Carlton 1 to the road on the east.

**Mr. Collins:** States that railings can be added but those have not been incorporated because that area has not been constructed yet.

**Commissioner Lahendro:** Notes that he was under the impression that it was ADA accessible as is. Railings would not be sufficient and it would also need a level intermediate landing or something similar.

**Mr. Collins:** States that switchbacks can be incorporated as well once the building is built out.

## **PUBLIC HEARING**

**Bill Emory:** This PUD rezoning application is an afterthought and it is an inappropriate use of the PUD ordinance to increase density while the quality of life for the residents takes a hit. The PUD rezoning would increase density for economically and physically vulnerable people, piling residents in a people warehouse.

Carlton Views is located in a non-supportive area, a food and services desert. As designed, Carlton Views is a step backward from Friendship Court (built in 1978) in terms of amenities for residents. The PUD rezoning is out of sync with the City's Land Use Plan and good zoning practice. The region, the 176 acre East Belmont Carlton neighborhood, has never been studied, there is no small area plan. Planning is best before action is taken. One cannot back into a PUD. I hope that the rezoning is denied and that the applicant will build things that the existing MI-SUP zoning allows, things like a daycare, a convenience store, an incubator space for small business, a playground for the Carlton Views I & II children, a covered place for the elderly to sit outside. These parcels represent 2% of the 3.2% of the City that is zoned for industrial uses. If one were to consider a rezoning of this very limited manufacturing industrial resource we should do it city wide.

**MaryAnn Nesbit:** Has lived in Carlton Views for just under a year and has seen improvements happen with management. Shares concerns about the design of the building that could be built next door because of the spacing and knowing that the industrial park is needed. There are trailer homes across the street and the access roads that go by this are pleasant and the traffic is pleasant. The facility is very functional for those who share a similar age group, but she does not see that result with Section 8 applicants. The facility is very much needed for those with whom it was designed for, as it is beautifully designed, solid, and provides security and comfort. The City needs it and benefits from it and management has addressed many of the problems that have come up. She looks forward to the expansion but notes that there is an active railroad track close to where the proposed building is meant to be and that there are deterrents when it is not kept within what it was originally planned for.

**Mark Kavitt:** Notes that he was an employee at PACE for over two years and knows the facility extremely well. Everyone in the facility does qualify for nursing home care but the idea is to keep them out of these facilities by

providing them with support. One of the largest concerns is the parking situation. On any given day if you arrive after 8:30, all of the parking spaces are gone. The employees of PACE were parking on the road because of this. The facility has been very concerned about how they were going to accommodate the shared parking and even looked at the possibility of running a shuttle with a parking lot offsite in the area to accommodate the employees. Notes that he used to go into Carlton 1 on a daily basis and voices concerns about the management. The area between PACE and Carlton 1 is very steep and feels that it is nowhere close to being ADA accessible.

**Nancy Carpenter:** Voices concerns about the tax credits. She understands that we do need affordable housing but due to the large tax cuts that are given to a lot of people that provide funding for low income tax credits, sometimes the availability of those funds have been limited and that is an ongoing issue. Shares the importance of having amenities for families within low income housing residencies and unfortunately, there is no safe place to do so in Carlton Views. The quality of life at Carlton Views is also concerning because of the amenity problem, the lack of food resources, and topography issues. Council should critically look at the development of this phase and think about the quality of life for people in that area.

## COMMISSIONER DISCUSSION

**Commissioner Dowell:** Feels torn on the matter and notes that she likes the quantity of available units provided but if the applicant doesn't get the tax credits then they are in a bind.

**Commissioner Stolzenberg:** If they do not get the tax credits, would it still be 30% affordable at 60% plus 15% at 40%?

**Ms. Robertson:** Correct, that is what the proffer says. It speaks about affordability and has an alternative provision that says if they get the tax credits, it will be 100% affordable at specific limits. If not, affordable housing is still available, it would just be in a lesser total number.

**Commissioner Heaton:** Agrees that the numbers are impressive and move us towards a major goal for the City, but is curious what the facility would look like in 20 years with the restrictions and lack of amenities available.

**Chairman Green:** Was specifically impressed with the use matrix and states that it is very intentional. She is also torn on the idea because she likes the number of proposed units but is concerned with the grade and accessibility. While the amenities aren't there right now, are we going to deny the proposal outright just because they aren't there yet? Should they build the amenities first and do they need to all be provided on site or just be in close proximity to amenities such as parks? Is there a percentage that should be open green space? It is a food desert but she is unsure that we can just wait to build affordable housing until a market is built.

