

PLANNING COMMISSION REGULAR MEETING
June 9, 2020 – 5:30 P.M.
Virtual Meeting

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

Beginning: 5:00 PM

Location: Virtual/Electronic

Members Present: Chairman Mitchell, Commissioner Stolzenberg, Commissioner Solla-Yates, Commissioner Lahendro, Commissioner Dowell, Commissioner Green, Commissioner Palmer, Commissioner Heaton

Staff Present: Patrick Cory, Missy Creasy, Matt Alfele, Lisa Robertson, Robert Watkins, Jeffery Werner, John Sales, Joe Rice, Jack Dawson, Alex Ikefuna, Paul Oberdorfer, Joey Winter

Ms. Creasy provided an overview of logistics for ZOOM meeting participation.

Chair Mitchell confirmed that the discussion of the Flint hill applications would occur at the same time and votes would be taken separately with the Critical Slopes first followed by the PUD application. There was a brief discussion as to if this order for the motions was appropriate but the order was maintained following confirmation from Ms. Robertson.

Commissioner Heaton asked if based on the discussion, do we anticipate additional information from the applicant this evening. Chair Mitchell noted new information from the applicant arrived after 4pm today.

Mr. Alfele noted that the City Engineer will be here this evening to assist with questions.

Commissioner Solla Yates noted that he would like to hear information from Habitat during the meeting pertaining to the plan they have for the Flint Hill site as well as information on the concerns noted in the staff report.

Mr. Winter provided instructions on how each of the presentations will be provided this evening.

Chair Mitchell confirmed that the Arlington discussion would not be heard this evening.

II. COMMISSION REGULAR MEETING – Meeting called to order at 5:30 PM by Chairman Mitchell

Beginning: 5:30 PM

Location: Virtual/Electronic

A. COMMISSIONER'S REPORT

Commissioner Green – It is good to see everybody. It has been awhile. We have been meeting virtually with the TJPDC. We had a May meeting. The TJPDC meets with Louisa County, Fluvanna County, Nelson County, Greene County, City of Charlottesville, and Albemarle County. One of things that was discussed was rural broadband. It has been very evident that we need to keep moving forward with rural broadband, while we are having these meetings. You can hear the dial up in the background during the meetings. We did have some discussions about rural broadband, rural transportation, and rural smart scale projects. We discussed what we are submitting for smart scale. The City of Charlottesville did not have anything for the rural smart scale. There is something that Albemarle County has submitted for at Fifth Street. It's the connector trail from

the Fifth Street Station area to connect with some of the city trails. I did go to the University. It is a pretty amazing exhibit.

Commissioner Heaton – I want to thank Missy, Joe Rice, and Brian Wheeler for their attentiveness for bringing people up to speed on Zoom and the protocols for doing a public hearing. It was a good effort and time well spent. I also want to say hello to everybody. It has been encouraging during this pandemic, we have been able to watch the construction start on 3 buildings. It's been rewarding to know that people are working and those buildings are going up. I also spent some time at the University.

Commissioner Dowell – I do not have a report at this time. The issues that we are facing, not only in Charlottesville, but in the world, are not new issues. I am so proud of our young people, who are making a difference. This is a movement. I am so glad to hear it. I am very proud to know the leaders at the forefront.

Commissioner Solla-Yates – There was a meeting on April 7th on the Comprehensive Plan. We reviewed housing data. Racial equity underlies every data point that we look at. The Housing Advisory Committee met on May 26th. We are moving everything in the Housing Fund to Emergency Relief Spending. We are losing it all. It's all gone. We are trying to keep everyone housed as long as we can. We don't even have enough for that. It's very grim. It was a tough meeting. There was a Comprehensive Plan meeting on June 2nd. They surveyed the Comprehensive Plan steering group. The top issues that came up on housing were equity, rental affordability, access to opportunity, housing supply, and housing stability. Those were the leaders. We also received a call from Dan Rosensweig from Habitat for Humanity. He indicated support for the Flint Hill proposal coming up tonight and shared some data I thought would be important for others to hear.

Commissioner Lahendro – I have nothing to report. The Board of Architectural Review and the Tree Commission have not met since the last time we met. Commissioner Solla-Yates covered very well the Comprehensive Plan steering committee.

Commissioner Stolzenberg – I don't have a lot. I hope that you all remember our part in making change and changing the system. Remember why this planning commission exists. PLACE has not been meeting. We have had a couple of MPO Tech meetings. There was nothing hugely groundbreaking. There are several smart scale applications that are currently in the pre-application phase. They have gone to VDOT for a preliminary review and some feedback. The interesting ones for us are Fontaine, 29, and Hillside Drive South, which will connect Hydraulic to Holiday Drive. There is an Emmet Street multi modal phase 2. There is a Preston-Grady, West Main street scape phase 3, a Ridge Street multi-modal, which will go from Cherry up to West Main. Those are the ones in the city. There are a few others around. I assume those will be narrowed down before the final application phase.

B. UNIVERSITY REPORT

Commissioner Palmer – I did have a few things of interest. Fall semester at UVA will begin on time. Any in person instruction will conclude by Thanksgiving. There is a lot of logistics that need to be worked out. The experience will be highly modified for all of the classes, dining, housing, and athletic events if there are athletic events. There was a June Board of Visitors virtual meeting last week. There wasn't a whole lot of business of note. There was the renaming of Rechner Hall to Ridley Hall in honor of Walter Ridley, the first African American to have earned a doctorate in education from UVA in 1953. They are still discussing whether to change the actual name of the Curry School. They haven't made that decision yet. With current projects, there are a few if you have been through The Grounds. Alderman Library is undergoing an extensive renovation. It's currently in the demolition and abatement phase. If you go by there, they are demolishing the newer stacks on the back of the building. We are going to replace that with a new addition better suited for today's academic needs. That construction is scheduled to continue through 2023. On Branden Avenue, the Green Street, utility-wise and infrastructure-wise, is largely complete. The student health and wellness centers

should be completed next summer. With the pandemic, they have been re-evaluating the interior to see how they can use that building to better serve the potential needs for testing, isolating students, and providing vaccinations. When it's done, it will be 156,000 square feet. It will include space for general medicine, gynecology, counseling, psychological services, student disability access services, and health promotion. The hospital expansion project was altered due to the pandemic and accelerated to provide isolation units for Covid-19 patients onto the upper floors. That's in addition to the newly opened emergency department. The Memorial for Enslaved Workers is substantially complete. There are a few things that are not done yet, such as lighting and tree planting. You can visit it. There is a water feature that has not been turned on yet because we promised the descendant community it would not be turned on until we had a private ceremony. That was supposed to happen a month or two ago. With the pandemic, we haven't been able to do that yet. It's definitely being used and visited, most visibly last Friday by the medical school community when they held a vigil for George Floyd.

C. CHAIR'S REPORT

Chairman Mitchell – None of the boards met that I serve on. We have a new director of Parks and Recreation. His name is Mr. Todd Brown. He has actually been working as the interim director.

D. DEPARTMENT OF NDS

Ms. Creasy – We will hear next week whether we are going to be meeting in July. Council authorized us to meet for the June meeting. They will be looking at whether we will be moving to a July meeting. I have a feeling that we will be meeting. We are going to move in that direction behind the scenes. We anticipate that they will be looking at other boards and commissions and getting them moving again. There are still a lot of question marks as to how things are going to be moving forward. The city will re-evaluate before June 21st as to what the next steps will be. We have a few things going on to begin discussions next week. People have the opportunity to pay tax bills in person for a period of time. A press release went out about a day ago. We currently have a drop off on Fridays to facilitate people getting materials into our office. There is a lot of behind the scenes work going on.

Comprehensive Plan Update

Jennifer Koch, RHI – We have been hard at work since we last met with you. I am glad to be here to give you a brief update. **Cville Plans Together** is the name for this process. It's an opportunity for the community to actively participate in updating the future vision for the city with a focus on equity and affordability. I know all of you are aware of what we are doing. I want to go through quickly what these outcomes are. We are working to update the city's comprehensive plan building on the edits that you began in 2017 and 2018. As a part of that effort, we are completing an affordable housing strategy. We are specifically calling it out here because it's a big focus of this effort. It is a part of the overall comprehensive plan process. Once the revised comprehensive plan is approved, including that housing strategy and we work with you through those edits, we will work to revise the zoning ordinance to ensure that it reflects the goals and strategies in the newly revised comprehensive plan. We need to work with all of you, the community, the city staff, and others to identify what needs exist in Charlottesville in terms of equity and what it means for housing to be affordable. This is the schedule for the process, which is currently planned to extend to the end of next year. The green is the affordable housing strategy, which feeds into the dark blue, the revised comprehensive plan update. The light blue is the zoning. This is our schedule as of the beginning of May. I would anticipate that there will be some tweaks to this, particularly with the community engagement points. Those little orange bubbles at the bottom are the approximate points for community inputs. They are a set of activities. I do want to talk about how we are going to interact with all of you. Collaboration with the Planning Commission is an important part in updating the Comprehensive Plan. We look forward to scheduling a meeting or work session with you now that you are meeting again in the near future to discuss the findings of what we are hearing in this current state

of public input and what that means for the Comprehensive Plan as we look at the overall vision, direction, and the goals. I am going to give an overview of our engagement process to date. It looks very different than what we planned originally. We came into this process committed to really focus community engagement in meeting people where they are in the neighborhoods in Charlottesville. Starting that process in March couldn't happen like that. I will go through what we have been doing. We do intend to get out as soon as it is safe to do so. We started our engagement on May 20th. What we have been focused on is getting input on goals and priorities for the future. We started with three webinars that had the same information. They were recorded and they can be found on the website. What we did in those webinars is give an overview of the process. We talked about what the Comprehensive Plan and zoning are. What do those things mean? Those were good discussions. We have had five small group discussions and there are five more scheduled. We have had anywhere from 4 up to 18 people in those events. We are also doing some focused small group discussions with certain groups of people. We have a survey out right now. It opened May 20th. It was originally scheduled to run through June 10th. We have extended that through June 27th. When I last checked, we had 324 responses. We had a steering committee meeting on June 2nd. It was open to everybody and it was conducted on Zoom. That recording is also on the website along with the presentation document, which talked about housing tools. We have also been engaged with the media and distributing fliers and surveys. We have more upcoming conversations with more of these small groups. We are working on getting more input on the survey. Our goal with this is to get community input from people who are representative of the community in Charlottesville. We have been hearing from a good diversity of people. When we look at the survey responses, the proportions aren't really representative of the community in terms of demographics. We know that we need to hear from people on the lower end of the wealth spectrum. There are people that we need to hear from. We have some strategies that we are working on to reach those various areas. We're coordinating with some of our community partners to get paper fliers and surveys into peoples' hands. We are trying to make sure that people know what is going on and that they know that they are wanted. We want their input on this process. We hope that they are able to participate. We are planning a utility mailing for July. We will hopefully be able to share information with people so that people can get involved in the future phases. We are continuing to do direct outreach to other organizations, neighborhood associations, and encouraging people to push things out. I would welcome other ideas for engagement, given Covid constraints. We know that all of you have been through this process. We do have social media and a toll free number.

Commissioner Stolzenberg – I am a little unclear how we, as commissioners, are supposed to interact with the project. Should we be dropping in on these meetings?

Ms. Koch – We have recorded the webinars. We have been recording the small group discussions. We have been explicitly telling people that they not being posted. We are going to summarize findings from those. I would encourage you to sit in on a conversation. I know that some of the Council members may have sat in some of the webinars.

