

nkMinutes

PLANNING COMMISSION REGULAR DOCKET
December 10, 2019 – 5:30 P.M.
CITY COUNCIL CHAMBERS
NDS Conference Room

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

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

***Location:* NDS Conference Room**

Members Present: Chairman Mitchell, Commissioners Lehandro, Stolzenberg, Solla-Yates, Heaton, Green, Dowell, Palmer

Members Absent:

Staff Present: Patrick Cory, Carrie Rainey, Matt Alfele, Alex Ikefuna, Joey Winter, Lisa Robertson, Missy Creasy

Chair Mitchell called the meeting to order at 5:00pm and reviewed the agenda.

In reference to CIP, Lisa Robertson provided guidance on the role of the Commission in its review. Commissioner Green asked what the ramifications were of moving or delaying active planning processing and Ms. Robertson noted that was not good planning practice. Commissioner Green also asked about what would happen to projects where federal money may be involved and it was noted that paying back funds could occur if milestones are not met. Ms. Robertson noted that focus should be on how the CIP implements the Comprehensive Plan.

Commissioner Heaton noted his experience from last year and did not feel the PC should be the “numbers people” but can provide recommendations with words like “double” or “move.” Commissioner Green noted frustration with the CIP process. She noted the importance of undergrounding utilities and affordable housing. She reiterated that the parking garage is part of a contract to support the Courts. Commissioners discussed potential ways to frame a motion to move the CIP item forward to Council.

Commissioner Solla-Yates asked about items on the plan for the Chick-fil-A at Barracks Road. It was clarified what determinations were in front of the Commission on this project this evening.

II. COMMISSION REGULAR MEETING – Meeting called to order at 5:35 PM by the Chair

A. COMMISSIONER’S REPORT

Commissioner Green – Attended the Thomas Jefferson Planning District Commission meeting last Thursday. It was the last meeting until the February, 2020 meeting. We went over the budget. We had a conversation about Go Virginia, which is grant funding for some districts in Virginia. It relates to economic development. I think that there are some things that we can look at to potentially get some funding. I will give a report about that next month.

Commissioner Stolzenberg – Attended a meeting of the PLACE Design Task Force. We discussed the Barracks and Emmet Streetscape project. They are leaning towards a separate shared use path going down the south side of that road. There will be some retaining walls involved and a protected separated bike and pedestrian path. That should be coming before us reasonably soon. They just had their design public hearing a couple of weeks ago. I also attended the last MPO Tech meeting of the year. I am now chair of that. We discussed the Hydraulic and 29 plans and the upcoming smart scale process that will award funds in 2021.

Commissioner Heaton – Attended the Thomas Jefferson Planning Transportation meeting last week. They discussed some interesting public interactions that they want to do at different festivals using 3 D goggles to get the public involved and working through some of the transportation creative solutions.

Commissioner Dowell – I have not attended any meetings. I do have a few updates. The CDBG Task Force recently closed their applications. Binders are being put together and the task force will be getting them to review shortly. We still need a Ridge Street neighborhood representative to serve on that task force. If anyone in the public is interested, please contact Erin Atak, the grants coordinator.

Commissioner Solla-Yates – Attended Housing Advisory Committee meeting. There was a long discussion about short term rentals effect on housing. I made no statements of opinion at that meeting. I was incorrectly attributed in The Daily Progress. I don't know anything on this topic. We also discussed initiating a zoning text amendment on our Accessory Dwelling Unit ordinance. Read Brodhead had some specific ideas that were very helpful.

Commissioner Lahendro – Attended the BAR meeting in the past month. There were two Certificates of Appropriateness that were passed. There was a preliminary discussion of an apartment development going on Virginia Avenue and nine smaller items where guidance was requested. The Tree Commission met last week. We did approve nominations to City Council for about 25 trees for ordinance protection. The Charlottesville Area Tree Stewards made an annual report on their activities. There was a discussion on the CIP coming to us tonight. There is \$75,000 for tree planting in it. The \$50,000 that was requested for treating emerald ash bore was not approved. There are currently two vacancies on the Tree Commission. We are advocating for new members.

B. UNIVERSITY REPORT

Commissioner Palmer – We had a Board of Visitors meeting last week. The only thing that pertained to the Planning Commission was the schematic design review for a housing building on the Brandon Avenue Corridor. This will be the second one to open. It will be about the same size on a different site. That one is interesting because it's the third project we initiated on the site and it is part of the agreement with the city giving the University Brandon Avenue. There were a couple of things that we had to finish before that third project started. One is a planning study for where and what size the bus stop would be on JPA and planning for a future pedestrian link. That

has all been done. It will probably be approved at the March meeting. We are going to have an MPC (Master Planning Council) meeting in March. We are working on the agenda for that.

C. CHAIR'S REPORT

Chairman Mitchell – No Report was given.

D. DEPARTMENT OF NDS

Ms. Creasy – There is no work session on Christmas Eve. We will be back on track in January.

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

Craig Decker – From Greene County. Had some questions about the Lewis and Clark Statue and the city's intent to remove it. Has the Commission been consulted on the removal of the statue? Should the Commission be consulted since you were involved in the West Main project? What would the impact be on the West Main project and the funding for that? What are the legal issues about removing the statue? Have the other relevant committees been contacted for their input? What impact would the removal have on downtown? If removed, what would be the location?

Bill Emory – The Carlton Views Site Plan effects the wealth challenged. The site plan before you departs from the promises of this development from 2013. The tree preservation proffer from 2013 was approved a year ago. The applicant received stinging feedback from the public regarding the site plan and the lack of recreation space. The developer has put a 400 square foot grass court and dog park in tree preserve at the most remote part of the site. If the Commission decide that it's a good idea, then the following should be required. Show where the trees will be planted on the site plan. Increase the number of trees planted. Encourage the developer to consult with the Tree Commission.

F. CONSENT AGENDA

Motion made by Commissioner Solla-Yates to approve the consent agenda and seconded by Commissioner Stolzenberg. Motion approved 7-0.

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

1. Entrance Corridor Review - Recommendation on SUP for Barracks Road

The Chairman recessed the meeting until 6:00 PM and the arrival of three city councilors for the public hearings.

III. 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) Commissioner Discussion and Motion

1. **Charlottesville Capital Improvement Program FY 2021-2025:** Consideration of the proposed 5-year Capital Improvement Program totaling \$127,952,881 in the areas of Affordable Housing, Education, Economic Development, Public Safety & Justice, Facilities Management, Transportation & Access, Parks & Recreation, Technology Infrastructure, Stormwater Initiatives and General Government Infrastructure. A copy of the proposed CIP is available for review at <https://www.charlottesville.org/departments-and-services/departments-a-g/budget-and-performancemanagement/fy-2021-budget-worksessions> Report prepared by Krisy Hammill, Office of Budget and Performance Management.

i. Staff Report

Dr. Richardson, City Manager – We are proposing a Capital Improvement Program for fiscal years 2021 to 2025. The Capital Improvement Program is a 5 year financing plan. It's usually projected costs that are over \$50,000 and are usually non-recurring or non-operational in nature that have a useful life of 5 years or more. I want to provide a picture of some of the things that we put into the Capital Program. As we prepared this budget, we looked at the current balances of various line items that we had throughout the Capital Improvement Program over a number of years as well as how much will be spent over the next fiscal year. We were able to determine what projects had funding and projects that we needed to fund moving forward. This is an update of the 2020 to 2024 projections planned as part of the adopted fiscal year 2020 Capital Improvement Program. Because of the impact of the previous year's expenditures, we were only looking at things, considered essential, in terms of whether it was legally mandated, does it eliminate or prevent any existing environmental, health, safety, or security hazards. We started in August. It's almost through the entire year, and we go until April, when we will be adopting the budget. I am going to have Krissy Hammill, who can talk about the overall revenues and our expenditures moving forward for FY 2021. I also want to make clear what we talked about before in terms of the overall expenditures within the Capital budgets. When we look at fiscal years 2019 through 2020, there was a significant increase in the amount of Capital dollars that were expensed. It went from \$23 million to over \$35 million. It was a 51.2% difference from one year to the next year. Going into FY 2020, with that amount, that difference going into FY 2021, it is a difference of about \$403,000. We looked at the proposed revenues that we will be able to generate in order to afford the total Capital budget. That's why we had to do some things in terms of looking at the essential items in terms of putting in the Capital budget to be able to fund it. When you give your recommendations for us to give back to the City Council. We will be able to do that. We can talk more about the budget with the City Council. Things were very tight in terms of what we could afford, based upon the generated revenues for FY 2021, which we are projecting, in terms of transfer from our General Fund into the Capital Fund. In FY 2020, we put over 3%, and that's a mandated amount. This year we are looking at doing way more than the 3% just to be able to afford it. When we get down to FY 2026, we transfer a significant amount of the Capital Improvement Fund balance to be able to afford the debt service, so we don't have to increase the tax rate to be able to fund it. By 2026, we are projecting that fund balance will be exhausted. With that, more money has to come over from the General Fund plus that percentage that we put in there from our General Fund

expenditures to be able to afford our Capital debt. What we are trying to do is look at ways to be able to afford the overall Capital Improvement Program moving forward and to be able to fund these various projects. It's going to be a challenge to maintain the existing tax rate or do we look at other areas like increasing the tax rate or decreasing public services or other things that we can do to be able to afford these various capital projects.