**Commissioner Lahendro:** The purpose of a planned urban development is to cluster the buildings to create open spaces and amenities to create a greater quality of life through innovative design. In this case, it is being brought in too late and is being submitted to maximize the density on the site and offer no benefits that has already created the opportunity for amenities and quality of life. Feels that as a Planning Commissioner, he should be supporting good planning practices and he cannot support this because of the mockery it makes of a PUD.

**Commissioner Mitchell:** Agrees and states this request is nothing more than a technical means to an end, and worries that the tax credits will not be approved.

**Commissioner Lahendro:** Would hate to see the precedent set that if it is an affordable housing development then it doesn't need the same good community planning.

**Commissioner Mitchell:** The only reason it is a means to an end is because the policies in place left no other options available. Once the Comprehensive Plan has been updated it should resolve these issues.

**Commissioner Stolzenberg:** Agrees and states that as Mr. Emory stated, he would like to see this idea be possible anywhere throughout the City without using technicalities. There is plenty of open space in the site plan, it's just covered in asphalt for parking.

**Chairman Green:** Shares that they have approved way worse projects for two units and does not like the PUD and the technicality.

**Commissioner Heaton:** This is not a "plug in the data" and decide if the PUD is appropriate or not, but it is meant to be a board of Commissioners trying to decide how best we can move the community forward.

**Commissioner Solla-Yates:** What is the timeline for the bike trail running directly from the site to Riverview Park?

**Mr. Alfele:** It has not come up anytime recently, so probably a long timeline.

**Commissioner Solla-Yates:** Riverview Park is one of the most popular parks in the region and could be a huge potential asset, but doesn't think we are doing enough to get people to the park and enjoy it.

**Mr. Alfele:** One of the biggest hurdles with that trail would be Franklin because it is a railroad bridge with one-way traffic.

**Commissioner Mitchell moved to recommend approval of the application to rezone the subject properties from M-I, to PUD, on the basis that the proposal would service the interests of the general public. Seconded by Commissioner Stolzenberg. Motion is approved 5-2.**

**Chairman Green:** Would like to state that the New Hill project was not reviewed by or had any knowledge of by the Commission and is surprised at how the project has commenced.

#### **IV. COMMISSION'S ACTION ITEMS**

##### **1. ENTRANCE CORRIDOR REVIEW BOARD**

###### **a. Dairy Central Phase 2**

**Staff Report – Jeff Werner:** The applicant is submitting a Certificate of Appropriateness for a 228,700 square foot apartment building with 175 units with 1400 feet of commercial space and parking garage beneath the building. The project is for phase 2 of 4 phases for the Dairy Central building on 946 Grady Avenue and is located on the southern end of a 4.5 acre parcel on the Preston Avenue Entrance Corridor. The larger parcel is occupied by the buildings associated with the former Monticello Dairy. Phase 1, in the northern portion, contains the dairy buildings and is designated an Individually Protected Property (IPP). Phase 1 was reviewed by the BAR and the COA approval process was completed in June 2018. Phases 2, 3 and 4 are outside IPP boundary and are thus subject to ERB review. Relative to the proposal, the ERB reviewed a special use permit request in March to