Commissioner Lahendro – You mentioned providing focused small groups. What kind of groups are these? Are these neighborhood groups, civic groups, or political groups? How is it decided what groups to meet with?

Ms. Koch – We have been doing additional outreach to people and groups that we have been hearing less from. We wanted to make sure we were hearing from people in the Tenth and Page neighborhood. One of our steering committee members helped us organize a group of homeowners in the Tenth and Page neighborhood. We have also reached out to JABA. We wanted to make sure that we were hearing from aging adults. That group is often very connected and may not sign up for discussions separately. We have done outreach to churches. We have a small group that has been arranged with a faith group. We know that we haven't been hearing from some people and are there good methods to get out to people. We know that people have church networks. We are hoping that if people reach out to us and if they want to have a discussion, that's something

we certainly open to. We encourage people to sign up for the existing open discussions when they can. Those have been really interesting. It's been us reaching out and people asking us.

Commissioner Green – I feel that we are hearing the same thing that we went through as far as outreach. I don't feel like we are doing anything different. We went to the market. We reached out to church groups and JABA. I know that you are asking us. The problem that we were having is the outreach to the people that you still haven't reached out to based on what we are hearing from you. We are out of ideas. I would love to know if it is more outreach through social media. We have a social media presence in this town. We have had thousands of people get together in the past week. What do we need to do to do something different?

Commissioner Dowell – I would like to reiterate that. Some of the ideas that we came up with are things that we have done. Who is showing up to these meetings?

Ms. Koch – We had a very different process in mind for this. COVID threw things off for us. It is difficult to do engagement for a comprehensive plan and reach marginalized communities in any case. I can't speak if it looks different to the people that you talked to. We don't have lists to compare. It's a mix of people, who are very well engaged. We have also been hearing from others, who seem to be newer to the process. We go through what a comprehensive plan is. My take on it is that there are some new faces coming into this. We are not seeing the same people over and over again. We haven't had any overlap. I will reiterate that we are committed to whenever we can to getting out there. Our vision was to do these small group discussions where people are, having food, and bringing people together and talking through these things. That is something that needs to happen when we can do it. It's been rewarding when we can do it virtually too. We are doing a lot of the same things. We are pushing out on social media. I think we are getting some new people that way as well. It's continuously evolving.

Commissioner Green – Has this been part of Cville 360? It seems like something that we need to get out to the media.

Ms. Koch – COVID not only threw off our ability to meet in person with people. There was also a shift in focus. With recent events, we are competing for people's time and attention. This is such an opportunity for people to weigh in on those processes locally and look at what land use looks like on the ground. I am hoping that we can build on some momentum.

Commissioner Green – What we had said earlier is that making these changes to this land use plan, comprehensive plan, and housing plan are a part of this movement. We have to get a movement on the needle for housing.

Update on Covid-19 and Housing

Dr. Denise Bonds, Thomas Jefferson Health District – Covid-19 is caused by an RNA virus. It's transmitted from person to person by aerosolized droplets. When we talk, sneeze, work out, or cough we expel droplets out. If you have Covid-19, those droplets can carry the virus. We have just under 52,000 people in Virginia that have been infected by Covid-19. Most of those have recovered from the virus. We have had 1,496 deaths in the state. Here in the Thomas Jefferson Health District, we have had 649 individuals that have been confirmed positive. The number of individuals infected by this virus is probably higher than this. Early on in this pandemic, we didn't have good testing available. We often had people stay at home and isolate on a presumptive diagnosis. In this district, 77 people have been hospitalized. We have had 19 deaths. In Charlottesville, 141 individuals have had a confirmed diagnosis with 3 fatalities. We are seeing improvements in the metrics. Our rate of positive cases is going down. Our hospitalizations are also decreasing. Things are moving in the right direction. You see that in the governor releasing the stay at home order and the opening up of various activities. We still don't have a vaccine and we don't have significant herd immunity. There are

ways to mitigate the risk to any individual. The easiest way to avoid infection is to stay at home. We consider close contact risk with someone, who has been within 6 feet for 10 to 15 minutes. That's close enough distance that you can breathe in some of those contaminated air droplets. That's a long enough period of time that you could get a sufficient load of virus to become infected. We consider people, who live in the same house, as cohorts. If you are living in an apartment building, your cohort does not include the person living in the apartment next to you. It's only those individuals that are within your four walls that are your risk cohorts. People above you or next to you have walls separating you from them. There are risks with going outside. There is a small risk if you have a shared air conditioning and heating system. Many high density housing units have individualized units that provide the air conditioning for those units. There's really no additional risks in high density housing. There is a huge risk with people, who are experiencing homelessness. Individuals, who don't have a stable housing situation, are experiencing different risks with that movement. We do have groups, who work to house individuals, like PACEM and the Salvation Army. Those are large conjugate housing situations. What we have seen in this pandemic is a lot of risk of infection of people, who are sharing those quarters. High density housing is one of the better ways we can get affordable housing in our community. Housing has been identified by the community in our most recent community health assessment as an area that we need to focus on. That document is available on our website. It's been signed on by the two major health care systems and by over 100 nonprofits and community organizations. I urge you to go look at what health priorities are. I am always in favor of improving housing and more affordable housing for our residents, particularly in the Charlottesville area. This is a really challenging area for people, who are under resourced to find affordable housing. The more that we can do to support that will lower the risk for Covid-19. It will dramatically improve the health of those people, who get permanent, stable, supportive housing.

Commissioner Solla-Yates – In the Daily Progress, there was an article about possibly re-arranging some street space to allow social distancing on city streets. Would that be a benefit for public health?

Dr. Bonds – Any time that we can get people out and moving around, that's absolutely a benefit. Being outdoors is a favored activity for Covid-19 than being indoors. When you're outdoors, you have air currents that disperse those aerosolized droplets in a much more efficient fashion. When we're indoors, we're often in air conditioned area and we're recycling that air. Those droplets get to move around over and over again. One of the biggest risks for gyms is when you are exercising, you are expelling a lot of air and lots of aerosolized droplets. To the degree that we can get people out and exercising is great.

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

Dan Murphy – Support for the Flint Hill Development. Supportive of higher density in Charlottesville. I would totally support high density housing in the current project. It's an integrated housing project with different incomes. When interest rates fall, gentrification accelerates. Issues are only going to get worse with the lower interest rates.

F. CONSENT AGENDA

1. Minutes – February 12, 2020 – Pre- meeting and Regular meeting
2. Minutes – February 26, 2020 –Work Session
3. Minutes – March 10, 2020 – Pre- meeting and Regular meeting
4. Site Plan – 1617 Emmet Street

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

Commissioner Solla-Yates made a motion to approve the consent agenda with one amendment to be made in the minutes. (Commissioner Green seconded the motion). The consent agenda with the one amendment was approved 7-0.

Vice-Mayor Magill called Council to order for the Public Hearing on Flint Hill

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) Discussion and Motion

1. ZM20-00001 - Flint Hill PUD – Landowners Belmont Station, LLC have submitted an application seeking a rezoning of approximately ten (10) acres of land, including multiple lots identified within City tax records as Tax Map and Parcel 200259310, 200259301, 200259290, 200259280, 200259270, 200259260, 200259370, 200259380, 200259350, 200259340, 200259330, 200259320, and a portion of 200196000 (collectively, “Subject Property”). The Subject Property has frontage on two unimproved platted streets (Flint Drive and Keene Court) and is accessible by stub-outs on Longwood Drive and Moseley Drive. The application proposes to change the zoning district classification of the Subject Property from R-1S (low density Residential Small Lot) to PUD (Planned Unit Development) subject to certain proffered development conditions (“Proffers”) and an approved PUD Development Plan. The Proffers include: (1) the density shall not exceed a maximum of sixty (60) residential units; (2) 15% of the residential units constructed on the site shall be Affordable Dwelling Units (ADUs) accessible to residents between 25% and 60% of the area median income with affordability provisions guaranteed through 30+ year deed restrictions. The rezoning would create a PUD referred to as “Flint Hill PUD” containing up to sixty (60) residential units divided between townhomes and multifamily buildings at an approximate density of 6 dwelling units per acre (DUA), with open space in the amount of about 5.1 acres. The Comprehensive Land Use Map for this area calls for Low Density Residential (15 DUA or less). The PUD Development Plan promises a development with the following unique characteristics and amenities: approximately thirty-four to forty-four (34-44) townhome style units, units off Flint Drive shall be rear loading, approximately sixteen to twenty (16-20) condominium style units distributed between two (2) multifamily buildings at the southern end of Keene Court, nature trails, and a central teardrop road with on street parking. The Subject Property’s current R-1S zoning does not allow townhouse or multifamily developments. The PUD Development Plan proposes construction of new streets to serve the constructed townhouses and multifamily units, and would require City Council to approve a vacation of the platted locations of Flint Drive and Keene Court. Review of the proposed vacation of streets for consistency with the Comprehensive Plan will be conducted as part of the public hearing process. The PUD Development Plan calls for disturbance of land within Critical Slopes area; this application also presents a request for a Critical Slopes Waiver per City Code Sec. 34-516(c). Information pertaining to this application may be viewed online at www.charlottesville.gov/agenda. Persons interested in this Rezoning may contact NDS Planner Matt Alfele by e-mail (alfelem@charlottesville.org).

i. Staff Report

Matt Alfele, City Planner – You are going to holding a public hearing on a rezoning request. You are also going to be making a recommendation to Council on the critical slope waiver. These are two separate applications but are connected to the same development. This is located on undeveloped land off of Longwood Drive. There are two platted streets: Keene Court and Flint Hill. They are platted for single family homes. The developer and applicant is Belmont Station, LLC. The Planning Commission

saw a very similar application a year ago. I am happy to point out any differences in what was seen last year and what is in front of you tonight. Key features from the last report is the proffer development plan. In the proffer development plan, you are looking at seven rows of townhouses and the general approximate location within the PUD development plan. These would be three stories, 35 feet max height plus two multi-family dwellings in the general approximate locations depicted within the PUD development plan. There is also a proffer use matrix, which would allow residential and related uses, such as single family attached townhomes, family day homes, and residential treatment facilities with up to eight residents, non-residential uses such as houses of worship, ball fields, and swimming pools. The use matrix prohibits uses such as nursing homes, animal shelters, and gas stations. The proposed use matrix would allow multi-family dwellings, which is something like apartments or condos, single family attached, which are things like duplexes, single family detached, townhomes, and duplexes by right. The PUD narrative states that the development would provide both single family attached and neighborhood scale condos. Within the PUD development plan, it states that an architectural review board will be established by the homeowners association to coordinate architectural styles. Part of this development is also proposing a private road to access the townhomes to the northeast of Flint Drive. These lots would be landlocked because they would not have frontage on any city maintained road. Street requirements cannot be altered through the PUD. You need to follow all subdivisions and street standards in the current code. Private streets within a townhome development are allowed. The applicant has provided sidewalks in the development plan. Sidewalks are provided on the private street. The 5.1 acres of open space, a sheltered sidewalk along Keene Court and Flint Drive plus nature trails in the open spaces. On street parking is also being proposed in this development. All of the parking for the two multi-family dwellings would be on street parking. The applicant is not proposing any onsite parking for those two multi-family dwellings. The layout would be a tear drop with a large center feature. This is different than what is there now. The streets that are platted there right now are a cut through street from Mosely to Flint and a cul de sac on Keene Court. This would alter that slightly. In the supplemental application, the applicant is providing eight trees in front of the apartment buildings. In the proffer development plan, there is only four. The applicant has talked about correcting that so the right amount of street trees are shown in the development plan. This would have to be looked at if this rezoning were approved. Staff would look at that during the site plan level. The applicant has indicated that there is no phasing in this development. It would all be completed in one phase. We also have the city engineer and our housing coordinator at this meeting to answer questions. One of the things that the Planning Commission and City Council will want to talk about is the proffer affordability. One of the things to bring up with non-phased development is the code requires all public improvements to be completed before the issuance of the first Certificate of Occupancy. The applicant has indicated that they are going to complete all public improvements before they request a CO. When you have multiple developers, that's something to keep in mind. The applicant did hold a community meeting. That's required by the code. That meeting was held on January 22nd at the Cherry Avenue Christian Church. It was part of the Fry Springs Neighborhood Association monthly meeting. Quite a few people were at that meeting. Some of the members felt that the density was too high. Some felt that the city doesn't have the infrastructure to support more development. Some members felt that there would be an increase in traffic and that parking would be a problem. Some felt that the development could change the character of the neighborhood. You have received emails the past few days that came out after this report was written. A lot of those were in support of this development. Staff is recommending denial. The denial is based off the current comprehensive plan. We are in the middle of updating the comprehensive plan. Until that is updated, staff is using the comprehensive plan and the tools we have right now. This area of the city and the land use map have been designated for low density residential. That low density residential is any density 15 DUA or lower. It is also a type of housing. Townhomes and multi-family development are not considered low density residential under the current comprehensive plan.

