

Minutes

**PLANNING COMMISSION REGULAR MEETING**  
**September 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 Solla-Yates, Commissioner Stolzenberg, Commissioner Lahendro, Commissioner Dowell, Commissioner Green, Commissioner Palmer, Commissioner Heaton

**Staff Present:** Patrick Cory, Joey Winter, Missy Creasy, Joe Rice, Craig Fabio, Lisa Robertson, Brennen Duncan, Jack Dawson, Matt Alfele, Paul Oberdorfer, Read Brodhead, Jeff Werner, Alex Ikefuna

Chair Mitchell called the meeting to order at 5:00pm and began review of the agenda. He asked if there were any questions on the consent agenda. Commissioner Stolzenberg asked about the lighting condition noted for the ERB application requiring that the fixture be dimmable. Missy Creasy and Jeff Werner provided background. Commissioner Stolzenberg noted that he was okay with 3000k but was concerned about requiring it to be dimmable. Mr. Werner provided background on the dimmable fixture request. Commissioner Stolzenberg noted that the diagram on page 93 of the packet did not provide a dimmable fixture and Mr. Werner noted that one was available. It was determined that Mr. Werner would gather additional information and share it in the meeting.

Commissioner Solla Yates noted that on pages 16 and 19 of the minutes his wording needs to change to “in all zones” rather than “any zones.” It was noted that he would request that change that as part of the motion he provides for approval of the consent agenda.

Ms. Creasy provided background on the family day home item.

**II. COMMISSION REGULAR MEETING – Meeting called to order at 5:30 PM by Ms. Creasy**

***Beginning:*** 5:30 PM

***Location:*** Virtual/Electronic

**A. COMMISSIONER’S REPORT**

**Commissioner Green** – I did attend a TJPDC meeting at the end of August. There was a required vote for the funding for rent relief and mortgage relief. There is money there from the CARES Act. If you need rent and mortgage relief, please go to the TJPDC website. There is a popup for more information. There is still money left at the state. The more money we need, the more money we get. If we need it and use it, there is more money for us to get. I attended the Rivanna Steering Committee about the next plans for a bike/pedestrian crossing. After being on that committee and watching these potential improvements

happening, I was elated at what we saw and how the TJPDC is moving us along. They are going to be doing some more public outreach. Make sure you are providing your input.

**Commissioner Stolzenberg** – I attended the PLACE Design Task Force. We discussed the 10<sup>th</sup> and Grady smart scale application plans. There are a lot of concerns that by doing this as a smart scale application rather than a small area plan, it's going to be automobile focused or road centered on that intersection. The alternative is to do a bunch of community engagement in advance, which is not funded until we get funding from the state for smart scale. We considered a motion to recommend that a small area plan be pursued for the corridor instead. We actually recommended that as the consultants for the comp plan do their outreach to the people in that area, they put out a few questions about what their vision for that intersection and corridor are. Instead of a small area plan, where we are looking at results in the future, we can combine our two efforts, keep the smart scale rolling, and start to get some good preliminary input before the full scale smart scale engagement comes through in a few years. The Chair and Vice-Chair of PLACE have resigned. We have a meeting tomorrow to discuss the future of the PLACE Design Task Force; whether it is useful in its current form, whether the Planning Commission and Council are listening to its recommendations, whether it is actively making recommendations, and how it should look going forward. Once that is decided, we will elect new officers to replace the old officers. There will be an MPO Tech meeting next Tuesday.