Krisy Hammill, Office of Budget and Performance Management – I am going to speak about the specifics of the 2021 budget. For FY 2021, in just looking at the revenues, the general fund transfer is the cash that we transfer from the general fund. It complies with our 3% funding policy. This amount of 7.37 is a tiny bit more of the 3% that we're projecting. The bond issuance is something that we look at over the five years. We do multi-year projections, but for this year, we are looking at about \$26.9 million in bonds. The additional transfer from the general fund for the mall vendor fees was an addition last year. That's a specific offset to an expenditure item that is used for mall infrastructure. The contribution from Albemarle County is a joint project for CATEC roof replacement. The school small-cap contribution is an annual contribution from the schools that offsets an expenditure on the small-cap side for schools. The peg fee revenue. That's a slight decrease this year. That's a fee that we get through franchise agreements, and its used for cable channel 10. The VDOT revenue sharing is for two specific projects, which was for the Hydraulic turn signal and the East High Street streetscape project. Those are an offset of the expenditures on the other side. That gets us to a total budget for FY 2021 of \$35.8 million in revenue. Conversely, on the expenditure side, we balanced to the revenues at \$35.8 million. From a big overview, we are looking at \$3.4 million for city schools, \$3.5 million for facilities and buildings, \$4.9 million for public safety, \$18.4 million for transportation and access, \$680,000 for parks and rec, \$4 million for housing and affordable housing, and the rest for economic development, technology infrastructure, and other governmental projects. We are going to talk about each of these in a little bit more detail. For the city schools, the \$3.4 million is going into lump sum accounts that are allocated out through joint meetings with school staff and city staff on projects that are identified each year. A couple of things this year were modular classrooms, Buford envelope restoration, pedestrian lighting and school security, and HVAC stuff. I am not sure what has been identified for the priority projects for this year. That's a joint effort between school and city staff. For facilities and buildings, half of the \$3.5 million is to address the indoor air quality corrections at the Smith Aquatic Center. The rest of this goes into a lump sum that city staff, through a process of allocation, uses that money to address improvements that address health and safety, code compliance, or things of that nature. For public safety, this is general district court, which is \$3.1 million. That's the first half of that project. That relates to the joint agreement with the county and also addresses the parking garage that is also in the CIP this year. The fire and EMS apparatus are one ambulance, one fire truck, mobile data computers, and portable radios. For Transportation and Access, there are a whole host of things that are listed. Some of the larger items include the West Main Street project, the parking garage, the Belmont Bridge project, and undergrounding the utilities. The rest is a sundry of things that are listed. For Parks and Recreation, there is a small amount of money for schools, parks, and playgrounds, parks and trail acquisition, tree planting, the downtown mall infrastructure, and work at Darden Towe Park. For housing, we completed our commitment for phase I of the Friendship Court project

development. It was not funded last year. The CRHA funding was funded at \$1.5 million. We kept the rental assistance and the rehab at the same levels as last year. For technology and infrastructure, that's offset by the peg fees we receive. There is city-wide IT infrastructure account, which is going to be used to address IT infrastructure. Other governmental projects included the home energy conservation grant and city-wide fee study. We will be keeping things up to date for each of the work sessions.

Commissioner Solla-Yates – The Belmont Bridge project was not in the projections for 5 years. What changed with the Belmont Bridge project?

Krisy Hammill – We will be coming back to Council with the formal appropriation for the rest of the project in an attempt to get a head of that. We included what we knew or what we think will be the local dollar part. That was included as part of the CIP. It is a large amount, and we tried to get it in here. Parts of it have been in over time, but the final part of the project is coming to a head. We know that this is roughly what the local dollars will look like. We added to the budget this year.

Commissioner Green – Can you go over the funding for the Belmont Bridge that is not locally funded?

Krisy Hammill – It is largely state and federal funded. We can get you that breakdown.

Alex Ikefuna, Planning Director for NDS – The breakdown is 50% from the federal government, 26% from the state government, and 24% is locally funded.

Commissioner Solla-Yates – The ambulance was not in the projection last year. Why does it appear now?

Krisy Hammill – That was a request made through the fire department. They do have a multi-year replacement schedule. I am not sure if their replacement plans changed. It was not in last year, but it is in this year.

Commissioner Solla-Yates – Downtown TARA was not in the projection last year. Why does it appear now?

Krisy Hammill – That was a new request this year.

Paul Oberdorfer – That's divided into three phases. The first phase would be public engagement. The second phase would be engineering the plans for bid. The third phase would be construction. It's an outcome of the threat and risk assessment that was conducted in 2018. There will be some decisions that will have to be made by Council and the administration in terms of what we want to do to protect the downtown mall and manage the pedestrian and vehicular interface on the crossings.

Commissioner Solla-Yates – Why is there new funding for the Smith Aquatic Center?

Paul Oberdorfer – The Smith Aquatic Center has been an ongoing project to determine what the air quality issues were. Over the course of the past nine months, we have had engineering firms come in and evaluate the fluid dynamics in the building space, inside the sealed envelope of the building and come up with mechanical corrections need to be made to the systems. They're developing the technical specification for the equipment. That \$1.5 million will be for purchase and installation.

Commissioner Solla-Yates – Why is there new funding for the East High Street signalization?

Paul Oberdorfer – That was an addition to the smart scale project. That was outside the scope. The original scope just had timing signal included in it. This is a local match to replace the signals.

Mayor Walker called City Council to order for the opening of public comments.

ii. Public Comment

Sunshine Manthon – Executive Director of the Piedmont Hosing Alliance. Standing in front of the Commission as a representative of Charlottesville Albemarle Affordable Housing Coalition. A person working a full time job cannot afford a modest 2 bedroom rental home. The condition is worse than most in our community. Centuries of policy and discrimination have created a calcified stratification in society. We need sustained \$10 million for the next five years.

Peter Krebs – You have heard of the importance of bicycle and sidewalk infrastructure. Trying to build a network of sidewalks and bike paths is difficult with the slow trickle. We are not going to get very far with the slow trickle of funds. Increase the funding for sidewalks, bike baths, and trails.

Bill Emory – Sent the Commission an article about the Emerald Ash Bore. The Tree Commission had hoped to get \$75,000 in the CIP to fight the Emerald Ash Bore. I would like for the Commission to restore the \$75,000 to fight the Emerald Ash Bore.

Andrew Jones – Thank you for the past leadership on bike and pedestrian past investments in infrastructure. Would like to see increased funding for bike and pedestrian. Saw wife hit by a car. Some of the most dangerous streets are the streets of Charlottesville.

Larry Scott/Shelia Herlihy – Supports the full funding of the CAHF, Charlottesville Affordable Housing Fund. The current CIP only allocates \$800,000 for the CAHF and the following years have zero dollars in the CAHF. We fully support the full \$3 million in the CAHF. Please support fully funding the CAHF.

Athena Cleveland/Oscar Cleveland – Habitat for Humanity homeowner. Before owning, I rented and the rent was double the mortgage. I was behind a month on the rent. **Oscar:**

My mom is not as stressed out as she was with rent. Don't want other families to have to go through this.

Elizabeth Emory – Pastor of New Beginnings Christian Church. I am here in full support of the CAHF. Desperate to find rentals for our church members. Charlottesville is becoming a community for only the wealthy. Vote for an increase in the CAHF.

Peggy Van Yahres – We know that the community values our parks. Disappointed in the decrease in the bondable projects total about \$200,000. We hope to build The Grove at McIntire Park that will serve as the launching pad for a central park. We ask that you keep implementing the master plans.

Ella Jordan – Here to speak about the Grove at McIntire Park. Concerned about the funding that should take in all city priorities. How could parks be decimated in the current CIP? How has the past money been spent? Is there a balance for East McIntire Park?

Kimberley Fontaine – Director for Interfaith Ministries. Here to provide you with my observations. Stunned at the infinity of affordable housing groups. Consensus of most people that there is a housing crisis. We receive hundreds of calls from people unable to pay rent. The lack of affordable housing is causing risks to health.

Jake Mooney – The city needs to find money in the budget for affordable housing. Speaking out against the construction of the parking garage. Construction of the parking garage is climate change denial. Give the county the surface lot at Market Street and 7th Street and spots in the Market Street Garage.

Jill Trischman-Marks – Executive Director of McIntire Botanical Garden at 200 Garrett Street. MBG is located on 8.5 acres in McIntire Park East. A parking lot and trails were included in the master plan. Only needs funding to move forward. MBG is unable to move forward with the garden until the infrastructure is in place.

Matthew Gillikin – I would like to see more funding for affordable housing and more funding for alternative modes of transportation. I would also like to see the West Main Street streetscape delayed or gotten rid of. Does not think that Dominion is going to give us the money to underground the utilities. It's the most expensive thing on the CIP budget.

Carl Schwarz – Here on behalf of the Bicycle and Pedestrian Advisory Committee. The reason for the cuts is for the surplus in the accounts for the work. The cuts to those accounts will lead to a pause in the construction and planning of the plan. We supported finishing the streetscape plan on West Main Street.

Brandon Collins – Work for PHAR, the Public Housing Association of Residents. PHAR is federally recognized board for public housing in Charlottesville. The Housing Authority and Planning Commission has contributed to the crisis of affordable housing. The affordable housing fund needs to be fully funded.

Nancy Carpenter – I hope that the Council is listening to the stories. I am hoping that the Planning Commission addresses the affordable housing crisis. People have to use public money to address affordable housing and redevelopment. We use subpar construction materials. Let's put more money into affordable housing and redevelopment.

Dave Norris – Here to speak about affordable housing funding and redevelopment funding. Thank you to the Council and Planning Commission for investing \$3 million for the affordable housing for 5 years. The money has been used for more affordable housing. Removing the money is debilitating. There is a wealth gap. Please do not retreat from your commitment to affordable housing.

Paul Josey – Chair of the Charlottesville Tree Commission. The ash bore is killing the ash trees in Charlottesville. This bug kills all ash trees that it comes into contact with. We have just \$50,000 in funding for the ash bore.

Don Gathers – We are a city and community in contradiction with itself. Hard to be a green community when building a new parking garage. If we can build a parking garage, we can fully fund affordable housing and the CAHF. Doesn't matter how many bike lanes are here, if people can't afford to live here.

Jay Hipen – The area has grown significantly in terms of traffic and population. The infrastructure has not kept pace. Daughter was killed in New York. Daughter was injured by a driver in Charlottesville. I also have been injured while on a bike ride in Charlottesville. Our streets need to be safer for pedestrians and traffic.

Louisa Calendario (sp) – Amplify the voice of the earlier speakers. I would like City Council to fully fund affordable housing and the CAHF for the full 5 years.

Joy Johnson – Public housing resident. Please support the affordable housing fund. You are going to see later tonight what affordable housing funding would look like. Cutting affordable housing funding is not the answer.

Emily Dreyfus – Remind of the housing needs assessment conducted last year. Those most in need are those in low income. The current draft budget cutting in affordable housing needs to be reversed. Displacement is running wild and most impacting black families.