The applicant has also submitted a critical slope waiver. That has to be heard at the same time as the rezoning. You will be making a recommendation to City Council on the rezoning and the critical slope waiver. The critical slope application was reviewed by the planning department, the city engineer, and the environmental staff. The general land use plan of the comprehensive plan calls for the subject property to be low density residential. To achieve this, the proposed development would have a DUA of approximately six and preserve over five acres of open space. To achieve this level of open space and stay below 15 DUA, the development needs to be clustered and will impact critical slopes. As part of the PUD request, the applicant is also pursuing to close Flint Drive and Keene Court. If granted, the applicant would re-plat the roads in almost the same location to meet their needs. The majority of the proposed buildings and parking are outside of the critical slope area. The majority of the impact to the critical slope comes from sanitary sewer placement, storm water management, and the grading for lots. Alternative site layouts may reduce impact to critical slope areas, but may also impact other development factors, such as overall building arrangement, offsite parking, density, or housing affordability. The site layout of the current proposed layout is dependent on approval of the previous rezoning application and road closure by City Council. When engineering reviewed this, their recommendation is denial of the critical slope waiver. The city engineer is in this meeting. There is not a lot of information provided in the application that the engineering can hold the applicant to. That is the main reason that their recommendation is denial.

Commissioner Green – On page 11 of the staff report, it says that staff finds the rezoning is consistent with the comprehensive plan for density but not consistent for the housing types. Was that an error?

Mr. Alfele – No. The density is six. The housing type is townhome multi-family.

Commissioner Green – There is an adjacent PUD that does have duplexes and townhomes that was approved. We just received an email from engineering. We did see something from this last year. Was this engineering plan different than what we reviewed last year?

Mr. Alfele – It's similar. When the Planning Commission saw this a year ago, as part of the critical slope waiver, they had a preliminary storm water plan. In that preliminary storm water plan, the applicant stated that they would treat all water on site. With the new application, the applicant is not promising to treat all water on site. They are promising to use all storm water regulations allotted to them by the state.

Commissioner Green – That's the difference. Engineering is not recommending approval for the critical slope?

Mr. Alfele – I will defer to the city engineer to give the information on that.

Chairman Mitchell – The interpretation that I get that they are leaving the door open to use nutrient credits. It doesn't do us any good when it comes to Moores Creek.

Commissioner Green – Has there been any change in the infrastructure that we had concerns about with the last iteration of this plan?

Mr. Alfele – Yes. You have the introduction of new private streets that are landlocked.

Commissioner Green – To get to these specific streets, we are going to the same place?

Mr. Alfele – Flint and Keene are laid out in the same general location as they were in the plan you saw.

Commissioner Stolzenberg – Could you point me where in the adopted comprehensive plan it recommends single family detached and single family attached, only in low density areas?

Mr. Alfele – You have the land use map. In the land use map, this area is yellow (low density residential). There is a one page sheet that calls out what is considered low density residential. That's what calls out the density and the type of development.

Commissioner Stolzenberg – Is that in the report for tonight?

Mr. Alfele – It should be in the report. Typically when the land use map is quoted, staff will put what that definition is. The definitions come from that page.

Commissioner Stolzenberg – With regards to stormwater, is the reason why it's not possible or not being requested to manage 100% of stormwater on site now because the stormwater impacts of the additional multi-family units are more significant? Is it a cost issue?

Mr. Alfele – I am not sure that I can answer that. Maybe the city engineer can answer that. On page 2 of the staff report, it lists comprehensive plan land use goal and that comes directly from that document on what is considered low density residential.

Commissioner Stolzenberg – I could not find it in the comprehensive plan. Would you say the comprehensive plan it is self-contradictory between the land use section and the housing overarching vision that calls for a mix of housing types in all neighborhoods?

Mr. Alfele – I would say from our several years together working on the comprehensive plan that our comprehensive plan needs to be a little more worked together with its chapters. We definitely have some competing goals in the current comprehensive plan.

Jack Dawson, City Engineer – The plan is not a whole lot different when you look at the plan that was presented last year. What happened last time was the applicant said 100% of storm water would be treated on site. We had some technical concerns about if that was feasible. What it states currently is as much of the storm water on site that is "economically feasible" as determined by the applicant. What is "economically feasible" should not be determined by the applicant. It is just a statement regarding our ability to enforce some measure here. The other issue is that we already have a program that is approved by the state. We, as the engineering department, act as the Virginia storm water management program and regulate it on behalf of the state. It's in the state code. We can require more rigorous requirements than they do. The state water control board has to approve those things. The other thing that I would like to address is that this is a concept level plan. This is not a final plan. It takes a fair amount of time to do all of the comps. It's a "goofy" situation to tell the applicant that they are at the concept stage in the planning and present a thorough engineering plan how they are going to protect the critical slopes. Based primarily on the report that was provided by the applicant and not the plans, they have said that they are going to do the best they can and follow the VSB guidance, which is the bare minimum. There are some other issues that speak to; specifically the threats to the critical slopes, which is a little troubling to me. The onus is on the applicant to demonstrate the technical compliance on an engineering aspect, which is usually done later in the process. It's not shown on the plan on what is actually going to happen. If you look at the report, the biggest complaint is sheet flow. That's my primary concern with what we are dealing with right now. We don't have an adequate level of detail to recommend approval by the Planning Commission.

Commissioner Stolzenberg – The condition that they proposed was to the extent feasible minimum of 75%. What does it mean for it to be 75% of what? Is that what they would have to have bought nutrient credits for?

Mr. Dawson – Correct. In the state of Virginia, there is a spreadsheet called the VRM Spreadsheet, which calculates the amount of nitrogen that leaves a site, which is the target pollutant. You have to treat 0.4 pounds per year. Unless you have impaired waters for nutrients, it does not have to be treated onsite. There is a whole list of things and the trigger for not being able to purchase credits is size. Per code, you are allowed to buy nutrient credits. I have spoken with the applicant. I agree with him that 75% is a perfectly reasonable goal that they should be able to hit. The issue goes back to whether we have the authority to add on more to the state code. I think that's a good idea. That's more of a legal issue than an engineering issue. The 75% threshold that you saw is a great idea. Since it is critical slopes, water quantity effects critical slopes. Those are things that are developed later in the engineering plans. That's further complicated by the limits on our authority to require further metrics than what the state provides.

Commissioner Stolzenberg – What is the typical process here for PUDs? What does the city normally do when considering a PUD in an area of critical slopes?

Mr. Dawson – I think that public works and engineering have recommended denial of all of these things because of this process. That is a good question. I am sure that every locality that struggles with putting front loading engineering conditions struggles with this very thing. Engineering and planning don't always work together. It gets complicated when you do that sort of thing. I don't have a good answer for that question.

Commissioner Green – Mr. Dawson, does that mean that the plan won't necessarily work? You don't know if you have the authority?

Mr. Dawson – No. It is two parts. The plan detail, at this preliminary stage, does not demonstrate that the engineering side of it will definitely work. I think that the applicant and their engineer will say 'yes' this is a concept level plan. We are throwing large numbers at this thing. The other part of your question is that I am not saying that it's not going to work. It's just hard to detail at this time how precisely it is going to work. When you ask me to give a paragraph to ensure how all of this works in the future, it's extremely hard for me to do. It's very hard to do because when you do the energy balance, it's just an equation of here is your peak discharge existing. Here is your future peak discharge and you multiply that by a ratio to get what you have to reduce it by. In theory, it would be adequate. I think that we should use an improvement factor of 0.8 instead of 0.9. I don't think that I have the authority, as city engineer, to go above what the water control board has already approved us to do in the city. As it is now, that is the issue. It's a process of being in a preliminary planning stage that requires final engineering numbers.

Commissioner Heaton – What I am gathering from what you are saying is the primary reason staff is not recommending is that the application is not complete. The engineering is not there to make a recommendation. Why is it before us if the application isn't complete?

Mr. Dawson – I would not argue with that statement. If the applicant has to design 90% plans before you guys give the OK to do this, they not ever going to do this. They are in a hard place. Storm water constantly changes. In five years, I expect to have more buzz words and thought process. After working with us through this process, these things will get ironed out. Storm water always changes. I am a little hesitant to say this. Central Virginia is a little behind the curve in

regards to keeping up with storm water management and erosion control. We are playing a little catch up. I am not saying that the applicant disregarded their obligations here. They are doing what they can. What they are saying in their text is not demonstrated on the plan. It's not impossible for that to happen.

Commissioner Dowell – Overall, I don't have too many questions. I do like the fact that we are getting more housing. I do feel that we have some kinks to work out. If city engineer is saying that they met the requirements but staff is saying that they haven't, how we do go about moving forward?

Commissioner Solla-Yates – We have gotten a lot of feedback about parking. As I understand it, this proposal will be fully parked to city requirements? We have some differences on how on street and off street are managed. I don't have a clear idea of what current on street parking demand is. Is this an area where we have a serious on street parking problem?

Mr. Alfele – There is some on street parking. I would say that the development from Longwood to the southeast has not had a parking issue. Those townhomes and duplexes have been fully parked. The applicant is providing parking for each unit and some on street parking. Staff does have concerns that all of the multi-family parking would be in public right of way. There would be no onsite parking. Concerns during the community engagement did include parking.

Commissioner Solla-Yates – What is the concern with on street versus off street parking?

Mr. Alfele – The main concern is that parking becomes controlled by the city. That's going to be a public street. If the city decides to remove the parking, it's taken away from the development. It becomes a public infrastructure issue.

Chairman Mitchell – The parking will be parking on the streets that the developer is going to build. Is that accurate?

Mr. Alfele – Yes, the developer is responsible for building all of the public infrastructure. They have to build the public roads, the public sewer, public water, and parking. At some point in the development, the city would come in and build to the city standards and take over the maintenance. That street goes into the public street network.

Chairman Mitchell – The developer is making more area available for parking? Isn't that parking going to be considered existing?

Mr. Alfele – They are putting the parking in place. The only concern that staff is bringing up is that once that street becomes a public street, that becomes public parking. That's no longer part of the "development." That is public parking.

Commissioner Solla-Yates – Do we know that the state can't do their job? Do they have a track record of where they mess this up?