**Commissioner Heaton** – No Report

**Commissioner Dowell** – I attended the CIP meeting last Thursday. We are now meeting quarterly instead of annually to try to stay ahead of some of the projects that we have been discussing. A couple of the big topics that were on the agenda were the Walker/Buford reconfiguration. We are still deliberating about the configuration and moving forward on it. We voted, as a body, to table it. We are not tabling it completely. This is a project that has been talked about for the last 10 years. At this time, we came to a consensus that we did not feel comfortable spending \$350,000 on a plan that may not work, especially during the times that we are currently in. We feel that it would be important to get public input again because people may not feel the same pre-coronavirus as they do post-coronavirus. We don't want to people to think that we don't want to move forward. It is tabled for the next 3 to 6 months. Another thing that was a hot topic was the facilities maintenance update for the schools. They have been using Survey 123 to streamline their work orders and the flow of the process. We also went over different definitions of what CCS wants to clarify. We have three new categories. They have sectioned them in facilities maintenance, capital improvement projects, and facilities services. Facilities services is something we voted on as more of smaller projects, where they don't necessarily need to go through facilities maintenance to get those things done and it can be done quicker.

**Commissioner Solla-Yates** – No Report

**Commissioner Lahendro** – The Board of Architectural Review did meet August 18<sup>th</sup>. There were four Certificates of Appropriateness issued. One was deferred. We approved a letter of support for placing the Jackson Burley School on the state and national registers of historic places. That will be going to the state in two weeks. The Tree Commission met on August 26<sup>th</sup>. This was the first time we have met since last March. We spent a lot of time remembering what it is that we do. We welcomed four new members to the Commission and reviewed the mission and the committee structure. Paul Josey did run through a draft of a presentation that will be made to the City Council: The Annual State of the Forest presentation. Some of

the highlights from that include a correlation between low income neighborhoods and city areas with the fewest trees and the fact that the lack of trees increases the heat effect to those areas and creates more health issues as a result of the greater heat. Recent new developments are not providing the opportunities to provide large street trees in the planting beds along the street. There has been a lack of city regulatory oversight of new development construction that has resulted in the destruction of large, mature street trees. All of these things have resulted in a loss of 5% percent of the tree canopy in a recent 10 year period. That 5% is 400 acres of trees.

## **B. UNIVERSITY REPORT**

**Commissioner Palmer** – 85% of the students have returned to Grounds in some form or another. There is information on the website regarding the testing that is occurring. There is a Board of Visitors meeting on Thursday and Friday with Buildings and Grounds Committee meeting at 8:00 AM on Friday. They are going to have on their action items the School of Data Sciences and Hotel & Conference Center on the Ivy Corridor as well as renovation of a building at the Darden Schools.

## **C. CHAIR'S REPORT**

1. Annual Meeting
  - A. Election of Officers

Commissioner Dowell – Nominated Mr. Mitchell as Chair and Mr. Solla-Yates as Vice-Chair.

Mr. Mitchell and Mr. Solla-Yates were elected to the positions of Chair and Vice-Chair.

**Chairman Mitchell** – The Rivanna meeting was the first meeting that I had a chance to go to. It was a very interesting meeting. There is likely to be some additional development along the Rivanna. The group is very focused on making certain that we protect the environment and make certain that environment remains a serene place to go and to enjoy the outdoors. The group is focused on protecting that waterway and making it a nice and serene place to be. The UVA Master Plan Committee did not meet. I am not certain when we are going to meet again. The reasons for not meeting are the virus and to cut back on costs wherever UVA can. Most of the new planning studies that they have been working on have been reviewed by us. I went to the UVA, Albemarle County, and Charlottesville Land Use group meeting. We are working on getting our first bi-annual report out to you. That document is more of a visioning document. The document talks about what we want to be engaged in, what we are going to focus on. There is a laundry list of things that we thinking about focusing on. We haven't really landed on what exactly they are going to be. We are talking about things like the environment, climate, night skies, and capital plans. We are actually talking about landfills. The document that we are working on will be a good visioning document and what we want to focus on by the end of the year. We are having a kickoff meeting about the Capital Budget on Friday.