increase the residential density and building height and the ERB found that these would not adversely impact the corridor and the Planning Commission and Council approved the permit. The Planning Commission's approval included 3 conditions: that the design height, density and other characteristics must remain as presented, understanding that some changes may arise during design review, however substantial changes must require modification to the SUP, that along 10<sup>th</sup> Street NW the 5<sup>th</sup> floor shall step back a minimum of 10 feet from the floors below, and that along West Street the floors shall step back a minimum of 45 feet from the property line. All conditions have been addressed in the proposal. The Planning Commission also requested that the courtyards be designed as useful spaces, the 10<sup>th</sup> Street elevation must not represent a back wall to the street, a screening of the parking garage from West Street and that the landscaping plan that was shown will remain. Accept for a few minor changes to window and balcony locations, the massing scale design materials match what was presented previously. Relative to the design, the project features 3 bays separated by courtyards with the bays jointing by a fronting on the alley between phase 1 and 2. The bays, contemporary design and variation of materials, textures, patterns, and colors break the massing into modules that are more compatible with the adjacent residential neighborhood, which is compared to a monolithic structure. The design and details are consistent to the design guidelines. The first floor walls are brick with metal storefront and punched windows. The upper floors are a combination of brick and fiber, cement, metal or panels with punched windows and recessed balconies with glass doors and metal railings. For the arrangement of the buildings on the site, the 3 primary facades engage the street. They incorporate wide sidewalks and landscaping like street trees that produce shade and a sense of enclosure and defined edges. The benches enhance the pedestrian experience and the courtyard provides open space for the occupants. The parking garage is accessed through the alley and there is a bike storage room near the building lobby. The arrangement of the buildings are consistent with the design guidelines. As for the compatibility with the Preston Avenue Entrance Corridor, the proposed building, streetscapes, site improvements and site lighting are all compatible with this entrance corridor. Relative to the City's vision for this corridor, a key goal is to create a variety of new mixed use larger scale projects and the City corridor designation relative to zoning is to facilitate the development and redevelopment of medium scale commercial and mixed use projects. This project complies with both of those. This project also provides a residential component to a larger mixed use project which will provide the adaptive reuse and rehabilitation of a historic structure. Staff supports the recommended design and recommends approval with conditions including: 1. the applicant will provide an inventory of all final materials, colors and light fixtures selected. 2. Lamping for exterior lighting to be dimmable and not exceed a color temperature of 3000K. 3. The glass for the residential windows and doors will be no lower than 56 VLT. This is lower than the preferred 70 VLT, however these windows and doors are in residential units; the fenestration is punched (versus a glazed curtain wall or storefront); glass used in commercially produced residential windows (i.e. Pella, Marvin, etc.) typically has a VLT in the mid-50s and lower 60s; and for segments of Phase 1 of the Dairy Central project, the BAR approved the use of glass with VLT 50 and VLT 68 on some portions of Phase 1.\* 4. Signage requires separate permits and approvals. All internally illuminated signage shall appear to be lit white at night. 5. Rooftop mechanical equipment will be screened within the appurtenance. 6. Metering and/or electrical service equipment for the proposed street lamps [to be installed in the public right of way] and for the building's residents/occupants will be fully concealed or located so as to allow full screening. Relative to condition 3, the first floor storefront glass is 70 VLT, as typically required. The windows and doors on the residential units are of a lower VLT (as low as 56), but requests that Commission expresses the uniqueness of the site and the use of the glass.

**Commissioner Mitchell:** Clarifies that this is intended for the back of the building, not on the Entrance Corridor and asks why it needs to be reviewed if it is not actually touching the Entrance Corridor.

**Mr. Werner:** Correct, but it is a parcel that does connect to the entrance corridor.

**Commissioner Solla-Yates:** Asks what the public interest is for clear glass in residential uses.

**Mr. Werner:** References Tarleton Oaks where they requested to use a lower VLT and found that 70 VLT was not found in either the BAR design guidelines or the Entrance Corridor design guidelines but it has become the standard that is used. The rationale is that the glass at 70 VLT at street level doesn't have a mirror but as you go higher and transition to punched windows, the design circumstances can change. Most glass is normally in the 50s range and in this case the idea is that you don't get a large glass building that looks like a big mirror. The higher areas can be in the 50s as long as the lower storefront area remains at 70.

**Commissioner Lahendro:** There are a lot of characteristics, not just VLT, in the samples that affects the glass and the transition of light. After looking at the samples, there was negligible difference between the 56 and 70, which is why 56 is such a standard with residential windows.

**Chairman Green:** Did the BAR approve the plan with the cow on the side of the building?

**Mr. Werner:** Yes. As long as the logo is not copyrighted, it is allowed and it would be on the side of 10<sup>th</sup> Street. Notes that viewing it within the context of what has been approved at phase 1 is important to understanding how the design works together with phase 2.

**Commissioner Solla-Yates:** Regarding windows, does the requirement of 56 eliminate a lot of window options or is that relatively minor?

**Mr. Werner:** There are about 6 different numbers when using glass, but they use the VLT. Some glass may have coding on it so it doesn't appear fully clear but it comes down to the reflectivity and at what point it becomes a mirror. As far as the glass market goes, it's not impossible but would like to leave it up to the designer to answer.

**Chairman Green:** Once the Comprehensive Plan has been completed, she requests that Mr. Werner shows the Commission some samples so they can all better understand these glass differences.