Josh Carp – Some of the issues being talked about tonight are not complicated. If we are going to cut affordable housing, that is only going to increase displacement and immoral. If you build a parking garage, it will only increase the acceleration of the planet destruction. Raise the taxes of doctors, lawyers, and others.

iii. Commissioner Discussion & Motion

Commissioner Solla-Yates – Something that I have been trying to understand are the details of our agreement with the county. If the City does not meet its obligations under the

agreement, the county gets the parking garage on Market Street and the lot on Market Street. I see the word 'or.' My understanding is that one or the other, but not both. Am I wrong?

Lisa Robertson, City Attorney – I cannot answer that question at the moment. I do not have an interpretation for you.

Commissioner Stolzenberg – I asked John Blair this question last week. He said that it was definitely 'or.'

Chairman Mitchell – I do want to thank Dr. Richardson. You acknowledged the role of the Planning Commission in this process and that is greatly appreciated. We are looking forward to working very closely with you, as we go through iterations of the budget. Thank you for that acknowledgement.

Motion: Commissioner Solla-Yates – **I would like to move that the CIP Budget, as presented, is not recommended. We would like to supplement the budget with the following amendments. (Seconded by Commissioner Heaton).**

There was a previous motion and a point of order. The motion was reworded with guidance from the Chairman and the City Attorney's Office. Each additional amendment would have to be voted on by the Planning Commission.

Commissioner Dowell – The first amendment that I would like to see is that we fully fund the affordable housing fund.

Chairman Mitchell – That would mean that we fully fund for FY 2021.

Commissioner Dowell – I am also looking to fully fund the affordable housing fund over the five year span. It needs to be funded for each year.

Chairman Mitchell – It is a little complicated. The CIP is something that we can speak to that way. It might be a little more difficult to talk to redevelopment that way.

Commissioner Dowell – I recommend that we fully fund the affordable housing fund for FY 2021.

Commissioner Solla-Yates – Can we not talk about the full five years?

Chairman Mitchell – With the redevelopment, it becomes more complicated. If we do 2021, 2022, 2023, 2024, and 2025 at \$3 million, we will have committed \$18 million. Council has committed to \$15 million. I am keen in making certain that we don't lose money in the redevelopment fund.

Commissioner Dowell – I would like to make a motion that we fully fund CAHF as currently allocated and proposed over the course of the five years.

Commissioner Stolzenberg – Last year, they tried to zero out the CAHF and put it into the individual budgets. We said that we wanted to put it back into the CAHF or some into CAHF to be flexible. There is value in having those flexible dollars for this coming fiscal year. Later in the outlook, it will make sense to directly allocate to the sub-accounts. If we could phrase it like ‘CAHF and its related line items,’ that would make sense for later years.

Ms. Creasy – If you look at page 4 of the draft budget, under CAHF are the categories that the funds from the original have been pulled out into different categories. It sounds like you might be saying ‘to move forward with the amounts as noted.’

Commissioner Stolzenberg – I think that we need to up the amount from what is currently proposed. Put the extra money for this year into the flexible CAHF fund. For out years, we should just make a statement about the total amount of funding rather than the breakdown between those three.

Ms. Creasy – I know what Mr. Stolzenberg is noting specifically for FY 2021. There is an amount for the subtotal of all of the affordable housing categories there. The Commission wants that to be fully funded, which was at \$3 million. Any amount not listed in the sub-categories to go into the general category funding.

Commissioner Stolzenberg – In the summary, the CAHF line only includes CAHF supplemental rental assistance and housing rehab. Friendship Court is broken out into a different one.

Chairman Mitchell – We are getting into the weeds and doing staff’s work. What we need is a high level motion.

Commissioner Dowell – My high level motion is that we fully fund CAHF and fully fund CAHF as currently allocated.

Chairman Mitchell – Let’s make one motion for CAHF and a motion for CRHA.

Commissioner Dowell – I would like to fully fund the CAHF for FY 2021, 2022, 2023, 2024, and 2025.

Ms. Creasy – I am not sure which paper we are looking at. What would be fully funded. There was one definition noted that the numbers in last year’s CIP for 21, 22, 23, and 24. That was one way fully funded was defined at one point.

Commissioner Lahendro – In last year’s CIP, the funding for CAHF was \$800,000. That’s what is being proposed for this year. It’s dropped off for the subsequent years. The supplemental rental assistance is \$750,000 for this current year. It’s proposed to go up to \$900,000 and stay at \$900,000 for five years. The housing rehabilitation is at \$500,000 for this year and stay at \$500,000 for the next five years. The only one proposed to be cut is

the Charlottesville Affordable Housing Fund. It is being cut starting in FY 2022. Our recommendation is to continue funding the Charlottesville Affordable Housing Fund at next year's level for the next five years.

Commissioner Stolzenberg – It was cut to \$750,000 from the originally proposed \$900,000 as part of last year's budget cycle because they had to come up with extra funds to cover the budget gap. It was always planned to be \$900,000.

Ms. Creasy – I will also note that as the years continue forth here, the numbers vary in different categories depending on different commitments. In the other categories, the overall housing commitment varies depending on different commitments. FY 2022, there is an amount there. All of the housing commitments add up to something that is three times this year's housing commitment. In the next year, it drops down. The following year, it goes to the highest point. The overall commitment drops down the following year.

Commissioner Solla-Yates – Would it be bad to suggest \$3 million?

Ms. Creasy – I would ask the Planning Commission to clarify which years that would be for. There are a higher number of commitments in other years.

Commissioner Stolzenberg – My understanding of the request is that it is exclusive of Friendship Court, which is driving the fluctuations because it is every other year. That's \$3 million for CAHF and related accounts, excluding Friendship Court and CRHA.

Commissioner Solla-Yates – This is my intent.

Chairman Mitchell – The affordable housing fund is what you are focusing on. That is the line item below project. In FY 2020, we adopted \$800,000. We proposed \$800,000 for this fiscal year. Are you asking for \$800,000 for FY 21, 22, 23, 24, and 25?

Commissioner Dowell – I originally said through 2025. I am comfortable with going through 2021 and 2022. We don't know what we are going to need in that fund once the housing strategy is done. We know that we can't have zeroes in the budget.

Chairman Mitchell – Why are you looking to revise your motion?

Ms. Creasy – Fully funding affordable housing means \$800,000 added to the 2022, 2023, 2024, and 2025 columns.

Commissioner Heaton – The motion is that we are not recommending the budget as presented. We don't have to do the work for the Council. We are telling them this is why we are not recommending it, and the work is yet to be done.

Commissioner Stolzenberg – The question on the CAHF item is that we don't recommend it because in the out year projections it zeroes it out or because we want to increase it this year?

Motion to increase the amount of funding in the CAHF made by Commissioner Stolzenberg (Seconded by Commissioner Solla-Yates). Amendment passed 6-0.

Chairman Mitchell – The second amendment was redevelopment. The only thing that we need to amend is that we return to the original funding for 2021, which was \$3 million.

Motion to keep the funding at \$3 million in redevelopment through 2022 and funding to be removed from 2025. Amendment passed 6-0.

Commissioner Stolzenberg – I would like to address the downtown mall TARA. That's the threat and risk assessment for the downtown mall. That's a concern on the safety of the crossings on the downtown mall. There is a lot of money in the budget, but not for this coming year. I am going to recommend a gap of one year between the initial study and the outlay for the hardware. **My motion is to remove the funding for FY 22 and 23 (Motion seconded by Commissioner Solla-Yates). Motion passed 4-0 with two abstentions.**

Commissioner Stolzenberg made a motion to increase the amount of funding for solar panels for city and city school buildings to \$125,000. There was no second of the motion. The motion did not pass.

Commissioner Heaton – **I would like to recommend to Council that the transportation and access improvement resources are insufficient to address the pedestrian and biking safety needs of the city and increased funding over previous funding levels (Seconded by Commissioner Green). Motion passed 7-0.**

Commissioner Lahendro – **I would recommend to Council that a line item be added to the Parks and Rec project lines for removal of emerald ash bore damaged trees (Seconded by Commissioner Solla-Yates). Motion passed 6-0 with one abstention.**

Commissioner Stolzenberg – I would recommend to Council to remove the parking garage from FY 2022 and reduce the amount in FY 2021 to a level sufficient to find an alternate solution beyond a parking garage and keep the city commitment to the county.

Commissioner Green – I am going to abstain from this vote. I do think that there is something else that can be done there. There needs to be some thought as to what we will do. I do believe that something other than a massive parking garage can go in that area. There are so many more options.

Commissioner Stolzenberg – If you spend \$10 million on a parking garage, you are asking every resident to pay \$200 each to fund climate change

Commissioner Stolzenberg – **I move to reduce garage funding to the minimum level necessary to fulfill the commitment to the county, while pursuing creative solutions, such as public/private partnerships or alternative arrangements (Seconded by Commissioner Heaton). Motion passed 6-0 with one abstention.**

Commissioner Solla-Yates motioned to reduce the funding for the Belmont Bridge. There was no second for the motion. The motion did not pass.

Commissioner Green – I recommend staff research the question of zeroing out the bike and pedestrian projects, given the revenue from the scooter and bike program (Motion seconded by Commissioner Stolzenberg). Motion passed 7-0.

Commissioner Stolzenberg – Motion to increase the funding for solar installation (Seconded by Commissioner Solla-Yates). Motion passed 4-2.

Commissioner Green – Motion to have Council educate the Planning Commission on the projects included within the CIP budget (Seconded by Commissioner Dowell). Motion passed 7-0.

Commissioner Solla-Yates motioned to delay the Smith Aquatic Center air quality corrections funding. Commissioner Solla-Yates withdrew his motion.

Commissioner Stolzenberg – In looking at a place for cuts, street milling and paving gets a 17% increase in the 5 year outlook, after getting zeroed out for two years. Our pavement quality index is slightly below the national average. That's not the highest priority if looking for funds to increase funding for pedestrian and bicycle infrastructure.

Commissioner Green – How is that not part of bike and pedestrian?

Ms. Creasy – When they mill and pave, they put it back in the same condition. Bike improvement money goes into new facilities.

Commissioner Stolzenberg – When we build bike infrastructure, we are often just putting in an additional line. Bicycles need real physical protection.

Commissioner Dowell – What is our priority neighborhood that is coming up?

Ms. Creasy – There is a schedule that is put forth. They time when those activities occur with other projects that are going on. They coordinate it in that manner. There are timeframes. Roads become degraded at certain times based on the amount of traffic. At the beginning of the season, they start putting together the paving list. It's typically available online.