Mr. Dawson – Charlottesville is an MS4, which we means we have a municipal storm water system. We are required to administer the VSMP program for the state. You cannot ask the state to come in. They will say that you are MS4.

Commissioner Lahendro – After reviewing this application, does staff think that this design is an effective use of the planned unit development objectives as it's designed?

Mr. Alfele – I don't think that I can give a straight 'yes' or 'no' to that. There are elements of this design from an urban design standpoint that we feel do meet some of the criteria of the PUD. The homes on Flint are an example of that. The front on the road and the rear loaded parking give a better pedestrian experience than other portions of it. In the report, it is pointed out that there are elements of this that are really good design and there are elements that staff believes are not good design. This type of design could probably be achieved through an R3 zoning as the townhomes and multi-family are allowed in R3. That's not a clear 'up' or 'down.' The landlocked parcels are also a point of pause for staff. In typical townhome developments, they have a private street. That private street might be rear loaded with alley access. They still will have frontage on a public street. They would have no public street access as far as the lots themselves.

Commissioner Lahendro – What about the integration of housing arrangements and open land?

Mr. Alfele – That is an element that you are getting a denser development that's setting aside more land. That comes down to a less DUA. There's that element that I believe staff would say is a good element. That's pointed out more in the critical slope waiver. You're preserving a larger swath of land than you would with a by right development. With a by right development, you would get a lot fewer homes taking up a lot bigger area.

Commissioner Lahendro – Is that land integrated with the overall development?

Mr. Alfele – You have trails to help integrate it. There is the new trail from the end of Longwood that is called Longwood Park that would connect to some of these wetlands that are at the bottom of the slope. In the application from last year, there was some more open space to the northeast and some of these newer townhomes would be in that location. There is no programmed open space. It's all passive open space. I believe that's pointed out in the report. The applicant might speak to that in their presentation.

Commissioner Lahendro – When there is a nature trail shown in the application, is that a requirement as this goes forward through review?

Mr. Alfele – The PUD development plan is proffered. Attachment A is the proffer development plan. Not only do you have affordable housing proffer language, the density language, but the plan itself is proffered. The staff report says that in the general location so you can have a little room to move. The plan, at the end of the day, needs to look like the proffer development plan with the amenities, the on street parking, the nature trails, and the general location of buildings.

Commissioner Lahendro – In the application, is there anything that defines how that nature trail is to be constructed and does the nature trail comply with some sort of forestry requirements? Is there anything that defines what this nature trail is going to look like?

Mr. Alfele – The proffer development plan just calls out nature trails. Staff would like to have more details in these proffers. Proffers are things the applicant is putting forth things that are not being requested by the city. Having a detailed proffer statement is always helpful. It only calls out nature trails.

Chairman Mitchell – On page 2 of the report, you worry about accessory dwelling units on the count at the end. Can you talk more about that?

Mr. Alfele – The application has a use matrix, which calls out internal and external accessory dwelling units. It also has a cap on density. Sixty units is their cap. In theory, if you had 30 townhomes built, and each townhome did an internal accessory dwelling unit, that's counted as a unit. They hit their sixty. They couldn't build any more past the 30 units plus the 30 accessory dwelling units.

Chairman Mitchell – Would those accessory dwelling units count towards the affordable units if they did that?

Mr. Alfele – I don't think so. I don't know how that would work for deed restrictions split between dwelling units.

Chairman Mitchell – Is the applicant contemplating accessory dwelling units?

Charlie Armstrong, Applicant – Possibly, only if a resident, who purchases a house wants one. It's not going to be something that we contemplate having as part of the first construction of a house. We had not contemplated doing any of those as affordable units. That's not the intent of what we are proffering.

Chairman Mitchell – If we do that, does that reduce the available the number of affordable units?

Mr. Alfele – In theory, it could affect your overall count. In practice, I don't think you're going to have 30 units in a townhome type development compete an accessory dwelling unit, especially internally in a townhome. With the slope, I don't think that you're going to see an external dwelling unit on a townhome lot. It is possible with how the use matrix and proffer documents are set up.

Chairman Mitchell – Question for the City Attorney. Are we able to mandate that they treat all water issues on site?

Lisa Robertson, Deputy City Attorney – In my opinion, the answer to that question is 'no.' Mr. Dawson alluded to the reason why when he was addressing the commission. Under the state's storm water statutes and regulations, there is a process for determining when and to what extent offsite measures can be used. It's not entirely prohibited. As you go through the storm water planning process, the applicant has to demonstrate certain criteria are satisfied. If they satisfy those criteria, offsite measures can be used. Within our local ordinance, we haven't altered those criteria by drafting something more restrictive and getting approval from the state implemented as part of our local ordinance. What we have is a critical slopes waiver process that sometimes doesn't feel right, if you don't have the ability to require people to implement more than the bare minimum of erosion and sediment control or storm water management measures, but a statutory scheme in which, while you're allowed to require more than the minimum, you have to do it within an ordinance that is approved by the state. It's not a process that is not working well together because you want to impose requirements that will protect the steep slopes. You're choosing measures that are storm water measures that are specifically addressed in state law.

Chairman Mitchell – Question for Mr. Dawson. At what point would you know whether this storm water management plan works for you?

Mr. Dawson – If they submitted a preliminary plan, this looks OK conditioned on this. At the final plan, we work through those final details. I do have one outstanding issue here about sheet flow, which is my primary concern. They are saying that water will sheet "flow from behind the townhouse immediately adjacent to steep slopes areas." That is not feasible. We usually argue about these things

during the review. That's not insurmountable. With what we have now, it's hard for me to say this is how you fix that problem. I am not saying that it is not fixable. It's hard as an engineer to look at a preliminary plan and project how these things get done in the future.

Chairman Mitchell – That's the one thing that gives you the most concern?

Mr. Dawson – That's correct.

Chairman Mitchell – At what point can we veto this? If we agree to move forward with this, is there a point of no return?

Mr. Dawson – I don't think so. At this stage, it is very difficult in engineering. In looking at this plan, I would be comfortable with "all impervious surfaces must drain to a structural conveyance and therefore be treated in a structural way." That sounds reasonable to me. I have been in this profession a long time. That's my concern with doing this on the fly. I think that this project could work. It's not demonstrated here. I am not sure how this process works. If it's possible, I am amenable to moving this project forward and ironing out these problems. How I tell you how to word a condition that makes me happy and how it's going to get done is the challenge.

Chairman Mitchell – May I ask you later to repeat your mitigation to the sheet flow?

Commissioner Solla-Yates – I got the wording.

Chairman Mitchell – Did you see the email that the applicant sent?

Mr. Dawson – Yes, I did.

Chairman Mitchell – Is there anything in there that makes you feel better?

Mr. Dawson – It makes me feel better. It's just the things that are omitted from that letter. That's the concern.

ii. Applicant

Charlie Armstrong, Southern Development – Last year Commissioner Solla-Yates made a motion to approve it. The Planning Commission unanimously approved it. When it got to Council, Council had some concerns that were more political than planning. An affordable housing proffer was not enough units. It was not a long enough term of affordability. Other councilors were worried that the proposed park that we were going to donate to the city could become a city liability for maintenance and not as much as an asset as we thought it would be. Another concern was that there was one housing type: Townhouses. Since you have seen this, we have gone back in the past year to figure out how to resolve those concerns in a way that's still a viable project. We have held additional community meetings and have done a bunch of additional outreach. The first change that's different from last year is that we have increased the proffer for affordable housing to a 15 % minimum. Last year we were at about 10% or five units. That's a pretty big change. We are proffering at a 60% AMI cap to reach lower income people than what is often proffered. Those will have a 30 year deed restriction on them. To make that work, we increased the total number of units to a maximum of 60. You will see that the plan doesn't show 60 units. It shows 53 units. That's what we actually think we will get on the site. I don't think more will fit. It does provide additional density for any owners, who want to annex accessory units. That's pretty rare in a townhouse unit, but it is possible. I think that it would be a good problem to have. The additional homes that you see (blue)

were added. They were not in the last proposal. Those are served by the private street. It's a dedicated right of way access. The general user won't know the difference between that and a public street. It will be maintained by the homeowner's association. That serves as the vehicle access for 14 of those 37 townhomes. We also changed what were two rows of townhomes to two condo buildings. These were small condo buildings with 8 units each to provide more variety of housing type. Architecturally, the goal is for those to be indistinguishable from the architecture of the townhomes. That's not really reflected in this watercolor. The architecture for those buildings has not been fully resolved. With working with Habitat, we have made sure that all of the units are almost indistinguishable. This highlights that we have removed that park donation proffer, but we have maintained the same area as preserved in the open space the homeowners association would own and maintain. There would still be trails through it. Our goal here was preservation. There are sensitive areas there. There are steep slopes, wetlands, and the bank of Moores Creek. We want that to be preserved. Whether it's a city park or a privately owned open space with trails through it, it doesn't matter to us as long as preservation is accomplished. With the critical slope waiver, staff has the following concerns. I regret that I had to send an email today about this. The first time that we saw those comments was when the Planning Commission packet came out. Last time, there was a recommendation of approval from staff. We just weren't expecting anything different. We have worked together with engineering over the last couple of days to come up with some things that would resolve those concerns. I sent those in an email. The sheet flow concern is one that I haven't addressed here. I am not an engineer. Some of this is above my level of expertise. I know that no matter what you do here, it doesn't change the fact that we have to meet all of the erosion and storm water codes that exist in the city and the state. Those regulations don't allow any water to discharge over that slope in a way that would be erosive or would damage that slope. That's not our intent. Since the backyards of those houses are below the road, it's hard to get that water back up to the road in a storm. If roof drains need to be routed around to the biofilter, that's technically difficult on a townhome. Either way, we would not be producing erosive velocities or quantities of water going down steep slopes. I don't think that would be allowed. We still have to go through a full site planning process, engineering, and the SMP Process after this. This is step one of a long approval process. It does come back to the Planning Commission for site plan approval. After all of that work and engineering is done, you have to look at it and decide whether the site plan you are seeing meets what you approve. Hopefully that will get more certainty. The other thing that came up was the trail. For the nature trail, those are sensitive areas back there. The trail would tend to weave among existing trees and not clear any paths for the trail. It would be a mulched trail or some natural surface. Anything more intense than that would require grating and filling to create level spaces through the wetlands. That's now what we are proposing. If you have further questions about the sheet flow issue, our engineers are here.

Dan Rosenweig, Habitat for Humanity – We are really excited about this. We watched from a distance when this was originally proffered with only 5 units. We also saw the same applicant/the developer across town have a proffer at Maury Avenue that frankly would not result in a lot of affordable housing. If we got involved, we could leverage a proffer with conditions for affordable housing and actually double the amount of affordable housing on site. Although the proffer is for 8 units, we have a contract that is pending approval of rezoning that would have us build 16 habitat homes there. We're excited for a lot of reasons. This is a neighborhood that lays out like Burnett Commons Three, where 18 Habitat families own homes. They love it. We love it because we're excited about the opportunity to pioneer a new housing type. There is not a lot of flat land in Charlottesville. There are not a lot of developers, who are giving away land for affordable housing. We are experimenting here with an up/down townhouse. We have seen other site conditions like this across the county and the city where we think we can do the same. An example would be Old Trail, which has extra allowances for density. We are experimenting with that higher density here. This is after many years of conversation with our families and finding out what is most important for them. What is most important for them is that they can walk out. People don't want

to buy a home or live in an apartment. They want to be able to walk out and have their own earth and sky. We think that this is a pretty feature forward design. The actual design of the building isn't done because until the rezoning is passed, there is a limit on how much we can spend on architecture. We have done test fits. We are excited because we have been working really hard to push down the average AMI of our families by intentionally going out and trying to find families with poor credit and longtime issues with persistent poverty. The average AMI of applicants to our program is 32% of Area Median Income. They are all going to be homeowners. The homes will be protected by 40 years of layered deed restrictions that preserves the city's interest in long term affordability. Families gain equity at the end of the 40 years. They will have realized every penny of the equity on that home. This is leveraging Southern's two projects to get significantly more affordable housing and much higher quality for people of lower incomes, where they can earn equity. We don't just enter into any project. We enter into projects that we think are going to be really great.