## **D. DEPARTMENT OF NDS**

**Ms. Creasy** – Our chair is going to be looking at the committee appointments to see if those need to be shifted. I will send out the last version of that. If you have interest in something, you can share that interest with Chairman Mitchell. We have a new member, who will be coming on board. Liz Russell was

appointed by Council last night to the Planning Commission for Commissioner Green's position. She brings a preservation background. That will be a wonderful skillset to have with us as well as being very involved in our current community. I have worked to update the roster. I am going to send you a draft and have you provide any updates so that we can get an up to date roster. There was a message that we received from the Clerk of Council concerning the boards and commissions meeting that Council is holding on October 6<sup>th</sup>. All boards and commissions members have been invited to listen to that discussion. There will be opportunity for interaction. They wanted to schedule the time to really focus on something that they have been talking about for a while. Staff continues to work remotely. We have had our first remote site plan conference this week. We have a number that are scheduled to occur. We have had virtual community meetings for applications that are working through the process. We have a path to get every application through the department at this time. It is a little bit slower on some aspects. It does provide the best opportunity that we can for public input. We have found, with the applications that we have been working with, that we have received a good amount of input from people.

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

**Julie Convisser** – There is a segment of road that has concerned the neighborhood. We are concerned about the public hazards of the cut thru to Morgan Court from Stribling Avenue. There are already dangers that currently exist on Stribling. Stribling is very dangerous for pedestrians, bikes, and traffic. The new development will multiply those hazards. We would like the city and developers to make a commitment to improvements for public safety. The city should take our concerns seriously. We want the neighbors to feel safe on Stribling Avenue.

**Tom Cogill** – I know that Morgan Court is not equipped to handle any kind of traffic. Stribling Avenue has a huge number of walkers, joggers, and bikers. I have lived on Stribling for 20 years. It's a very diverse community. It has a little bit of everything. I am for affordable housing. It would be reckless to over develop the site. It would endanger people. It would be disrespectful to the neighbors and neighborhood building out to the street. I hope that you take this into account with your planning.

**Paul Josey** – I am a representative of the Tree Commission. This site has 11 acres of mature canopy trees. It is one of the few sites directly on Moores Creek. It is a site with a lot of steep slopes. There is significant concern regarding this development. The roads are graded at 14.5%. This is a steep development in a sensitive area near Moores Creek. It is removing a significant amount of canopy. This is not a close walk situation. This is a very dense development.

**Jason Halbert** – I am speaking as the President of the Fry Springs Neighborhood Association. We are working on a letter to the developer and the Planning Commission. We would like to arrange a walk down Stribling Avenue for the Planning Commission and City Council. We have been advocating for safety improvements on Stribling Avenue. We want density and affordable housing. Council and Planning Commission need to marry these goals with a proper safe street. A letter will come this week.

**Derrick Stone** – Stribling Avenue is at capacity. You're going to make the problem worse. I do support the addition of low cost housing. The end of Stribling Avenue Extended is one lane and you can't fit two cars on it. It would be difficult to add more cars to the end of Stribling Avenue Extended. Adding 180 units would be triple the number of cars on Stribling. I think you should come and take a look.

**Martin Quarles** – I was part of the community meeting last week. There was fairly unanimous consensus regarding the site with regards to safety. There is a strong sentiment in this part of town that this project is in the wrong part of the city.

**Catherine Bruce** – This community does support affordable housing. \$500,000 seems to be their lip service for making money off of housing. That's what they proposed for Breezy Hill development in eastern Albemarle. Walking on Stribling is scary. I would hope that we put the resources behind this commitment for access. We will continue to have this conversation as a community and we will continue to bring this to you with the hope that you will listen to us.

**John Marshall** – The entire community disapproves of this proposed development. We are appalled that the neighborhood association is saying that the community is for this development. The developer had a community meeting last week and members of the community spoke out against this development. The community is against changing the land use from low density to high density.

**Kevin Flynn** – I want to bring up concerns already brought up by others on this project. Stribling Avenue has no sidewalks. If this is going to move forward, there needs to be safety facilities available on Stribling Avenue. There are cyclists and pedestrians dodging cars and cars dodging cyclists and pedestrians. I am also concerned about the intersection of Stribling Avenue and JPA. I am concerned about the level of density for a dead end road. There is going to be one primary access point.