8. Commissioner Stolzenberg – Recommend Council look at possible reductions in the milling and paving budget line item (Seconded by Commissioner Solla-Yates). Motion passed 6-0 with one abstention.

Commissioner Solla-Yates moved to remove the third EMS ambulance. There was no second on the motion. The motion died.

Commissioner Solla-Yates moved to remove the undergrounding of utilities. There was a second by Commissioner Stolzenberg. The motion was withdrawn after getting a staff report regarding the undergrounding.

Commissioner Solla-Yates moved to delay the traffic light infrastructure. After a staff report, Commissioner Solla-Yates withdrew the motion.

9. Commissioner Solla-Yates moved to delay the funding for building at Darden Towe Park until it has zoning clearance can be built (Seconded by Commissioner Stolzenberg). The motion passed 4-1 with two abstentions.

Commissioner Solla-Yates moved to delay funding for Economic Development Strategic Initiatives (Seconded by Commissioner Stolzenberg). Motion was defeated 4-2. Motion will not be recommended to City Council.

Commissioner Green – Historic Resources got \$50,000 for blight remediation.

Ms. Creasy – There is currently a list of possible properties to go through the blight process. However, we have no funding in the fund. It has been used in the past for the remediation of blight. The house went through the blight process. In the end, it was blighted. The city did work to stabilize it. There ended up with a lien on the house. When the property is sold, it comes back and feeds into the fund.

There was a discussion between the Planning Commission and City Council regarding the different areas that are being funded through the CIP funding and affordable housing.

Commissioner Solla-Yates moved to reduce the funding for intelligent transportation system. There was no second for the motion, and the motion died.

Commissioner Solla-Yates moved to delay the funding for portable radio replacement for the police. After a report from the staff, the motion was withdrawn.

Motion: Commissioner Heaton moved that the CIP Budget, as presented, is not recommended for approval by the City Council. The nine amendments listed above are the recommendations for the City Council to look at and review. The motion passed 6-1.

The chair recessed the meeting for five minutes.

2. **SP19-00009 – 900-1000 1st Street South** – Riverbend Development, as the owner’s agent, has submitted an application seeking approval of a Special Use Permit (SUP) request to allow private outdoor parks, playgrounds, and/or basketball courts per City Code Section 34-420, and a reduction of the minimum required setbacks per City Code Section 34-162(a), at 900-1000 1st Street S, also identified on City Real Property Tax Map 26 Parcel 115 (“Subject

Property”). The Subject Property has frontage on 1st Street S and Elliott Avenue. The site is zoned R-3 Multifamily Residential. The property is approximately 7.94 acres or 345,866 square feet. The Comprehensive Plan’s Land Use Plan calls for High-Density Residential development at densities greater than 15 dwelling units per acre. Information pertaining to request may be viewed online at <http://www.charlottesville.org/departments-and-services/departments-h-z/neighborhood-development-services> or obtained from the Department of Neighborhood Development Services, 2nd Floor of City Hall, 610 East Main Street. Persons interested in this rezoning petition may contact Carrie Rainey by email (raineyc@charlottesville.org) or by telephone (434-970-3453).

i. Staff Report

Carrie Rainey, City Planner - The Charlottesville Redevelopment and Housing Authority (CRHA) requests a Special Use Permit to allow for private outdoor recreational facilities, including parks, playgrounds, and basketball courts per Section 34-420 and a reduction of the minimum required yard setbacks to 5 feet per Section 34-162(a). The redevelopment of the subject property is Phase 2 of CRHA’s South First Street overall redevelopment plan. The Phase 1 development included 62 multifamily units and a community space, and was approved in March 2019. The Phase 2 redevelopment proposes replacing the existing 58 multifamily residential units with 113 new units, a community center, and space for CRHA offices in addition to the private outdoor recreational facilities. These other uses are allowed by-right in the R-3 Multifamily residential zone. The proposed development as shown in the application plan requires a Critical Slope Waiver prior to approval. The applicant has submitted a waiver application, which is not the Commission’s regular agenda tonight for a recommendation to City Council. Regarding the impacts of the private outdoor recreational facilities per the factors of Section 34-157, staff believes the facilities will be harmonious with the existing neighborhood and align with several goals of the 2013 Comprehensive Plan. The facilities’ intended users are the residents of the property, and therefore will not increase traffic or parking congestion in the neighborhood. No impacts due to dust, odors, fumes, and vibrations are anticipated from outdoor recreational facilities. Minimal noise may be generated from recreational facilities, with children playing outside, but staff does not believe the impact to be adverse. The lighting of the outdoor recreational facilities will be governed by the Outdoor Lighting regulations if fixtures meet the applicability threshold of Section 34-1001. However, additional conditions can be placed to ensure all lighting complies with the regulations, regardless of applicability. The applicant has indicated a phasing plan will be created to minimize temporary displacement of existing residents during the redevelopment of the site. While the inclusion of outdoor recreational facilities does result in less land available for additional affordable units, staff believes the layout proposed provides a higher-quality and livable community for residents while still providing an increase in overall affordable units in development. As part of this SUP application, the applicant is requesting a reduction in the required yard setbacks to 5 feet. The application narrative states this will allow for

better utilization of the buildable area of the site, create a more comfortable street frontage, and allow for better outdoor amenity spaces within the development. Staff notes the property line for the subject property is approximately five (5) feet behind the existing public sidewalk on 1st Street S, and the application plan proposes residential units along the street with six (6) average front porches, resulting in building façades approximately 16 feet from the public sidewalk (with front porches approximately 10 feet away). The property line on Elliott Avenue is approximately 15 feet behind the public sidewalk, and the proposed building façade is at least 10 feet from this property line. Staff believes these setbacks are appropriate, as they are close enough to activate the street while deep enough to be in line with the existing neighborhood character. Staff finds that the proposed private outdoor recreational facilities, for which the SUP is requested, could contribute to many goals of the City's Comprehensive Plan. In this regard, staff finds the proposal conforms with the general guidelines and policies contained in the City's Comprehensive Plan, per Z.O. Sec. 34-42(a)(1). Staff finds the reduction in required yard setbacks allow adequate space on site for the location of the private outdoor recreational facilities, per Section 34-162(a)(2). In addition, staff finds a reduction in required yard setbacks could alleviate impacts to Critical Slopes found on the site (see Critical Slope Waiver Application for more information), which may be desirable per Section 34-162(a)(2). Should the Planning Commission find it appropriate to recommend approval of the SUP request as presented, staff proposes the following conditions are considered: No improvements shall be commenced prior to approval of a critical slope waiver request, approval of a final site plan, and approval of a permit authorizing land-disturbing activities pursuant to Z.O. Sec. 10-9. All outdoor lighting fixtures in the outdoor recreation areas shall be full cut-off luminaires.

ii. Applicant

Ashley Davies, Riverbend Development, Neighborhood Planners – I want to start with this image that shows and highlights the unique resident led redevelopment process these women have undergone for designing the South First Street neighborhood. Since June, they have devoted their time and have put in over 550 hours in designing this neighborhood. We are so excited to share the community with you. This does give you a brief overview of the site. You can see the phasing and how low density the development is at this time with only 58 units. At the end of Phase 1 and Phase 2, we will have tripled the density of affordable housing on this site, while avoiding the environmentally sensitive areas and providing a lot of green space and activation at the street.

The following neighborhood planners spoke with the applicant. Here is a brief summary of what each neighborhood planner said.

Eliza Elijah – These are the characteristics: appropriate sized apartments, good neighborhood design, minimal multi-story constructions, open space for children, provide

yard area for the unit, and use the landscape.

Deborah Cooper – We like parking in the back of the house and each apartment has a parking space. We have open spaces and porches. We have air conditioners in the windows. We like the handicapped ramp and our park.

Audrey Oliver – The new design process began with a blank slate. We added the side constraints. The critical slope and setbacks were used to determine the developed areas. We can pull the design away from the critical slopes.

Neighborhood Planner #1 – Established the various character parts of the site. The areas of the critical slope translate to the creek and wooded zones. This is going to be an amenity of the site. This is how we broke everything down with the spaces and arrangements of the houses. Three elements emerged: a community center, small apartment buildings along the wooded creek area, and townhome along First Street to activate the South First Street frontage.

Patricia Howard – The resident planners began creating draft master plans to see how the various elements might fit. We also had to face the reality of parking and accessibility. We decided to create a group master plan. This is the resident designed master plan for South First Street. The site plan represents the engineer’s master plan. We are pleased to share our vision for our new neighborhood with the Planning Commission.

iii. **Public Comment**

Joy Johnson – Support the work that the work the residents have done – Extremely proud of the work that these women have done – Lower income communities coming out and present in front of the Planning Commission

Patricia Howard – I do want to thank the Planning Commission for listening to us and not shutting us down. We really do need this.

Eliza Elijah – I have been working with the ladies on the design. I am just proud to be a part of this group.

iv. **Commissioner Discussion & Motion**

Motion: Commissioner Green – I move to recommend approval of this application for a Special Use Permit in the R-3 zone at 900-1000 1st Street S (Tax Map 26 Parcel 115) to permit private outdoor recreational facilities (parks, playgrounds, basketball courts) with the following listed conditions from staff:

1. **No improvements should be commenced prior to the approval of the Critical Slope Waiver request.**
2. **Approval of a final site plan.**
3. **Approval of a permit authorizing land-disturbing activities pursuant to Z.O. Sec. 10-9.**

4. All outdoor lighting fixtures in the outdoor recreation areas shall be full cut-off luminaires.

(Motion seconded by Commissioner Dowell). The motion passed 7-0 and recommended approval by the Council.