Commissioner Green – It is Council's purview to be able to look at something in a political decision lens. Ours is land use. I feel that it's appropriate. It feels that we might have gotten a better project from what I see initially. I do have some questions about the reading. This architectural review board that is part of the project. I worry about the add for affordability with the architectural review board. If there is an architectural review board, how does that work with people, who are in the low income housing and don't have the money for repairs for an architectural review board for aesthetics? I do worry about that. Do you have any response to that?

Mr. Rosensweig – For all exterior maintenance, that's covered at 100% in HOA dues. We, at Habitat, establish a maintenance escrow fund. We take a smaller first. It's essentially a Habitat subsidy. It accrues over time based on a schedule and it's a mortgage escrow fund that is reviewed by an engineer. When exterior maintenance needs to happen, it is taken care of.

Commissioner Green – I had a question for Mr. Armstrong. The park that is not a park anymore but a preserved area. Is any of that area going to be able to connect to any of the existing Rivanna trails?

Mr. Armstrong – Theoretically, yes. The Rivanna Trail doesn't go through that area right now. It would be able to connect to the adjacent Longwood Park, which goes over by Jackson Via. The nature trail also connects to the new Flint Drive that we propose to build. Parks and Recreation has a goal of extending the trail from the Jackson Via along Moores Creek and connect to Azalea Park. They haven't had a lot of success in getting the owners in between to give easements for that.

Commissioner Stolzenberg – I am trying to understand why that was going to become a park, but is preserved open space? How can we, as a city, guarantee that the mulch trail is maintained over time if we don't own it? Is it accessible to the public? Is there an easement as part of this open space?

Mr. Armstrong – There certainly can be. Our initial goal was donating it as a park so the city could do whatever they wanted to do with it. We are open to either one. If the city wants access or even ownership, we're open to both.

Commissioner Stolzenberg – To be clear, you're not donating it because the city asked you not to? Giving it to the city means that you don't have that cost yourself. Is that right?

Mr. Armstrong – I don't know if the city asked us directly not to give it to them. I was reading some comments from city councilors made last year when we presented this to them. There was concern that it didn't really add value to the city as a park. There was concern that they didn't want to take that on.

If a trail easement is what the city wants, great. If the city would like to own it, that works too. We have done that in other places. We developed a small PUD not too far from here and donated park land that would have been PUD open space to expand Forest Hills Park.

Commissioner Stolzenberg – To me, it seems strange that the city wouldn't want that. Anybody, who follows the Rivanna Trail Foundation, has heard about the recent catastrophe, where the Dunlora Neighborhood decided to revoke public access to their trails. I also had a question about the architectural review board. I believe that the staff report said "it's architecturally going to be a mix of traditional and modern architecture," which seems like all architecture. That is what the ARB will be enforcing. Why is that necessary? Is that to fulfill that PUD requirement? My biggest worry with a HOA, is historically, they block people from installing solar panels on their homes. Is there a way to prohibit them from doing that?

Mr. Armstrong – There is a section in the PUD ordinance that encourages architecturally compatible designs. That was a goal to get at that. We want to make sure the market rate and the affordable houses do look compatible. We want to make sure there is a requirement and that we can govern that one type of unit doesn't look like the other. That's never been a problem for us in our history in working with Habitat. To your point about solar panels: I do think that is illegal. There are certain federal laws that are in play there unless certain, very strenuous requirements are met by the architectural board. We encourage them on every development that we've ever done. They are definitely not prohibited by the architectural guidelines we put in place.

Commissioner Stolzenberg – One of the big objections from the previous Council when they reviewed this was the "suburban character" where there were front loaded garages. Do you feel that this proposal makes it more urban or suburban development relative to what it might otherwise be?

Mr. Armstrong – I definitely think that it makes it more urban with the additional unit types and having small multi-family buildings included in there. That private street access is a more urban character not having the traditional public road frontage is a little different. It's something that works. It's something that we know will be popular. I think those homes will be among the first to be sold. That's what people are going to demand because it's different. I think it's a more urban design than what we had last time. I have some philosophical differences about this being a suburban layout with that former councilor.

Commissioner Stolzenberg – There are now rear sidewalks on the private street/alley. From the initial plan, it was going to be a street where cars intermingle with pedestrians and cars won't go fast down it. Are there any design elements of that street that would push driver behavior towards that or is the idea that the six households will figure it out?

Mr. Armstrong – The idea, when we first proposed this change, is that it would be a mixed space. It's just impossible to go fast in there in a vehicle. It could double as a play space for kids. The driveway and semi-private spaces adjacent to the houses would blend with the public street. Unfortunately, city code requires any townhouses front on a private street. That is not negotiable. It can't be an alley. That's what we are trying to do in the first place. We didn't know the code well enough. City code also requires that private streets have sidewalks. That's not negotiable either. We had to add those in a later iteration. This is what you are looking at now because of code. I would rather have it be a less formal space. It still works OK.

Commissioner Stolzenberg – With the sidewalks, does that remove the ability to make the street space a shared space?

Mr. Armstrong – I think that it's going to feel like a street.

Commissioner Heaton – I really hope that we are able to pass onto the Council something that they can work with. I agree with Commissioner Green that it's a better proposal now than it was last time. With the staff recommendation, I am hearing a lot of mixed messages. The only questions I would have for the developer is: In your redesign, was all of the design feature change put in response to the Council's feedback to you? Or did you discover ordinances that required what you had to do? Would you have done that had the city not given you the feedback?

Mr. Armstrong – That's a tough question. I wouldn't say the additional density we are proposing is a direct response to Council's discussion. It is what enabled the increase in affordability to be proffered. That was our solution to make it happen. The design of the private street that serves those additional units is what it has to be. It's not specifically in relation to any comments we heard from Council or Planning Commission. It's just designed as required by code.

Commissioner Dowell – Our city definitely needs affordable housing. I am still in support of this plan. One of the concerns that we have already addressed is the water quality issue. If we can figure out a way that we're not paying credits that would satisfy a lot of the concerns I saw, not only in the email, but for myself and from other commissioners.

Commissioner Solla-Yates – I was surprised to see a change in how the water management in this proposal versus what we saw last year. Can you help me understand why the change?

Mr. Armstrong – Some of it relates to an experience we had with Burnett Commons Phase 3. In being required to do everything 100% on site, there is a risk we're exposed to. In Burnett Phase 3, we got to the end of the project. All of the houses were built. All of the roads were built. Everybody was living there. All we were doing was closing out the performance bonds with the city and getting roads accepted. In that process with engineering, we discovered down spouts on a couple of the houses weren't discharging exactly where we had planned for the discharge in the storm water plans before the first house was ever built. Instead of the water going to the bio-filter to the right, water from those down spouts turned left and went somewhere else. The calculations got thrown off and we had to redo the calculations for water quantity and quality for the submission. It did mean that we had to buy a fraction of credits for phase 3. I worry about those unexpected construction issues that you have to solve some way. It's much better to solve them by buying an insignificant number of credits than by trying to go and rip up a yard to make one down spout go where it was supposed to have gone.

Commissioner Solla-Yates – When we think about rentals, we don't think about affordable home ownership. What are the meaningful differences?

Mr. Rosensweig – In Charlottesville and every municipality, we need a whole range of housing alternatives. It's not just apartments. It's the ownership type as well. If there is no opportunity for people to move from rentals to home ownership, then you have stagnation and a lack of dynamism in the system. Of the 54 families working through our program now, about 36 of them are in public housing. By having home ownership opportunities for people to move through public housing, it actually opens up space in public housing, which begins to solve that logjam as well. The other piece has to do with racial-wealth gap in the country and in Charlottesville. African American wealth is one tenth that of white neighbors. That all has to do with home ownership. The rate of African American home ownership has dropped 25% in the last two decades in Charlottesville, while it has risen by the same amount for non-African-American. I am a little concerned that we are under investing in home ownership to rehab because of redirecting money to the COVID crisis. There is no

money in the city budget this year or upcoming year to support home ownership. I think this is incredibly important.

Commissioner Lahendro – The density and affordable housing are good for me. I have a concern that I wanted to express to Mr. Armstrong. It's the core of why I hesitate about this plan. One of the advantages allowed by a planned unit development is that you can cluster buildings to allow them open space. The purpose for that open space is for it be an amenity for those clustered buildings. The connections between the buildings here and the open space seems to be hanging tenuously on a nature trail. In my experience in constructing nature trails, it's not a matter of putting down some mulch. I am glad to know that you are wanting to preserve the features. Trails can quickly become nothing more than channels for directing water downhill if it's not constructed properly. That's the only connection. I am sorry to see that the plan does not provide more connections between the buildings, the housing, and the open space so that it can be used as an amenity for the residents. That's the concern that I wanted to express. I really wish this planned unit development took advantage of what is allowed by the regulations.

Commissioner Stolzenberg – I know that the inside of the tear drop is a bio-filter. Is that also usable space for neighborhood kids? What is a bio-filter?

Mr. Armstrong – It depends on the surface treatment. We have built some bio-filters that have a grass surface for water to go through. In dry times, it's usable. In wet time it's not. Other ones that are more common are mulched and planted. Bio-filters do require some plants that keep the soil media that's below grade. It keeps it alive. There are options there and I would like it be usable space as we can. It depends on how large the facility will need to be to treat the storm water. Commissioner Lahendro, I see your point about the large open space and wanting it to be accessible and used. Any attempt to do that in a programmed way really compromised the environmental goals that we had way too much. It's more of an environmental amenity to the community at large and this new neighborhood than it is a programmed amenity. Because of the wetlands, the adjacency to Moores Creek, and the steep slopes, the steep slopes prompted us provide multiple points of access from the end of the tear drop. You would have to build a staircase down those steep slopes. I am pretty sure that Mr. Dawson would not have liked that proposal. I think that it would have impacted more slopes than what is necessary. It's only a half block to walk up as opposed to connecting the nature trail. I don't disagree with the desire for that. It's a great desire for open spaces. For this particular one, the characteristics of that land just didn't lend themselves to that kind of use.

Chairman Mitchell – Why did we do an R3 as opposed to a PUD?

Mr. Armstrong – That is tougher because there are so many details within the ordinance. R3 is more oriented towards a multi-family only use. It does allow townhouses and other housing types. It also has a lot of other restrictions that would not have allowed creativity. This is a debate that city staff and I have had in the past. Its different setback requirements. R3 has much more stringent and significant setback requirements than can be arranged with a PUD. That was the first thing that turned us toward the PUD. It's also up to 21 units per acre. I feel pretty confident in thinking that staff would have said "that does not meet the comprehensive plan" for the area because it's too high of a density. The PUD offered more flexibility to do something more creative with different setbacks that allowed the building orientation that we have here.

Chairman Mitchell – You have two developers who want to do this in one phase. How are you going to work this out?