**Margo Smith** – I will re-iterate what others have said about this location not being suitable for high density and the distance for services. I want to speak about the steep slopes and the runoff into Moores Creek. You can look at the back end of the Huntley subdivision. There was a beaver meadow. It has become a swamp because of the runoff. Moores Creek gets swamped after heavy rains combined with the runoff from these two developments.

**William Abrahamson** – I would like to thank you. Policy meets common sense with the Planning Commission sometimes to frustrating effect. The traffic reports make the assertion that the traffic will not be impacted directly. The traffic reports make no accounting for the pedestrian traffic at that stop sign and intersection. That should be a prerequisite for further progress of this application. The Planning Commission does have a comprehensive plan. Density has been projected in some areas.

**Sarah Radcliffe** – There are two things that I wanted to highlight. I feel the density is like putting the cart before the horse. There is a lot of evidence of how poorly areas have been developed when there is no infrastructure to support the density. This has been a long term problem. I would like to encourage you to come and look at the area.

**Marilyn Swinford** – I concur about the statements made about Stribling Avenue. Morgan Court is very narrow and goes uphill. We have a substandard intersection. Our street is not suitable to put more traffic more on it. Morgan Court is under-designed for its current uses. We have no business taking any more traffic on our street. We have no capacity to take on additional traffic. There needs to be an update on the comprehensive plan. The city has not prepared itself for this development.

**Ryan Yauger** – I would like to speak about the Chick-Fil-A at the Barracks Road Shopping Center on the Consent Agenda. I would like to ask for flexibility. I believe the staff has the best intention in mind. We have provided a plan that meets all city code. We hold the safety of the workers, patrons, and public at the most importance. We have concerns with agreeing to a formal condition adhering to public complaint without a definition or standard as to what that complaint is. We're not trying to be unreasonable in the future. The standard, currently in place, is the zoning ordinance. We do meet all of the standards.

**Erica Williams** – A neighbor indicated that Southern Development was interested in 240 Stribling Avenue for low density. The Planning Commission encouraged high density. I know that question was deferred. When will that question be addressed? It's a very important question. I didn't want it to be bypassed.

After discussion with staff, the question will be addressed when the item appears in a public hearing in front of the Planning Commission. There will be an opportunity for more dialogue between the Planning Commission and the public at that time.

**Cabel Marshall** – The street is not able to handle that additional traffic. There was not a full picture of the street scape included in the packet that was sent out. It shows a setback from Stribling of around 10 to 15 feet. On the plat, it requests a 0 setback from Stribling. I would imagine that they would give us a sidewalk. If that is approved, they could build their building right up to the sidewalks, which would be out of keeping with the architectural character of the neighborhood. I highly recommend that you go with the existing setbacks. I hope that this is noticed, stopped, and built with the current setbacks.

**Michael McCann** – You can't go up or down Stribling Avenue with the current volume of cars. I can't imagine adding more cars, especially with the blind hill. It is inherently unsafe currently. Adding any more volume without any improvements would be possibly catastrophic.

## **F. CONSENT AGENDA**

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

1. Minutes – July 14, 2020 – Pre-meeting and Regular meeting
2. Site Plan - Kappa Kappa Gamma (503 Rugby Rd)
3. Site Plan - Chick-fil-A Barracks Rd

**Commissioner Solla-Yates moved to approve the consent agenda with a small change to the minutes from the July meeting. (Seconded by Commissioner Lahendro)**

**After a brief discussion, the ERB for Chick-fil-A was removed from the consent agenda and added to the end of the meeting agenda.**

## **G. PRESENTATION – JAUNT**

**Brad Sheffield, Executive Director of JAUNT** – I wanted to update you on a new initiative that JAUNT is moving forward with that will affect the city and the county, especially in the urban fringe area. It's a pretty exciting initiative. Anybody that pays attention to public transportation is familiar with how this has evolved in the US. We see it as an evolution on what JAUNT already provides.