- 3. CP19 - 00002 – Fontaine Avenue Streetscape Concept** - Pursuant to Virginia Code section 15.2-2232 and City Code sec. 34-28, the Planning Commission will review the proposed Fontaine Avenue Streetscape conceptual design plan, for a planned improvement project located on Fontaine Avenue between Ray C. Hunt Drive and Jefferson Park Avenue, 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. The Neighborhood Development Services, 610 East Market Street Charlottesville, Virginia, Monday – Friday between the hours of 8:00 a.m. and 5:00 p.m

i. Staff Report

Kyle Kling, Project Manager – Back in the summer of 2018, the city brought on RK&K to help with the preliminary engineering and design effort for this smart scale project. Over the course of the past 16 months, we have been working through those efforts, including a detailed public outreach phase. We have a preferred concept for the corridor. We are here to present that preferred concept to the Planning Commission for compliance with the Comprehensive Plan.

ii. Applicant

Owen Peery, RK & K Engineers – We are on board with the city to design this project and come up with a solution for Fontaine Avenue. We are going to give you an overview of the project and review how this complies with the Comprehensive Plan. The project starts at the Fontaine Research Park and extends to Jefferson Park Avenue. We are working on the entry corridor of Fontaine Avenue. This is being funded by the smart scale application that was submitted in 2015. This is a mixture of federal and VDOT state money funding this project. You can see the breakdown for preliminary engineering, right of way acquisition, and construction. The project total would be \$11.7 million. It has been thought about for a number of years. There was a study done back in 2005. We are looking for a context sensitive entry point into the city that is friendly to pedestrians, transit, neighborhood oriented, improves the quality of life, and improves the multi-modal opportunities in the corridor. What is different? We think different about streets today than back in 2005. Since that time, the Charlottesville Transit Study, the Bicycle and Pedestrian Master Plan, and the Streets That Work Plan have been done. Some things have changed since that plan came out. Based on the bike plan, the Charlottesville’s Bike/Ped Plan, Streets That Work Plan, and the VDOT Smart Scale Application, we have been working on the following principles: Create a complete street, Increase Safety and Comfort for Pedestrians and Bicyclists, and Beautify the Corridor as a Gateway. Those are our underlying principles that we are trying to design to. Some of the benefits that we see include increase opportunities for walking, bicycling, and the use of transit, connections to proposed bicycle and pedestrian facilities to Fontaine Research Park and beyond, and

improve access to: US-29, UVA, and University Health System. We are about 30% design. We are trying to get conceptual and get approvals from the Planning Commission and City Council. Once that happens, we plan to go into more detailed design. You can see the things that are coming up. This is the outreach that we have done. Starting in late 2018, we have had 4 steering committee meetings, we have had a public workshop, we have had a public open house, we have had meetings with staff to go over key issues, we have met with the PLACE Task force twice, and we met with the Planning Commission in a work session in July.

Amy Nelson, RK & K Engineers – At the first steering committee meeting, we asked everybody to identify the goal, concerns, and opportunities they had for developing the corridor. The main thing that we heard that they wanted a sense of place that was safer for all users. They wanted to make sure that we took site limitations and right of way into consideration. They also wanted to make sure that we connected the gap between the city limits and the Fontaine Research Park. They found the opportunities to create a gateway into Charlottesville and implement some storm water management practices. A couple of things of note were that on street parking was not a priority for most of the steering committee members. There was also a need to account for trash and deliveries on the corridor. For public outreach, we had two public meetings. For the second meeting, we stepped up our outreach. We reached out to a lot of people, including the University of Virginia. From our first meeting, we found feedback started to mimic what we had heard with the steering committee. People wanted safe pedestrian crossings at side streets, add / widen sidewalks, provide more green space, preserve trees, and provide safe routes for bicycles. Sidewalks, crosswalks, and bike lanes were rated extremely high. Additional on street parking was not very important for them. This is the on street parking on the Fontaine corridor, not the adjacent streets. We met with the steering committee and had them help lay out an example street. The steering committee chose not to add on street parking in the street layout. This was not the opinion of every steering committee member, but it was the overall consensus. For the second public open house, we added the emergency vehicle access, after meeting with the fire marshal, and that was rated as high importance.

Owen Peery – In looking at how we get pedestrians around and through this corridor, we are trying to give better pedestrian access, especially at Mimosa Drive. This is a key connection. A lot of the residents down Summit Street and UVA shuttle go up Mimosa Street. There is a lot of pedestrian traffic here. This is right near the fire station. What we envision is a full crosswalk with a protected median island with the blinking pedestrian lights. We tried to divide this corridor into thirds. We have provided three pedestrian crossing locations. The crossing at Piedmont Avenue is in the middle of the corridor. With the extra real estate, we can provide a refuge island in the middle of the street and pedestrian crossing. At Lewis Street, we still have a median island. We are in a different configuration. We are not able to provide those bump outs on the outside. We are not down to picking trees or plants.

Megan Nelson – For Economic Development we are providing a sense of place. For mixed use, we are enhancing pedestrian connectivity throughout the corridor. For regional

cooperation, we are having Albemarle County and UVA have been active on the Steering Committee. For community facilities, the team has been working with the Fire Chief. We have been working with the utility infrastructure. We will maintain existing services to the neighborhood and businesses. We will make sure to have access to the current and future trails for pedestrians and cyclists. We are helping to sustain the businesses. We are making sure that there is access along the corridor to the businesses. With the environment, we are working to implement green infrastructure to storm water practices that are sustainable and fit within the corridor concept.

Commissioner Solla-Yates – Can you provide some updates from the work session?

Amy Nelson – We have adjusted the corridor a little bit and provided the renderings. The bike lanes were a little more in flux. We looked to what fit more within the context. We looked at the different kinds of bike lanes. Working with the fire department, they really need to access the street. With the University so close to this corridor, it is important for emergency vehicles can get there.

Commissioner Solla-Yates – We talked about filling the gap across the county line to the Research Park.

Owen Peery – We are working with VDOT on that. The application specifically says that it goes to the city limit. We have written to VDOT. It doesn't make much sense to do that. Somebody is going to have to come back and do a lot of construction again. We have gone to VDOT and told them that we need to transition to get to the full trails and facilities at Ray C. Hunt Drive. They have come back with some conditions. They are not going to treat it as an out of scope item. Their conditions include that if we go over budget, somebody else has to pay the difference. Their conditions include an agreement with Albemarle County that they're OK with us going 400 feet into the county to finish the project. VDOT will own that road at the end and will have a little more oversight than they might with your street.

Commissioner Solla-Yates – Control of left turns on the main right of way?

Owen Peery – We have tried to keep the corridor as intact as it is today, so that we have full access to the neighborhoods. We have gotten into all of the access control ideas. We are going to have to look at some of the businesses along the corridor. We haven't gotten to that detailed level of design. There is some access control that we are going to put on the table to be considered as we move forward.

Commissioner Solla-Yates – Widening the right of way on JPA?

Owen Peery – We will be widening it a little bit, but not to the extent that we create so much damage. We need slivers of easement or right of way.

Commissioner Stolzenberg – We discussed the makeup of the people, who came to your public engagement session at the PLACE Design Task Force. Did you reach any students in your later engagement?

Amy Nelson – We submitted fliers to the University Housing Development that were nearby. We worked with University Transit and had fliers on all of the buses. There was also the message board in front of the fire station. We had a couple opportunities.

No UVA students participated in the Fontaine Avenue Streetscape in the outreach opportunities or meetings.

Commissioner Stolzenberg – Do you feel the protections are sufficient for a bike lane?

Owen Peery – It's within the parameters of a normal buffer strip and it's within what's listed as the possible buffer strip width in the pedestrian bicycle master plan. The buffer strip could be wider. We have looked at ways to separate it vertically. One of the issues with this corridor are the number of driveways. We have that competing against us putting up something more tangible. Vertical impediments are things that we have looked at, and we have not shut the door on any of the treatments.

Commissioner Stolzenberg – What is the solution for trash trucks and delivery trucks blocking the street?

Owen Peery – They could use the extra pavement to get out of the street. It would be a very temporary condition. That's a reality. Trash cans are going to sit on the curb, unless we figure out a new way people to get their trash picked up. Those trucks do move pretty fast down the corridor for part of our consideration with how we might treat that buffer strip.

Commissioner Lahendro – You are showing us a concept that depends on the purchase of right of way on both sides of the street and no consideration of the utilities above ground or below ground that's out there. What could this look like if those things become a factor?

Owen Peery – We have planned those out. They are going to go behind the sidewalk and will have right of way easements for those. They will fit in our right of way. On the north side, the overhead power poles will likely go in the landscape buffer strip with smaller trees and higher trees on the south side. We haven't discussed where the utilities are going. Most transportation projects that we work with do require right of way. We are trying to minimize damage and not destroy the neighborhood. It is going to be tough tie in all of those driveways with all of the new sidewalks.

iii. Public Comment

Thomas Panenski – House owner since 1997 on Fontaine Avenue. There is a robust urban forest as you enter Charlottesville. What is not addressed in this project is the reduction of that urban forest. I have seen no mention of what is going to happen with that urban forest.

Trees remove the pollutants from the air. This goes down the entire length of Fontaine Avenue. (Time yielded from another public speaker). All of these trees are going to be gone. What trees are going to be used in this project? It is going to be difficult to pull out of the driveway. I was almost ran over on Fontaine Avenue by a van a couple of weeks ago. Please reduce the speed to 30 miles per hour.

Edward Mendez – I own three properties in the Fry Springs neighborhood. My concern is the removal of parking directly impacts those on Robertson Avenue. These streets are simply packed. I promote bicycle use. The majority of those parking are commuters. Fontaine Research Park is maybe at 50% full. If you are going to eliminate parking, there are going to be consequences.

Peter Krebs – I have been following this project since the beginning. The weakness of this project is that it does not encompass the Research Park. VDOT is interested in extending the project to the Research Project.

iv. **Commissioner Discussion & Motion**

Commissioner Palmer – The design strikes a good balance of bike/pedestrian amenities and street trees and provides for that traffic flow. The elimination of the on street parking is commendable. It improves the site lines and the safety of that street. One of the nice things about it is that you can connect into it on Mimosa Drive. The additional connection with Fontaine and the recreational trails is a great benefit.

Commissioner Green – This falls in with everything that we have been talking about with regards to the Comprehensive Plan. We have to get bike lanes in this area and the roads are not wide enough. This is that growth area where we are talking about making more pedestrian connectivity. I am hopeful that we can lower some speed limits. I am in favor, even though this is not the final design.

Commissioner Stolzenberg – What is the consequence of this decision? What does it mean if it is not in accordance of the Comprehensive Plan?