Mr. Rosensweig – We are actually experimenting with something different here. It's such a tight site. Our goal, since we are moving into Southwood, is to double our production in the next few years. We are actually going to contract with Southern Development. They are going to donate all but the overhead and do at least a shell of the buildings. We will hopefully be able to come in with partner families and do sweat equity on the interior of the building. It's a tight site to have a couple different builders. We would like to be utilizing volunteers and our staff to building elsewhere at the same time. There is a huge need in the community. This is a tactic we are looking to utilize to increase our production.

Chairman Mitchell – Do you feel that you can do this in one phase?

Mr. Rosensweig – The vast majority of the units are going to be built by Southern Development. We will come in with an opportunity, once the buildings are built, to bring in volunteers and partner families to do some of the interior finishes. Sweat equity in your own home is an important piece of our program.

Mr. Armstrong – One phase does not mean that all of the buildings are completed on the same day. It means that all of the infrastructure is installed and completed before a person moves in.

Commissioner Dowell – Are the only affordable units that you are providing on site going to be through Habitat or are you going to have other affordable units at less than 80% AMI available to people, who are not in the Habitat program?

Mr. Armstrong – In this project, we're proposing only Habitat as our affordable units.

Commissioner Dowell – I love the Habitat program. In moving forward, I think that it would be very socially conscious of you to remember that people need affordable housing that are not just in the Habitat program. I still support the Habitat program. I know that we shouldn't have to go through a program to have affordable housing.

Chairman Mitchell – I completely agree. The one thing that I like about this line of thinking is that they are thinking of building wealth. This is an opportunity to build wealth in the community that needs to begin building its wealth.

Commissioner Green – The plans that I looked at online did say that the middle of the tear drop is open space. According to the question that was just answered, it may not be usable as open space. Mr. Armstrong, can you clarify that for me? Every plan that I have seen says that it is open space.

Mr. Armstrong – To clarify that, it may not be 100% usable. I think that it will partially be occupied by storm water facilities, including that bio-filter. I don't know exactly how much. I would like the surface of that bio-filter to be sod if we can make that work throughout the whole thing. We want to have places where people can relax. That is the goal there.

Commissioner Green – Can you tell me what I missed when I looked at Attachment B? It specifically says open space. I missed where this is not going to be open space.

Mr. Armstrong – I think it's a terminology question. The open space is not occupied by infrastructure like roads or not occupied by buildings.

Commissioner Green – It is not a terminology question. We look at open space and think “open space.” A bio-filter is not an open space. That’s an engineering term for water. That is not a terminology question. When we are looking at open space, it is clearly defined.

Commissioner Dowell – When I think open space, that’s a place where kids and adults can play, especially during a time like this and we don’t know when they’re going to be going back to school.

Mr. Alfele – Just for clarification. Open space does have a definition in a PUD. In section 34-493a, it talks about what is considered open space for a PUD.

Commissioner Green – Can you let us know that? I didn’t see bio-filter anywhere.

Mr. Alfele – Open space shall mean land designated on an approved development plan for a PUD as being reserved for the use, benefit, and enjoyment of all residents of the PUD. Such open space may consist of common areas owned and maintained by the developer for nonprofit corporation or property owner association and/or parkland, hiking trails, drainage area, or similar areas dedicated to the public and accepted by the city.

Commissioner Stolzenberg – It looks like from Attachment B, the steep slopes are also labeled open space. Open space is also defined in the general definitions 34-1200 as land or water areas left in undisturbed natural condition and unoccupied by any building, building lot, streets, and other improvements. Is that overridden by the PUD definition?

Mr. Alfele – You’re going to use the PUD definition.

Commissioner Green – I am looking at all of these exhibits and the beautiful renderings. I am not seeing anything where somebody can go out and have a picnic. We just had the health department talk about the importance of us getting outside. That’s the healthiest place to be. I don’t see where that is anything but usable open space, not drainage. I am a little disappointed.

Commissioner Stolzenberg – Does the trail connect through Camellia via the one lot on Camellia?

Mr. Armstrong – We did not have any plans to connect the trail up through that lot. That lot looks like every other house and yard. It has a very steep backyard to get down to the lower open space. It’s technically possible. It didn’t seem like a natural connection point

iii. Public Comment

Jason Halbert – Co-President of the Fry Springs Neighborhood Association. Speaking on behalf of myself. I support this proposal in concept. I think that you’re spot on with the water bio-filter. I think that the city should take the land. The connectivity with Azalea Park is perfect. The density is great. The partnership with Habitat is awesome. You should be approving it and sending it onto City Council noting the storm water issues.

Latita Talbert – I want to thank all of those, who are in support of this low income partnership. I think that this is something that you should approve. COVID has shown just how great the need is. We have so many people, who are struggling with paying rent and making ends meet. I went through the Habitat program. I didn’t struggle as much as my neighbor with my mortgage. Habitat does have a plan. It’s a process that you go through. I want you to think about all of the people that are renting from slum landlords. The Habitat program gives people the opportunity to live worry free.

Josh Carp – A phrase that we heard during this discussion is “the character of the neighborhood.” It’s great to have pleasant neighborhoods. The question is who is the neighborhood pleasant for? A neighborhood’s character should be judged by those, who get to live there. The affordable units are great. We should definitely do more of this. Overall, I think that it’s a great project. I hope that you will approve it and get it to Council.

Dan Murphy – From this discussion, it seems clear that we need density. I do want to commend the developer for putting forth a good faith effort to meet the needs of the community. I do get the sense that we need more housing in Charlottesville. The situation is incredibly dire. We are in a low interest rate environment. When interest rates are low, there tends to be an acceleration in gentrification. We need to do something about it. This project is unique in that it focuses on home ownership. We need affordable housing and affordable home ownership. As an outsider, I do hope that the city will do everything it can to make this work.

Angel Turner – I grew up here in Charlottesville. My community was developed by Southern Homes Development. The same people creating this neighborhood are the same people, who partnered with Habitat for my neighborhood. Our neighborhood is very diverse with multiple and different nationalities. That’s what makes our neighborhood so great. In 2000, there was a 25% decrease in black home ownership in the city. White home ownership went up by 20%. If this is to be an inclusive city, everybody should be included. I feel that we should support projects like this that are creating affordable home ownership opportunities.

Sandra Erksa – This project will have a huge impact on Longwood. I have lived in Charlottesville for 47 years. We do know that the property is going to be developed. Longwood and Moseley will have to accommodate all kinds of vehicles for this development. I suggest that a traffic study be done to determine the number of vehicles to be added to Longwood and Moseley. It’s likely the property values of the surrounding homes will probably decrease. How many of these units are going to be owner occupied? What will be the effect of the land itself? Where will contaminated water runoff go? We request the rezoning for Flint Hill be denied. If it is not denied, significantly reduce the number of units.

Gay Einstein – I am a long-time volunteer with Habitat for Humanity. From what I have heard tonight, everybody is in favor of doing what is best for the city and becoming a beloved community. I hope that you will do the right thing. I hope that we can work together in providing home ownership for people, who want and need homes.

John Buggby – I am a close neighbor of the proposed project. I do think very highly of the idea of increasing the stock of affordable housing. I have done a lot of work with the PACEM program in advocating for homeless people. It looks like it would be a small intervention in that problem. Eight or nine units out of the 53 to 60 would be affordable units. It’s a very small change. If it does go through, the concern that I have stems from a number of development projects that I have seen where the initial plans that were laid out changed a lot during the development, usually in a negative direction. That is unlikely now with the current economy. I would like to encourage the Planning Commission and Council to put some teeth in the proffers.

Chris Meyer – I live a couple of blocks from the development. I am very much in favor of this development. All units are needed. I am impressed with the collaboration between Habitat and Southern Development to add additional affordable units. I like that it’s close to transit and schools. It would ensure that we have a nice socio-economic mix here in the neighborhood. I encourage the Commission to approve it.

Ken Jolofsky – I actually work for Habitat staff and I have done some construction for Habitat. They were all mixed income developments. I want to talk about the interaction with neighbors. I had neighbors come up and say they were concerned the property values would diminish. Habitat has done a study on property values. In the neighborhoods where we have built, the property values have gone up faster than in the surrounding neighborhoods. The families that move in before the Habitat families are curious about the Habitat families. Having a diverse community is something that Southern Development can market. That's why Southern Development wants to continue to work with Habitat.

iv. Commissioner Discussion & Motion

Commissioner Green – Can anyone on Council explain why Council did not want this as a park?

Councilor Hill – Three of the councilors here tonight were not on Council at that time. I am happy to go back and look. That was not a concern that I expressed. I don't know if Mr. Armstrong can recall some of the details of the concern of the city owning the park or being maintained by the developer. I am not remembering that being the main issue.

Vice-Mayor Seville – I would like to reach out to Parks and Recreation to see what they would think.

Chairman Mitchell – Being the Parks and Recreation representative from our group, I cannot see any reason why we would not want to control that.

Commissioner Green – In my initial statement, going down to Moores Creek does go to the trail system. That would either go to Azalea Park or come back to Fifth Street. It would connect everything to those Fifth Street trails that we already have in place. If the smart scale funding goes through, it would connect to all of the trail systems and the trails going into Biscuit Run Park. You could go from this neighborhood and walk to Biscuit Run Park, when that is complete. I know that is something that is being submitted through smart scale funding. It seems like such a bad idea to not take this and have all of this connectivity.

Commissioner Stolzenberg – I am 95% sure last time they had asked the Director of Parks and Recreation and they had agreed to take it on as a park. I am pretty sure that happened.

Councilor Payne – My memory is definitely fuzzy on this. It was not a formal unified vote or discussion on it. I think that it was a concern raised by one councilor. I think that the developer had said that it was not a clear unified directive from Council.

Mr. Armstrong – That is my recollection as well. I do have some additional information. On page 46 of your packet, is page 4 of the PUD. It says in the proffered plan: "All open spaces will be accessible via pedestrian easements." That ensures trail access to the public in my opinion. I hope that solves it.

Commissioner Green – Will the city parks be able to connect through there without an issue of an easement?

Mr. Armstrong – That's my interpretation and that's what I want. I can work with the City Attorney's office to make sure that there is something that allows that.

Commissioner Stolzenberg – If there is an easement, it needs to be a permanent and revocable one. As I understand it, Dunlora gave an easement to the RTF. They decided to revoke it.

Critical Slopes Waiver

Commissioner Green – As a member of the Commission when we put the steep slopes ordinance in place, we talked about some benefit of the project outweighing the harm of the slope. I feel that is where we are. We definitely have a better project. One of the things that we discussed at that time was how there could be some feature such as a rock outcropping that we don't want to disturb. I am not seeing any of that. I do want to make sure our water quality, since it runs down to Moores Creek, that any disturbance of these critical slopes be mitigated through our erosion control measures. I do hear our engineer's concern. I don't take that lightly. I do think that there is something that we can work out. I am concerned greatly that what we have on a plan as open space may not actually be open space in the project.

Commissioner Stolzenberg – The comment that the city engineer made that any PUD has to cover rezoning at a concept stage. I am seeing that this is specified by the code in 34-516. It has to bring up the critical slopes waiver at the same time as the rezoning. They could not have just asked for the PUD, worked out the engineering, and come back and ask for a waiver. It actually requires it. That's a fundamentally broken thing in our system. At some point, we need to fix that among many other problems with our zoning ordinance. I don't think we can hold it against any applicant to the extent that we would just reject any PUD near critical slopes offhand because it's impossible to do the engineering that far in advance. Critical slopes is one of the reasons that the PUD ordinance exists in the first place. I think that it's important that we come up with some good conditions tonight that are general and enforceable by the city engineer. We can't separate those two things apart. I think the benefits of the project outweigh the negative impacts on the slopes. I think that we should recommend approval with stringent conditions. On the subject of the open space, while it would be cool and nice if the central open space was usable as a recreation area, I don't think it's so critical that I would rather you buy nutrient credits than make it an open space. It is pretty close to Azalea Park. I think that it would be great. I think there is a financial incentive for Southern Development to make it usable because people will want to have a big usable space in their neighborhood. My priority would be protecting our waterways and our slopes.