**Applicant –Chris Henry:** The historical context of the mural of the cow references an old picture from the 1970s where there was a twenty foot tall caricature of a cow standing in front of the building. It is a point of conversation, which they hoped it would be. He reminds the Commission of the extensive community engagement process that has been constructed. It started in phase 1 with the BAR and was followed by a series of community meetings and a small community design group that was met with monthly to keep the lines of communication open with the neighborhood.

**Lee Quill, Cunningham Quill:** The location of phase 2 is on the corner of 10<sup>th</sup> and West Street right behind the dairy building. The front of the building is important along West Street and it has been broken into a street and block plan to provide interconnectivity for pedestrians and vehicles. The main entrance to the garage and loading are internal along the alley. Notes that it was kept low with the historic building and stepped up towards the middle of the site and likewise in the center of the site is higher and then steps down as it approaches the residential neighborhood. The Street along 10<sup>th</sup> is activated with individual entrances to the units with stairs and added planters.

## COMMISSIONER QUESTIONS

**Commissioner Lahendro:** Asks the applicant what they would like to use for exterior glass.



**Mr. Quill:** In the windows of the units above, there is a range in the 50s – low 60s because they are more energy efficient and they are hoping for earth craft. Quite simply, it is an industry standard and they would like to stay within that standard. The arrangement for this proposal is around 56, but it could vary slightly.

**Commissioner Lahendro:** Does that include everything above the first floor?

**Mr. Quill:** There are some residential units on the first floor that will have manufactured windows. The lobby and retail locations need to have great visibility to see the activity will have the storefront type of glass. If there are concerns about the type of glass, the best thing to do would be to go out into the light and view them, as viewing them in florescent light does not look very appealing.

**Commissioner Heaton:** Requests for the applicant to expand upon the pets being allowed in the open space.

**Mr. Henry:** There will most likely be a one pet limit with a fee associated with it. There is also a plan for a pet washing facility in the garage.

**Commissioner Heaton:** So is the plan for pet residue intended for the courtyard, not the sidewalk?

**Mr. Henry:** Correct, as it is illegal in the city for pet waste to be on the sidewalk.

## COMMISSIONER DISCUSSION

**Commissioner Dowell:** Comments that she likes the idea of the project but does not feel like the massing and design of the building is in scale with the rest of the community around it.

**Commissioner Lahendro moves that having considered the standards set forth within the City Code, including the City Entrance Corridor Design Guidelines, I move to find that the proposed design for Phase 2 of the Dairy Central project (946 Grady Avenue), which lies within the Preston Avenue Entrance Corridor, satisfies the ERB's criteria, is consistent with the Guidelines, and is compatible with the goals of this Entrance Corridor, and that the ERB approves the Certificate of Appropriateness application as submitted with the following conditions:**

1. The applicant will provide an inventory of all final materials, colors and light fixtures selected.
2. Lamping for exterior lighting to be dimmable and not exceed a color temperature of 3000K.
3. The glass for the residential windows and doors will be no lower than 56 VLT; because of the punched windows and their higher placement [on the elevations]. The glass for the lobby, retail, and office windows will be no lower than 68 VLT.
4. Signage requires separate permits and approvals. All internally illuminated signage shall appear to be lit white at night.
5. Rooftop mechanical equipment will be screened within the appurtenance.
6. Metering and/or electrical service equipment for the proposed street lamps to be installed in the public right of way and for the building's residents/occupants will be fully concealed or located so as to allow full screening.

**Second by Stolzenberg. Motion approved 7-0.**

## PLANNING COMMISSION

### 2. Comprehensive Plan – reserved time for continued discussions

Commission plans to continue discussing the Comprehensive Plan during a work session on December 8.

**Chairman Green:** Suggests wrapping up the transportation, environment, economic, facilities and preservation packet between 11-12 pm. From 12-1 pm, the plan is to finish the Land Use narrative and map discussions from 1-4 pm. If the public is interested in only in hearing about the community engagement portion, the Commission will most likely not get to that portion until Tuesday, December 20.

**Mr. Afele:** States that if time allowed, it would be beneficial to do a mock trial of the rezoning map because it is so new to everyone, including staff.

**Chairman Green:** That could be a possibility once Council has reviewed the plan. The decisions made now should be strictly on how the Comprehensive Plan should be and then look at it when things start moving forward. The goal for Council's review is that once it has been finalized, it is then followed. If Commission finalizes everything in December, when does staff anticipate that it will be given to the Council to start reviewing it?

**Ms. Creasy:** The current plan is for the beginning of December.

## V. Adjournment

**Commissioner Dowell moves to adjourn until the second Tuesday in December 2018.**