Ms. Creasy – If it was deemed not in accordance, then we would look at potential adjustments to see if that was possible. They have pointed out numerous things that it supports within the specific plan and noted in the transportation aspects of the comp plan. We have had multiple designs over the years for a similar project. This project is a lot less impactful than what had been worked through in the past. This is going through the process of confirming that, so that they can continue to move forward through the process.

Commissioner Green – What part of it doesn't match the comp plan?

Commissioner Stolzenberg – The comp plan and appendices call for safe bicycle infrastructure and making our roads safe for all users. Having intersections with bike lanes that are shared with vehicle lanes falls short of that standard. The bike and pedestrian master plan does have a provision, which allows unprotected bike lanes, when necessary.

Commissioner Green – Our streets are what they are.

Commissioner Stolzenberg – I recognize that we are not at a final design. Hopefully, these elements of the design can change in the future to offer real physical protections for bikes and other personal vehicles

Commissioner Heaton – Are there other traffic calming features?

Owen Peery – We have not considered all of the traffic calming features. We are just getting to conceptual design. We have talked about changing the pavement. We are going to plant trees. There are treatments that we are still talking about and have not gotten to yet. We did do a speed study and they are actually at the speed limit.

Commissioner Dowell – I am concerned about the environmental impact and the eminent domain. I don't see a whole lot of on street parking.

Commissioner Solla-Yates – I did bring up speed reductions at the last work session. That makes total sense to me. Safety is a key issue here. Reducing speed will reduce noise.

Lisa Robertson – The state law has a process. To reduce the speed as part of a project, there needs to be an accompanying engineering study that says the design of the road has been changed in a way that requires the speed to be reduced in order for it be safe. You have to get an engineering study that backs up any decision to change the speed limit. The speed has to be validated by an engineering study.

Commissioner Solla-Yates – I shared the concerns about bike safety.

Commissioner Lahendro – I will vote for this as complying with the comprehensive plan. It's going to need to have the kind of trees and coverage that the comprehensive plan calls for.

Motion: Commissioner Green - I move that the proposed Fontaine Avenue Streetscape Project concept's, located on Fontaine Avenue between the City limit and Jefferson Park Avenue in the City of Charlottesville, general character, location and extent of the proposed improvements are substantially in accord with the City's adopted 2013 Comprehensive Plan or part thereof. (Seconded by Commissioner Lahendro) Motion passed 7-0.

4. **SP19-00008 –Chick-fil-A Barracks Road Drive Through** – Landowner Federal Realty Investment Trust by its contract purchaser Chick-fil-A, Inc. is requesting a Special Use Permit (SUP) pursuant to City Code Sec. 34-796, to authorize a specific land use (drive-through window for a restaurant) for property identified on City Tax Map 1 as a portion of Parcel 1 (“Subject Property”), having an area of approximately 0.801 acre. The Subject Property is zoned “URB” (Urban Corridor Mixed Use District) with Entrance Corridor Overlay and has

frontage on Emmet Street North. The Comprehensive Land Use Map for this area calls for Mixed Use development. Information pertaining to request may be viewed online at <http://www.charlottesville.org/departments-and-services/departments-h-z/neighborhood-development/services> or obtained from the Department of Neighborhood Development Services, 2nd Floor of City Hall, 605 East Main Street. Persons interested in this SUP application may contact NDS Planner Joey Winter by e-mail (winterj@charlottesville.org) or by telephone (434-970-3991).

i. Staff Report

Joey Winter, City Planner - This item is a Special Use Permit request to authorize a restaurant drive through window at 1000 Emmet Street North in the Barracks Road Shopping Center. The applicant is proposing to demolish the existing Burger King at this location and construct a Chick-fil-A restaurant with a drive through window. A modification to the front setback along Emmet Street is also being recommended due to utility issues. This site is zoned URB with an Entrance Corridor overlay and is approximately 0.8 acres. The property is further identified on a portion of City Real Property Tax Map 1 Parcel 1. The General Land Use Plan calls for Mixed Use development. The proposed restaurant use is allowed by-right in the URB zoning district. A Special Use Permit is required to authorize the drive through window pursuant to City Code Section 34-796. **So to be clear:** Planning Commission review of this Special Use Permit request should focus solely on whether a restaurant drive through window is appropriate for this location. It should not focus on whether a restaurant is appropriate for this location or whether Chick-fil-A is the appropriate type of restaurant. The Subject Property lies in the Route 29 North [Emmet Street] Entrance Corridor, so the Entrance Corridor Review Board made a recommendation on this request. Earlier tonight as the E.R.B., you all recommended this proposed drive through window will not have an adverse impact on the Entrance Corridor. City Code Section 34-162 allows City Council to modify yard regulations as an SUP Condition. The City's Utilities Engineer has recommended that the front yard regulation be modified to allow for access to the sanitary sewer line and storm sewer culverts that run across the front of the site. The recommended modification is that the maximum setback along Emmet Street North be changed from 30 feet to 92 feet. The proposed use is identical to the existing use of the site and is harmonious with existing patterns of use and development within the neighborhood and the Barracks Road Shopping Center. For context, on Emmet Street North between the Route 250 Bypass and the intersection with Massie Road, a distance of just over one mile, there are currently 11 businesses operating drive through windows - 6 restaurants, 4 banks, and 1 pharmacy. There are currently 5 businesses operating drive through windows in the Barracks Road Shopping Center, including the Burger King that currently occupies this site. Planning Commission received an email from a member of the public late this afternoon expressing concerns about this SUP request as it relates to traffic. The City Traffic Engineer went back and took another look at the application materials based on that email and offers the following two comments: 1) **Regarding concern about Traffic Congestion from Emmet**

Street into the site: Because this site is interior to the Barracks Road Shopping Center, there will be very little noticeable impact on Emmet Street. Emmet Street has approximately 23,000 vehicles per day. Per the ITE trip generation manual, a fast food restaurant with drive-thru of this size will have approximately 2,200 vehicles per day. Out of 21 studies done, the maximum number of vehicles trips was around 2,900. The vast majority of these trips are captured by pass-by traffic (traffic that was already on the roadway and is not making a special trip).

2) Regarding concern about Traffic Congestion interior to Barracks Road Shopping Center: Traffic Engineering has worked with the designers to mitigate traffic congestion as much as reasonable. The current drive-thru for Burger King can stack approximately 10 vehicles. With the double drive-thru lane in conjunction with turning one of the other drive aisles into one way, the designers have been able to accommodate up to 60 cars without interrupting parking for other businesses. The General Land Use Plan calls for Mixed Use development. Per Chapter 2 of the Comprehensive Plan, Mixed Use development should enhance pedestrian connections between commercial centers and public facilities. Therefore, steps should be taken to mitigate the drive through window's adverse impacts on pedestrian connections in the vicinity of the site. City staff should have the ability to require additional safety measures be taken that protect pedestrian traffic from vehicle traffic related to the drive through window use... WHICH BRINGS US TO THE PROPOSED STAFF CONDITIONS. **IF PLANNING COMMISSION RECOMMENDS APPROVAL OF THIS SUP, THREE CONDITIONS ARE PROPOSED BY STAFF:** **CONDITION 1** – Would ensure safety measures be taken to protect pedestrian traffic coming from Emmet Street from vehicle traffic related to the drive through. **CONDITION 2** – Would provide an additional pedestrian route from the internal parking area of the Barracks Road Shopping Center. It would ensure that this route is accessible as possible, and like **CONDITION 1** would ensure safety measures be taken to protect pedestrian traffic from vehicle traffic related to the drive through. *After consultation with the City Attorney, the applicant, and City staff, PROPOSED STAFF CONDITION 2 has been re-worded. I have that modified language here for you, the intent of the condition remains the same as stated in your packet.* **CONDITION 3** – Would modify the front yard regulation as recommended by the City Utilities Engineer **THOSE ARE THE 3 CONDITIONS PROPOSED BY STAFF.** Per City Code Section 34-157, Planning Commission may recommend other reasonable conditions of approval that would mitigate adverse impacts of the restaurant drive through window use. Again, please remember that the focus of discussion tonight should be the impacts of the drive through use and any conditions proposed tonight should be directly related to the drive through window. **A couple other items that I wanted to address before I turn things over to the applicant:** **BIKE PARKING:** One bicycle space for every one thousand square feet of public space is required per Section 34-881(3). **SCOOTER PARKING:** No scooter parking will be required at this site per the Zoning Ordinance (Chapter 34). **LANDSCAPING:** the applicant will be required to comply with all landscaping requirements of the Zoning Ordinance

(Chapter 34). No landscaping waivers have been applied for (or granted) in relation this development. **In conclusion:** General Standards for Issuance of a Special Use Permit are found in City Code Section 34-157 and are included in your packet. City Code Section 34-162 which allows the modification of yard regulations as a condition of a Special Use Permit is also included in your packet.

Commissioner Lahendro – Will this come back to us at a later part of the process?

Joey Winter – Whether or not a drive thru is appropriate in this location will not come back to you. None of the signage or design is under review tonight. That would come back to you at the site plan stage.

ii. Applicant

Ryan Gallagher, Bohler Engineering – We are proposing to tear down the existing Burger King and build a new Chick-Fil-A. It is inclusive of a drive-thru. We are working with staff to make traffic calming measures, as well as stacking measures. We do have the ability to increase the stacking to about 60 cars and 19 cars within the double drive thru. We have worked with staff to accommodate pedestrian connectivity and bicycle parking, especially from Emmet Street, and having an accessible route through ADA guidelines through the front entrance of the store. We are in agreement with the conditions put by staff for this SUP. The only caveat is that we are responsible within the lease line. We would have to speak with the owner of the land to make changes outside of the lease line.

Commissioner Solla-Yates – The Barracks Road property owner is between the restaurant and the sidewalk. Is that correct?

Ryan Gallagher – That is incorrect. It's the public right of way abutting our adjacent lease area that is in our control to provide pedestrian access. We are concerned about the connectivity between our lease area, which is the front pad of the shopping center in front of the restaurant and the shopping center behind the restaurant.

Commissioner Stolzenberg – What is Wise Street? When you say connections to the west, does that mean the parking area or the area by Zoe's Kitchen?

Ryan Gallagher – Wise Street is the actual entrance into the Barracks Road Shopping Center. To the west, would be the parking behind the Chick-Fil-A in between the Barnes and Noble and the Chick-Fil-A.

iii. Public Hearing

No Public Comment

iv. Commissioner Discussion & Motion

Commissioner Solla-Yates – Are we building a sidewalk to nowhere?