Commissioner Heaton – I am not a big fan of mitigating the storm water issue with nutrient credits. I would add my voice to Commissioner Stolzenberg that the open space can be a dual use and it can serve both purposes for the quality of the livability of the space as well as its environmental impact. I would like to see the applicant be more specific about how the storm water mitigation is going to take place. The benefit of this project is acceptable to not have strict adherence to critical slopes.

Commissioner Dowell – I already stated my position of where we were with the water quality. As Commissioner Stolzenberg has already stated, I do feel like the benefits to the public outweigh the issues that we have at hand with the slopes.

Commissioner Solla-Yates – Our rezoning process is deeply flawed. I understand staff's concern here. It's helpful to hear why we are having this discussion. A year ago, I didn't see this discussion coming. I appreciated the explanation, and I am increasingly confident that we will have language to address the public concerns here.

Commissioner Lahendro – I am confident that there's a way of working this out and putting something into a motion that will satisfy staff and the applicant. I am not an engineer to know what to

put into the motion to be able to address it. I am hoping that Commissioner Solla-Yates has figured this out and has it in his motion.

Chairman Mitchell – I would like for all water issues to be treated on site. We would never allow nutrient credits to bail the developer out. I am anxious to hear what kind of language Commissioner Solla-Yates has come up with so that we can feel better about this. I think that the sheet flow issue and the mitigation recommended by the engineer have to be a part of the motion we make to get me to vote for it.

(The following was entered in the Zoom Webinar chat room as the motion for approval by Commissioner Solla-Yates. After the following discussion, the motion was pared down to the 3 conditions at the end of the motion)

Move to recommend that City Council should approve ZM20-00001, including the critical slope waiver requested on page 103 of the packet, subject to the following conditions that are necessary to mitigate the potential adverse impacts of development within the critical slope area: 1) In order to protect the sensitive on-site wetland features, and also to protect the waters of the adjacent Moore's Creek and its stream buffer areas from the impacts of the proposed development: a) all storm water quantity and quality requirements for the Flint Hill PUD Development will be satisfied through use of facilities of such types, and generally in such locations, as are described and depicted within the stormwater management concept submitted for Application # ZM18-0003; b) all stormwater outfalls and associated energy dissipaters shall be located outside critical slope areas and wetlands; c) no critical slope area will be disturbed with borings for any sanitary sewer laterals; d) the on-site biofilter shall be designed and installed to offer opportunity for groundwater recharge, and the final storm water management plan for the Flint Hill PUD development shall indicate the design standard for groundwater recharge associated with the particular biofilter that is utilized; e) the mature upland wooded area of the development site will be permanently preserved; f) the following shall be included as part of the erosion and sediment control measures for all construction activities within the development area for the Flint Hill PUD Development: i) use of super silt fence, as described or defined in City standards, to be detailed within the E&S Plan and SWPPP for the area within the PUD; ii) fixed, immoveable barriers shall be installed as tree protection measures, in accordance with the City's standard tree protection detail, and the barriers shall be maintained in place throughout all periods of construction activities within the area Flint Hill PUD; this protection requirement shall apply this protection requirement shall apply to the protection of the root zones of existing trees within the mature upland wooded area; to existing native woody and herbaceous trees and plantings in the critical slope areas and wetlands; and to protection of other mature trees identified within the tree preservation plan component of the final site plan for the Flint Hill PUD. 2) This critical slope waiver is approved only for and in connection with the proposed Flint Hill PUD Development described in Application # ZM20-00001 and shall not apply to any other use or development proposed or conducted on the Subject Property. 3) Sec. 34-1120(b) of the City's critical slope ordinance states that a landowner requesting waiver of critical slopes requirements must address how the proposed waiver will satisfy the purpose and intent of the critical slopes ordinance; within materials submitted in support of waiver Application #P19-00013 the Landowner has stated that it is willing to undertake measures to reinforce existing eroded areas in the vicinity of its proposed development (the upper reaches of Stream 2), as a partner with other stream-adjacent landowners, if feasible. Landowner shall confirm at the time of final site plan approval whether or not any such work will be performed and: (i) if so, the Landowner shall describe in writing the extent of the work and the timing in which the working will be undertaken in relation to completion of construction activities within the PUD development, or (ii) if not, the Landowner shall summarize in writing

its efforts to follow-up with landowners to develop a work plan, and shall describe any 3) Sec. 34-1120(b) of the City's critical slope ordinance states that a landowner requesting waiver of critical slopes requirements must address how the proposed waiver will satisfy the purpose and intent of the critical slopes ordinance; within materials submitted in support of waiver Application #P19-00013 the Landowner has stated that it is willing to undertake measures to reinforce existing eroded areas in the vicinity of its proposed development (the upper reaches of Stream.

Commissioner Green – When you are talking about this onsite storm water, there is not much area, from what I see from the plan that has been given to us, that has the opportunity to have that onsite with all of those details, except for in that tear drop open space. Is that your intent?

Commissioner Solla-Yates – It is not my intent that all of that has to take place in the tear drop. That's certainly part of the plan.

Commissioner Stolzenberg – I have a couple of questions and thoughts on the wording. When we were talking about the mature upland wooded area last year, I thought that we decided that was the area at the north end of the lot, which has now become the extra row of townhomes with the private street. It's very confusing wording. Can we really hold them to the general storm water plan or preliminary plan from 2018? We were going to do that last year. It does sound like nothing changed. I don't understand why we don't have that in here now. Is that doable? I guess that's a question for Council or the city engineer.

Mr. Dawson – I think what Commissioner Solla-Yates was reading first was the copy and paste from last year's version. I am happy with the 75% of required treatment occurring onsite. If they end up doing 65% on the tear drop, they will need to find 10% somewhere else onsite. That is totally fine as long they are doing it onsite. We don't want to make this an impossible task for them. Last year's version was a little more ambiguously because the plans were more ambiguous. If we stick to 75%, I think that we can get it done.

Commissioner Stolzenberg – We have the storm water outfalls, dissipaters outside of critical slopes, wetlands, and no borings for sanitary sewer laterals. Is that important? Why wasn't it in the proposed conditions?

Mr. Dawson – I believe that was in last year's. I believe that the directional boring for the sewer is not reflected accurately on the plans. I believe that they intended to remove that from the plan. That should not be an issue this time as I understand it. The issue of stating discharges should not be located in the critical slope. What is in the critical slope if you are at the tow of the critical slope? That does concern me. In speaking with the applicant about what is feasible, I can see there being some discretionary problems with that. I understand Commissioner Solla-Yates' intent in stating that. My concern is going from a labor versus what we intend. We argue weekly and daily about what is outfall. It is a little bit tricky. The language is a little dicey. I appreciate the intent. It's more of a legal question. Things are hard to vet in two minutes. I appreciate his intent. The applicant trusts me to educate that fairly. I am OK with the language.

Commissioner Green – To get to everything that is in this motion, I see things differently. It's not just something on paper. I actually see what happens in the field. What I am envisioning is big, monster open pond because it rains. There are kids out there and we now have a safety hazard. We now have a lake in that tear drop and not an area for an open space use. Can this be achieved without having this muddy lake?

Mr. Dawson – My thoughts on this particular issue are less specific to this project in general. Typically, open space means things are not dedicated to transportation, housing, etc. In my

experience, open space are things that are not lots. It is very dangerous in an urban environment. We are trying to encourage onsite treatment of storm water to start separating storm water from open spaces. I am an engineer. I can't speak to child psychology. Bio retention is not a pond. Bio retention has a maximum ponding depth of 12 inches. I believe that it is supposed to drain down in 48 hours. If you get the maximum storm and it fills the retention and it's well maintained, it should drain out in 48 hours. Most by retentions hold water for 2% of the time. They are not a usable space as you can throw a picnic table in there because you are going to be sitting in water 5% of the time. It is usable space. You can do all sorts of things. It is not a flat green space. This is my personal opinion. From an advancement of the design community, it's important we don't ostracize storm water management from existing open space. It's not that offensive.

Commissioner Green – I totally agree. I have seen a lot of thing happens out there with development. There are a lot of things that can happen. What I don't want to create is a situation where we have wonderful, affordable housing and we're not taking into account all of the infrastructure. If we're not giving the same thought, care, and consideration to an affordable housing project, then we're not doing what we need to do. That's why I am concerned. I am concerned that open space area will be a major water feature. I want to make sure we don't have a safety issue.

Dustin Greene, Project Manager – The acreage for that open space is 0.22 acres, which ends up being about 9500 square feet. The largest bio-filter that I have designed in Charlottesville is about 3100 square feet. You are thinking about a third of that area for the bio-filter area. There are some other areas in that open space for other amenities.

Commissioner Stolzenberg – Mr. Dawson, are you familiar with the little grassy area in the middle of the end of Longwood? Is that also a storm water facility?

Mr. Dawson – That is not a storm water facility.

Commissioner Green – Storm water facilities can be designed in many different ways. They can be designed as rain gardens and all sorts of different things. It's easier to make it a retention pond that holds the water and it's supposed to drain in 48 hours. When they fail, you have a lake. I am just concerned about the safety in the area. If we think this can work, then I would second that motion. I just needed to make sure.

Commissioner Solla-Yates – Just to clarify the language that I am proposing. I am just proposing one, two, and three.

Commissioner Stolzenberg – Are you saying the applicant's suggested conditions?

Commissioner Solla-Yates – Yes. Very similar.

Chairman Mitchell – What about the reference to the sheet flow?

Commissioner Solla-Yates – I am removing that. It sounds like it is not necessary.

Chairman Mitchell – I thought that Mr. Dawson would like to see something in there like that.

Mr. Dawson – It's my understanding that is something we can iron during the review process. The plan, as presented, I have problems with it. We are going to work it out one way or the other. It sounds like you guys want to get this approved. You guys are the policy makers. I am just an engineer. To mesh some of my concerns with what you guys are working through right now, I think we are going in a positive direction. The sheet flow is the reason issue why I did not recommend approval. I am not

going to approve that sheet flow condition. That's not going to happen. By virtue of treating 75% of their water quality onsite, they're doing a large chunk of their water quality. If they're treating 75% of that, they can't sheet flow off those houses to sheet flow. Those houses represent more than 50% of the surface area. They're going to have to find a way for those houses to drain to that center point if they're going to treat 75% of the water onsite. This is where some of the complexities of how you state these things. It's hard to anticipate. I am comfortable with this, based on the fact that the Planning Commission wants this to happen. To that end, I think we are going in the right direction.

Commissioner Green – Mr. Dawson, it sounds like we want this to happen. We also need to make sure that we have conditions in place so that the applicant can give you something that you can approve. We need to make sure there is that balance. If we approve it and Council approves it, there's something there that can be approved by you. It could be stopped in that manner.

Mr. Dawson – I agree. If you start to hear that I am approving plans too easily, it means that I am not doing my job. This 75% is one of the more functional conditions that we have seen from the Planning Commission.