Joey Winter – This condition doesn't specify exactly what the route is and the intent was to leave up to the applicant to determine how that can best be met. It would be part of the site plan. Staff would evaluate it and give feedback and make sure that it meets the code. This is a condition. We are not demanding that the applicant do something. The goal was to have pedestrian access and mitigate the impacts of having a drive thru.

Commissioner Green – If mitigating the impact of the drive thru, what was the impact for the past drive thru? Why is it a problem to mitigate the impact?

Joey Winter – This staff report and this analysis was in relation to this request before the Planning Commission. There is no existing SUP for the Burger King drive thru. My assumption is that was done before an SUP was required for a drive thru in this location. When you look at the standards in the code of an SUP, there are additional impacts of having a drive thru at this location.

Commissioner Stolzenberg – On the north side of Wise Street, will they be required to bring that up to standard? Will they have to add sidewalk on the north side of Wise Street?

Joey Winter – That is not a requirement of the code. The code requires improvements of sidewalks along a public right of way. Wise Street is not a public right of way. It's an access easement. No setbacks apply on Wise Street because it is not a city street. The only setback for this property is the one on Emmet Street North.

Commissioner Stolzenberg – If we are going to require a pedestrian route from Emmet Street, it's just going to go a few feet up Wise Street.

Joey Winter – The requirement is an accessible route from the public right of way, which would be Emmet Street North to the primary entrance of the restaurant.

Commissioner Green – Your staff analysis says that this is in compliance with the comp plan because the property is designated for mixed use development within walking distance of residential neighborhoods. It will enhance small group interactions. How is this double drive thru enhancing the pedestrian access for it to meet the comp plan?

Joey Winter – The analysis states the intent of a mixed use district. That first part lays out the intent of a mixed use district. The second provides some measures that can be taken.

Commissioner Green – The idea behind this is that staff select what pieces of the comp plan comply. This particular goal talks about the pedestrian access and pedestrian enhancement and inter-connectivity for pedestrians. I am asking how you chose this particular one that this double drive thru is in compliance with the comp plan.

Joey Winter – The staff analysis is there. That was the staff’s analysis. If you have a different analysis, that is what you are entitled to and you have more authority.

Commissioner Stolzenberg – Can you talk about the utility constraint?

Joey Winter – If you look in the staff report, there is one utility line in red. In blue, there are the culverts for the sewer. That’s the reality of the situation that we are dealing with on the ground. It was brought to the attention of the utilities engineer. This was going to be an issue and this is the recommended solution to that.

Commissioner Stolzenberg – Even within the current building footprint, would it still be an issue?

Joey Winter – The requirement is 30 feet. The Burger King that is there doesn’t meet that requirement. The additional setback was the recommended setback from utilities.

Commissioner Green – Can you tell me what is the existing stacking at the Burger King?

Joey Winter – The figures that I quoted were from the traffic engineer. The applicant might have their own. The stacking at the current Burger King can stack approximately ten vehicles. We are doubling the capacity.

Commissioner Stolzenberg – On condition 1 requiring pedestrian accessible routes from public sidewalks to the primary entrance, as shown in the preliminary site plan, that it is an indirect route. Is it logical to change that to a direct accessible pedestrian route?

Joey Winter – The site plan in your packet has not gone through staff review. These questions would be reviewed by staff. If it is not in compliance with the current ordinance, the staff would make that comment and they would be required to comply.

Lisa Robertson – The building code will address that. The building code specifies that it be the most direct route. The building code is very strict about those things. It will be dealt with in the site plan.

Motion: Commissioner Lahendro – **On the basis that the proposal would serve public necessity, convenience, general welfare, and good zoning practice, I move to recommend approval of this application for a special use permit to authorize a restaurant with a drive-thru window on the subject properties, subject to the following conditions:**

- 1. Ensure safety measures be taken to protect pedestrian traffic coming from Emmet Street from vehicle traffic related to the drive through.**
- 2. Provide an additional pedestrian route from the internal parking area of the Barracks Road Shopping Center. It would ensure that this route is accessible as possible.**

3. Modify the front yard regulation as recommended by the City Utilities Engineer

(Seconded by Commissioner Solla-Yates). Motion passed 4-2.

The Chairman recessed the meeting for five minutes before the final two items on the Planning Commission meeting agenda.

IV. COMMISSION'S ACTION ITEMS

1. Critical Slopes

Staff Report

Carrie Rainey - Charlottesville Redevelopment and Housing Authority (CRHA), is requesting a waiver from Section 34-1120(b) to allow for construction of 113 multifamily residential units, a community center, CRHA offices, surface parking lots, and private outdoor recreational facilities. Existing critical slopes areas located on this Property include 2.02 acres or 26 percent of the site. The applicable definition of "critical slope" is as follows: Any slope whose grade is 25% or greater, **and** (a) a portion of the slope has a horizontal run of greater than 20 feet, and its total area is 6,000 SF or greater, **and** (b) a portion of the slope is within 200 feet of a waterway. In order to grant a waiver, City Council is required to make one of two specific findings, either: (1) public [environmental] benefits of allowing disturbance of the critical slope outweigh the benefits afforded by the existing undisturbed slope per City Code 34-1120(b)(6)(d.i), or (2) due to unusual physical conditions or existing development of a site, the critical slopes restrictions would unreasonably limit the use or development of the property, see City Code 34-1120(b)(6)(d.ii.). The applicant has provided justifications for both criteria, found in the application supplement. Both the Engineering and Environmental Departments noted difficulty assessing the full impacts of disturbance due to insufficient information provided in the application. Staff recommends the Planning Commission focuses on whether the public benefits of disturbance of the critical slope outweigh the public benefits of keeping the critical slopes undisturbed, as well as the potential negative erosion and stormwater impacts to environmentally sensitive areas that may be detrimental to the health, safety, and welfare of the public. Potential Conditions Should the Planning Commission recommend approval of the Critical Slope waiver, staff recommends the consideration of the following conditions:

1. Require erosion and sediment control measures that exceed minimum requirements in order to mitigate potential impacts to undisturbed critical slopes areas, per Section 34-1120(b)(1)(a-c), including but not limited to:
 - i. Silt fence with wire reinforcement and six (6) feet stake spacing, and
 - ii. Other measures in excess of minimum requirements determined by City Engineering Staff to be necessary to protect Pollocks Branch from sedimentation.

2. The critical slope area outside of approved encroachment boundaries shall be clearly marked in the field, and the approved stormwater management plan and construction plan shall include a note requiring such limits of disturbed area to remain for the duration of construction and land disturbing activities.
3. Final stabilization of the areas of critical slopes disturbed shall be permanent measures to include replanting of native tree and shrub species to restabilize the critical slopes and potential wildlife habitat.
4. Require construction methods to phase construction of the buildings (the buildings adjacent to 1st Street to be constructed first) in order to create a better stabilized site and create a more efficient erosion measure.
5. Prior to disturbance at the site, install a fixed, immovable barrier to protect root zones of existing trees identified to be preserved at the drip line to remain throughout full completion of the construction.

Commissioner Solla-Yates – The applicant indicated differences on what is a critical slope. They show a pretty compelling graphic that compares the critical slope areas with existing disturbance. Where is the data coming from?

Carrie Rainey – We go by the information provided and our city maps to assess what are critical slopes. We still believe the information is accurate, and I haven't been provided with any information that those maps should be changed.

Commissioner Green – Didn't we do some kind of inventory when we passed the critical slope ordinance?

Ms. Creasy – There was a map put in place that noted the criteria through the critical slopes and noted the areas that are considered. There is also language that if an applicant was to do their own study and provide that information to engineering for review, then that can be taken into account and may change the mapping conditions. There are maps associated with the code. That is the first place that one looks to see if critical slopes apply. If an applicant feels that map maybe in error, then they have the opportunity to do a study to provide data that notes otherwise.

Chairman Mitchell – The November 8th submission was missing the location of Pollacks Creek on sheet 4 of the critical slope map. Have we received a revised application, which shows the location of Pollacks Creek? Is staff able to make a recommendation to the impact of this development, while under construction or after development, on Pollacks Creek.

Jack Dawson, City Engineer – The contours are shown there. It's pretty easy to infer where the stream is generally on that map. It's more of a conceptual layout from the removal of the five storm drains. I don't believe there is surveyed information on how deep those pipes are. There is also one sewer line that crosses the creek that is being removed. Those will impact the stream, in some regard. They are all showing a 20 foot width of disturbance. It's not guaranteed that the 20 feet is going to be adequate. The depths of those pipes are unknown. It's not clear how wide it needs to be. I don't think showing the stream has a great extent.

Chairman Mitchell – What information do you need to be able to advise the Planning Commission of the impact of the development, as it's going on and after it exists?

Jack Dawson – There are really two components. One is the storm water component, which is the proposed conditions after the site has been built out. The other issue is impacts from erosion, which is during construction. What we are looking at with impacts, is from a conceptual level. There isn't a sequence or methods. When you look at what the applicant submitted, they have identified all of the outfalls and the sewer lines that need to be removed. They are showing two proposed outfall locations. I know that not all of the engineering is there for the two outfall locations. From removing the utilities, it might double in width. We don't have enough specific information to tell what those impacts are going to be. It's going to look similar to what is on the impact plan.

Chairman Mitchell – You are comfortable that we are doing what needs to be done to protect Pollack's Branch?

Jack Dawson – I am not comfortable saying that. We are definitely going to protect Pollack's Branch. From an engineering standpoint, this is very preliminary.

Chairman Mitchell – At what point do you typically get the storm water management plan?

Jack Dawson – I believe that is the applicant's decision in regard to when they want to proceed. I believe that an accelerated timeline occurred with us reviewing a critical slopes waiver prior to having a final engineering plan.

Carrie Rainey – It's up to the applicant as to when they would want to submit the critical slopes waiver in terms of the site plan process. The expedited timeline that CRHA is operating on probably had something to do with the application.

Chairman Mitchell – When do you get the storm water management plan?

Carrie Rainey – That is generally a part of the site plan. That would be running along the same level of detail as the site plan. Those would be moving along the same track. The critical slopes application come in at a farther level of design. It could be up to the applicant.

Chairman Mitchell – Do you have outlined things to mitigate this? Are you comfortable with the mitigation actions to protect Pollacks Creek?

Jack Dawson – There is not enough information to know that this plan is totally adequate in protecting the creek. That's not to say that it won't be addressed in the future.

Chairman Mitchell – What options do I have to make sure that it is addressed?

Jack Dawson – That would be the conditions outlined in the recommendations.

Chairman Mitchell – You're comfortable that the conditions you recommended will make certain the protection of the creek dealt with?

Jack Dawson – Yes, with the recommendations in the standard engineering review, using our authority to ensure compliance with the existing storm water regulations.

Applicant –

Ashley Davies, Riverbend Development – When this site was developed in the 80s, you can clearly see the areas that were graded out to create the 58 units and the ballfields that comprise Phase I. On the back of those units, there is a chain linked fence that defines the border of the critical slopes. Once you get to that chain linked fence, it is a very steep drop off. That is what we were looking at with the resident design team. We really need to stay off of those areas, as we look to increase the density on the site and provide more affordable housing. That’s how they developed their character zones and site plan. What we are seeing in the city maps, is a little bit different. You have the proposed development and there are a couple categories shown. The yellow is the development from the 80s plus one new outfall. Those areas in either blue or red are the new public utilities going in or driveways that are both exempt from the critical slope waiver request. The red areas are those existing public utilities that are required by engineering to remove. The green areas are the existing critical slopes that we are projecting no impact to. The basic concept behind what we are doing is sticking to the areas that were already developed and giving ourselves a little bit of space. Something we learned from Phase I is allowing space to address the staff’s recommendation of getting in the erosion and sediment control measures to protect the critical slopes that are not being impacted and making sure that we can install the buildings as shown on the site plan.

Scott Collins, Collins Engineering – We designed the project to completely eliminate all of these outfalls in this area above this one spot. We are installing a new outfall right here. We are talking about this little bit of critical slope impacts, just along the edge just enough to get all of the erosion control measures in to protect the stream, while we are doing the redevelopment.

Ashley Davies – One of the conditions proposed by staff talks about a particular phasing of the project. There is already a specific phasing suggested that we really need to follow with the South First Street site plan. Phase 2a and 2b are totally based on relocation on the site. In Phase 2a, we have to build 4 and 5 bedroom units to accommodate those existing households, so we don’t have to force anyone to move off site. A lot of it is up front on South First Street. I didn’t want to get a condition incorporated that does not allow us to proceed with those very specific relocation efforts for residents.

Scott Collins – As far as the drainage divide as well, the phases work pretty well. You have a drainage divide through the side.

Commissioner Stolzenberg – Would it make sense to do the 2b phase with the ones adjacent to First Street first for the reasons stated in the proposed conditions?

Scott Collins – That is correct.

Ms. Creasy – The 2a and 2b situation is new to me. I didn't know if the other staff were that there was consideration for that. I don't know if that effects this in any way.

Commissioner Stolzenberg – You're OK with building the townhomes along First Street first in phase 2b. For 2a, you need to do at the same time?

Ashley Davies – We would following the phasing, as we have established with 2a and 2b, and not have that condition within the critical slopes waiver, but maintain the other conditions. I fear that we might have other factors coming into play on how this all needs to line up. The fact this will be a LI TCH project, and we have a very compressed timeline. I wouldn't want to put additional conditions if we can avoid it if the slopes are adequately protected with the other conditions from staff.

Commissioner Stolzenberg – Do you have any suggestions for ways to mitigate the impact by losing that condition?

Ashley Davies – Since we are already phasing it, more than half of the site will stay stabilized, while we do the first phase. In effect, it is having the same benefit to the site. It's a different phasing line than what staff was specifically suggesting. It does have the effect of a huge portion of the site staying stabilized, while the other portion is under construction. We can submit our exhibit to staff if you wanted to have a reference to phasing.

Ms. Creasy – There will be more implications from our staff that gets into VSPM permitting and a lot of other engineering aspects that we need some more information.

Jack Dawson – We have not seen a 2a or a 2b on the plans. Our recommendations are based on what we receive on the plans. That condition was a result of there being no phasing whatsoever. That specific recommendation is just a basic build away from the water first, you can control the sediment discharge prior to it getting in the stream. I wouldn't be too worried about putting that recommendation on there because that's a place holder for "we have no information on how this is going to get done." It's certainly feasible. There is nothing that we have seen that says any of this has been thought out beyond what you see here, which is conceptual at this point. That's where that condition

came from. It might even complicate things because there's an extensive program that we are required to enforce on behalf of the state within the city. That requires more complex phasing of erosion and sediment controls, which might get complicated if we try to carve out areas well before even the consultant has considered how they're going to address these things, much less before we've reviewed if their approach is reasonable.

Commissioner Stolzenberg – The process and regulations are in place that it will be addressed later?

Jack Dawson – There should be processes in place to control every site that's developed over 6000 square feet in the city. It doesn't specifically speak to steep slopes. If you want to construct a more stringent recommendation, that might be worthwhile. We always do our best to make sure erosion controls are enforced on every site that we review. When talking about critical slopes, there is not much in this plan to say that this is exactly how they are going to go about doing this.

Chairman Mitchell – When do we get the missing information?

Jack Dawson – If you are going to make a recommendation that this be approved, it's a general approval because these things are going to change from what is shown here. The applicant made a preliminary submittal. Staff reviewed that and the applicant withdrew the submittal. We have no plans in the works beyond what is shown here, which is concept level. We don't have any further details to provide.

Commissioner Green – This is a concept decision about critical slopes. If the Planning Commission says that we can disturb critical slopes, staff is going meet the state requirements and any additional city requirements. Is this project good for the welfare of the public worthy of a critical slope disturbance? If the public benefit outweighs disturbing of slope, that doesn't mean the public benefit outweighs the protection of the creek. We are going to say 'yes' to this critical slope disturbance and we're going to require the erosion and sediment control measures exceed the minimum requirements in order to mitigate potential impacts for the remaining undisturbed critical slopes and Pollacks Branch. The phase line was not on the plan, and staff did not take that into account.

Jack Dawson – The recommendation about going above and beyond the required erosion and sediment control measures is as specific as we can get. If staff had an erosion control plan, that plan would likely have four or five phases. After doing a review of that plan, here are some suggestions from staff. This is so general.

Motion: Commissioner Stolzenberg – I move to recommend approval of the critical slope waiver, subject to conditions, based on a finding that 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). The following conditions are 1 thru 3 and number 5 of the staff report (Seconded by Commissioner Green). Motion passed 5-0 with one abstention.

2. Carlton Views Site Plan

Staff Report

Matt Alfele, City Planner – In front of the Commission, is the site plan for the last phase of the Carlton PUD. This started as an SUP for the PACE Center, followed by phase 1, then Carlton Views, phase 2 (currently under construction), and this is the last phase, which is the corner of Carlton and Franklin. Being a PUD, the Planning Commission is the reviewing body for site plans. When the Planning Commission receives a site plan, they are typically on the consent agenda. In certain cases, they might not go on consent. The Planning Commission, as a body, needs to look at them and determine whether they should be approved. Carlton Views is nearing the end of its review. It has met all of the requirements of the city ordinance and state ordinance and all of the requirements of the development plan. The proffer statement, with the exception of proffer statement 3f. (The landowner shall retain the existing tree canopy on the east side of the subject property adjacent to Franklin Street with an area designated as open space for the PUD. The final site plan for the PUD development shall depict how the requirements will be satisfied). The plan that staff reviewed, three trees were removed to make room for a small green space and a small dog park. The dog park and green space were discussed during the rezoning, but were not part of the development plan. The applicant has incorporated those after hearing from the Planning Commission and City Council. It was never proffered and never part of the development plan. The applicant does feel they still meet that proffer as written, and the plan should be approved. You need to approve the plan as presented or deny it. If you deny it, you need to articulate to the applicant why you are denying it. It has to be within the development and the proffer statement. There is no negotiation. This is a straight approve or disapprove. On the development plan, you can have minor changes, which are not substantially different. Is this change substantially different?

Chairman Mitchell – Does the dog park mean that we lose those three trees? Where are the trees being replanted? What kind of trees are being replanted?

Matt Alfele – That's in the letter in your attachments. As presented, should this be approved? The applicant is saying that they are meeting the proffer.

Commissioner Lahendro – It's just trees and they are not interfering with the critical slopes?

Matt Alfele – There were steep slopes under the old subdivision definition. There are no critical slopes, as defined in the site plan ordinance, which is the distance from water.

Chairman Mitchell – If I am reading this correctly, we are going to lose some trees. They are going to plant additional trees elsewhere that is going to increase the actual canopy. We are gaining 50% more trees. How is canopy defined?

Matt Alfele – There is a calculation within the forestry handbook that talks about the calculation for determining the canopy of an existing tree.

Commissioner Stolzenberg – Does the phrase “existing tree canopy” refer to the canopy that exists or the canopy of existing trees?

Commissioner Green – The existing tree canopy is the mature trees. The proposed mitigation tree canopy will not be at 1496 square feet for ten years.

Commissioner Solla-Yates – What is the existing tree canopy that will not be disturbed?

Scott Collins, Applicant – About 4500 to 5000 square feet.

Lisa Robertson – Outside of proffers, in our regular ordinance, where it talks about tree canopy and coverage, the phrasing that they use is that they have to provide a tree canopy, and you identify what the canopy will be at a ten year maturity or twenty year maturity, depending on where you are. Where existing trees are preserved, a bonus shall be granted as follows: In calculating the coverage provided by the existing trees shown on the landscape plan, an existing tree can be deemed to cover an area equal to one and one half times of the diameter of the trees existing dripline. If you weren't talking about a proffer, you talk about tree canopy at a ten or twenty year maturity. You talk about existing trees and you get a bonus in calculations for preserving existing trees.

Commissioner Lahendro – Where are the new trees being planted?

Matt Alfele showed the Planning Commission on the site plan where the new trees are being planted.

Motion: Commissioner Stolzenberg moved to recommend approval of the final site plan conditional on all comments within the October 31, 2019 comment letter being addressed (Seconded by Commissioner Solla-Yates). Motion passed 6-0

Meeting adjourned at 12:15 AM.