Critical Slope Waiver Motion: (Motion seconded by Commissioner Green) Commissioner Solla-Yates: Move to recommend that City Council should approve the critical slope waiver requested on page 103 of the packet, subject to the following conditions that are necessary to mitigate the potential adverse impacts of development within the critical slope area:

1. **“The Applicant shall design SWM measures to provide as much water quality treatment on site as the Applicant deems practical given the constraints of the site, with a minimum of 75% of the required treatment occurring on site.”**
2. **“The Applicant shall provide chain link supported silt fence above critical slope areas for enhanced protection of slopes during construction.”**
3. **“In the onsite biofilter the Applicant shall provide an additional one foot depth of gravel sump across the bottom of the biofilter, above and beyond what is required in standard design, to provide the opportunity for additional stormwater storage and potential for additional infiltration and groundwater recharge.”**

Motion passed 7-0

Rezoning Application

Commissioner Palmer – No comment

Commissioner Stolzenberg – I don't have a lot to say. We have a map of prices and the zoning map on the right. The yellow area is the R-1 zone. The teal are those PUDs adjacent on Longwood. Those were built in 2017, 2011 and 2013 for the north ones. In Christa Court and the Oaklawn area, you can see these by right developments that came in just like for those 13 by right lots in Flint Hill. They are coming in so far above the typical price in this area. They are starting in the high 6 figures. Older and smaller homes are going to be less expensive. There is plenty of parking. Things that changed the character of the neighborhood are these by right developments in that big building envelope that is allowed. You cannot subdivide other lots around there. While new buildings tend to be more expensive, if you make them single family attached, townhomes, and duplexes, you will naturally get housing that is more affordable to people lower down on the income spectrum. That is a very worthy goal. The fact that we are, in addition, going to get 16 habitat homes for people at 60% AMI. We know the average is 32% AMI. I think that's an unequivocal positive. We can see in the use map of Fry Springs that the nature and character of the neighborhood is to have many different uses. It's not true that the neighborhood is single family only. In its diverse forms of housing, we see diverse pricing of housing. I think that's a worthwhile goal.

Commissioner Heaton – I would concur that the neighborhood is not monolithic. The rezoning is going to be in keeping with what has been previously established. I think we can serve the City Council well by giving them an opportunity to address the affordable housing and build that cooperative relationship with Habitat.

Commissioner Dowell – You know my sentiments and feelings on this project. I look forward to them working out the kinks along the way and provide some affordable units to this city.

Commissioner Solla-Yates – We have seen a fair number of affordable housing proposals. Generally, they're in industrial zoning, they're far from amenities, but they're very close to train tracks and flood plains. This is different. This is near a school and recreational amenities. This offers home ownership opportunities for people, who would not have it. I would be happy with the other projects. I am very happy with this. I see enormous public benefit.

Commissioner Lahendro – While it doesn't take full advantage of the creativity that's allowed by PUD, especially in providing the amenity of open space that would be convenient to the buildings and the residents on the site, I am somewhat re-assured by the fact that there are pedestrian easements that are part of the proffers. I think that it's a better plan than the by right. I am all for the density and the affordable housing. I am in favor of it.

Commissioner Green – I wanted to echo several thoughts we heard regarding the character of the neighborhood. I totally agree. It's about the people in it. When we say that it is not in compliance with the comprehensive plan, there are other housing types of that same character in that neighborhood. I didn't want that to be something that we did not take a look at so that we could look at this development as a whole. We want to make sure we have a development that is equal to or better than we would create with all market rate units. Somebody brought up a concern about units as air BNBs. That is a concern of mine. It happens in this city. Not enough of a concern to not to approve this. It is something I want us to think about as we talk about proffers and we look at development in the future. If we are truly trying to get housing stock, we can't make housing stock where people can purchase housing for such a low interest rate just for air BNBs. That is a huge concern. Maybe it's something that Council can address. Home ownership is such an interesting concept. It is a great way for people to move from renting to home ownership. I do think that it makes difference, especially with the type of crisis we are in now. Rents are more expensive than mortgages a lot of the time. It does give some satisfaction and some relief to be in a home that you're not worried about the rent going up or having a situation we're in right now. With the park situation, I can't imagine why we would not take that. We have a new director and that would maybe be something we could look at. The connectivity it provides, which a huge part of the comprehensive plan, is something we need to take a look at. The dedication of that preservation area is something that the entire city can take advantage of and we don't have a situation where it is taken away.

Commissioner Stolzenberg – I want to follow up on that comment about home stays. I notice in the use matrix that it's listed as a by right use. It's also listed as a by right use in the R1/S zone. My understanding is that it's outdated and it's been changed by ordinance that hasn't been codified by Municode. It's actually an accessory use that you need or a provisional use unless you're in a commercial zone. I just want to clarify which you would need a provisional use permit for an air BNB here? Does that come with the same restrictions as an actual accessory use in the house with the primary owner?

Ms. Creasy – Yes. It's a provisional use. Provisional use meaning you can fulfill the requirements that the code outlines. You are signing 'yes' that you will do that and you're receiving the permit to do that.

Commissioner Stolzenberg – It's not a P. It's a B as in Bravo.

Ms. Robertson – What we're calling air BNBs, our code doesn't have modern terminology. PUDs further complicate the matter. Under our zoning ordinance, if you're under a residential zoning district, you are allowed to undertake certain types of short term rentals as home occupations. They're not called short term rentals. They're called home stays by our ordinance. You have to own and occupy the property that you're operating as a home stay in a residential district. If you're in a zoning district, that allows a hotel, as a matter of right with a B, even if you have a single family dwelling in that zoning district, you are not required to get a provisional use permit. The definition that we have of hotel is broad enough to include things as small as one or two rooms. Most of our mixed use districts allow hotel as a by right use. In those districts, you don't have to have a provisional use permit. What's going to govern this matter in this rezoning is whether or not the use matrix for this PUD allows hotels. If it does not, then the use matrix for the PUD has to allow a home stay. If it allows for a home stay, then a provisional use permit will be required. Under the other ordinances, the property has to be owner occupied.

Commissioner Green – What are the requirements for that owner occupancy? How do you prove that?

Ms. Robertson – The code lists a number of requirements. A person, who comes to seek a provisional use permit, will have to answer certain questions from the zoning administrator. You have to demonstrate a driver's license with the address of record. You have to fill out an affidavit that you have lived there a certain number of days throughout the year.

Commissioner Green – We are finding multiple properties that give that information. It's still used for nothing more than full time, short term rental. In the matrix that we received, home stay is listed as by right.

Commissioner Stolzenberg – I feel that it would be a lot less confusing if we made it a P.

Ms. Robertson – The problem in a PUD is that the applicant is giving you a matrix. You get to accept or reject it. I agree with you. I would much prefer the uses match up with the terms and the processes that are already reflected in the ordinance, instead of making up new ones. If you don't like this provision, that can be a factor in your decision.

Motion: Commissioner Solla-Yates (Motion seconded by Commissioner Green) – I move to recommend that City Council should approve ZM20-00001 on the basis that the streets proposed within the PUD Development are laid out in a manner substantially in accord with the Comprehensive Plan, and approval of the PUD Development is consistent with the Comprehensive Plan and will serve the public necessity, convenience, general welfare, and good zoning practice.

Motion passed 7-0.

The Planning Commission Meeting was recessed for five minutes.

IV. COMMISSION'S ACTION ITEMS

Continuing: until all action items are concluded.

The chairman called the Entrance Corridor Review Board to order.

1. Entrance Corridor – 1617 Emmet Street

Staff Report

Jeff Werner, Preservation Planner – Last year the Special Permit was approved for drive through windows. With that Special Use Permit, there was a condition that alterations to the site and structure would go to you for a COA. That's why you are reviewing it. Formerly the site of a bank, the proposed alterations to the site and the existing building and site will accommodate a Starbucks coffee shop with a drive through component. The site is located at the SE corner of Emmet Street and Angus Road. Pedestrian access to the building is provided by the existing public sidewalks on Emmet and Angus. Vehicular traffic will continue to use the existing entrances off Emmet Street and Angus Road. Proposed alterations include:

- Remove bank drive through canopy at the south elevation
- Replace asphalt shingle roof with standing seam metal roof
- Paint existing dormers, trim and windows
- Install drive through order canopy and window.
- At three of the rear dormers, remove the windows and install metal ventilation louvers.
- Construct CMU dumpster enclosure (approx. 10ft. x 18ft.)
- Install exterior lighting wall sconces and pole mounted fixtures,
- Plant additional trees and shrubs.
- Site signage (conceptual, final to be submitted separately)

The existing building (constructed in 1979) is a Colonial Revival, brick, two story rectangular building (approximately 70ft x 35ft.) with a gabled roof and dormers, and two gable end chimneys. The primary elevation features a central entry of three arched openings supporting at brick, gabled pediment. The first floor elevations feature double hung windows in punched openings with flat arches. The existing asphalt roofing will be replaced with standing seam metal. As far as the alterations, it retains and enhances the architectural character of this building. We find the building materials, finishes, color palette, and light fixtures are appropriate. The proposed landscaping and site details are appropriate. This is relative to the EC Guidelines. There was one issue on some outdoor furniture that is shown on one of the drawings. We don't have any details on what that was. I have spoken with the applicant and they are OK with a condition that the exterior furniture will remain on the concrete area at the entrance. The chairs and tables will be metal of matching design, one color, and any table umbrellas will be uniform in color with the prohibition of any signage. This is pretty standard. The applicant was fine with that. With the incorporation of a couple of these conditions, we find the proposed alterations and improvements are appropriate. We recommend approval of the COA.

Commission Discussion and Motion

Ashley Davies, Riverbend Development – We are excited to get started with the renovation of this building.

Commissioner Solla-Yates – The staff packet had some recommended conditions. Do you see any issues with them?

Ms. Davies – No. I have worked closely with staff and I am happy with all of staff's recommendations. I think that they are fine and work well with we have proposed.

Motion: Commissioner Stolzenberg (Motion seconded by Commissioner Dowell) - Having considered the standards set forth within the City's Entrance Corridor Design Guidelines, I move to find that the proposed design for 1617 Emmet Street North is consistent with the Guidelines and compatible with the goals of this Entrance Corridor, and that the ERB approves the Certificate of Appropriateness application with the following conditions of approval:

- The metal components at the drive through order area should have a uniform, dark, neutral color.**
- The outdoor furniture will remain on the concrete area at the entrance, the chairs and tables will be metal, of matching design, and one color (pref. black).**
- If there will be table umbrellas, they will be a uniform color and a prohibition of any signage.**

The Motion passed 7-0.

The chairman gaveled out of the ERB meeting and called the Planning Commission back to order.

Commissioner Solla-Yates – I know that staff has been working on ADU reform language. What is the status update on that?

Ms. Creasy – I know that we have the team that was working on that and knows that is a consideration. There have been a lot of other things going on. I don't know if anybody else has an update on that. If not, I will commit to getting some feedback from that group.

Commissioner Solla-Yates – It was said earlier that NDS submissions were not taking any new ones because of COVID concerns. Has that been resolved?

Ms. Creasy – We are still limited with some of the applications. For the most part, we are taking and we have the majority of applications coming in. It's just the new applications, at this point, mainly the ones that require community meetings before the applications are complete. That is an item that we anticipate that Council will be providing further guidance on as this continues. Our guidance, at this time, limits those applications right now.

Commissioner Solla-Yates – Making safe space and public streets for social distancing during this COVID crisis?

Ms. Creasy – I do know that there is an effort going on that our traffic and bike/pedestrian people have been working towards. They have some proposal information that they will be working with decision makers on. I don't have a specific timeframe on that. I don't know if anybody else in the meeting has more information on that. That is something that a plan was put together. It's just a matter of whether something will come to fruition

Meeting was adjourned at 10:09 PM.