We are making our rounds about presenting to the various entities. The goal is to really start the conversation going on this concept. As we are starting to form it, we want to make sure we are gathering the type of input and direction that is needed to make it work all across the spectrum that we can see it being applied. The Planning Commission actually has a pretty important role. We are trying to make sure people are aware. You may hear from other sources. Our number one goal is to try to get ahead of any misinformation or incorrect information that could present the wrong idea of what we're looking to do. We wanted to get you to understand the concept of on demand. In the US, we already have something called Demand Response. JAUNT is recognized as that type of entity that provides Demand Response services. On Demand is very similar. It takes on a whole new approach to serving the community. It remains customer focused rather than fix route. It is more generalized. It looks at volume versus specialization. With On Demand, we focus on three different areas. One is connecting people to places. That means not limiting ourselves to certain areas or certain times of day but being able adapt and change the types of services that are offered based on the feedback we're getting real time. Another aspect is the cost. Right now, both JAUNT and CAT services are running fare free. This is one of those question marks going forward. Something like On Demand would take on a cost-scaled approach that is really dependent on where people are going, what time of day, distance, congestion, and a lot of different factors. This was a fairly easy thing to discuss. As we move through this fare-free approach to services during COVID, I am getting some questions I don't quite have some answers to. It's a dynamic structure that allows us to be responsive to where and how things get paid. On Demand is the immediate availability. This really changes the approach. With our typical On Demand services, people are asked to call a day ahead of time. With a fixed route, it's dependent on the schedule that is published. With On Demand, there is that immediate exchange of a request, whether it is through an app or a phone call. That immediate availability and immediate request will feed into some of the other information to help us to continue to shape and repurpose what we are offering to the public. We're doing all of this in context of some guiding principles we created. We did that because as we move forward with implementing this, you can lose sight of why you're implementing something. We put this acronym together. It was not by coincidence that it came together. One is being responsive, and not just responsive in terms of an immediate request. Being responsive to the dynamic needs of the community. One of the more impactful examples of that is during the pandemic, we are facing an unprecedented issue of food insecurity. A lot of the food banks and food sources have the resources to provide a transportation connectivity to those sources. This type of platform would allow for us to immediately respond to creating something that those people can use to access food security. That type of responsiveness doesn't exist in transit. That's where this platform really does make a difference. We have always looked at things as being inclusive. Whether it's through race or disability. We understand the importance to make sure whatever we are offering, we're taking into account the different factors that make it accessible and inclusive. From the dynamic standpoint, it looks at how different applications of this platform can be used to achieve outcomes for the community that haven't really been able to achieve before. It does offer us a whole new approach to offering transit. The one that I love the most is the empowering approach. One of the reasons why Uber has been successful and disruptive in the transit industry has been its way of offering that immediate empowerment to the users. They are able to make a request and they know Uber is responding. That's what we are looking to do. We are looking to put that power in the hands of the users to let them feel like they have communicated with transit about their needs. The last piece is being safe. Transit is held to fairly high standards of safety. We will continue to convey that to passengers, even during the pandemic, when safety and people's wellbeing is paramount.

In the transit world, we tend to come across issues, concerns, or challenges. We go off and look for a service or a platform to help solve our issue. As I started to explore this On Demand concept, I started to realize that the platforms that are offered actually open up opportunities that we may not have even considered. We're looking at it with the fact that we have this versatile piece of software that allows us to address a range of opportunities that have not been addressed in a more complete way. There are a variety of things that we have already come up with. There are those undiscovered opportunities that will start to crop up as we continue to have these public conversations. We want people to start understanding what we could do and start connecting the dots to how we get it done.

When we look to implementing this service in certain parts of the city, it is important that it is reflected in the planning documents of the city. We need to find way to make sure that those we seek funding from understand the city does embrace the concept. We don't have any exact recommendations right now to change any of the plans for the city. As the Planning Commission, you're in place to help figure out where this concept might best fit in those land use and transportation planning documents.

**Commissioner Stolzenberg** – I am still confused about what JAUNT On Demand is. Is it just the change to being able to request a JAUNT bus in real time by an app or phone call?

**Mr. Sheffield** – The reason we continue to refine the presentation is because of the desire to best communicate it in the most clear way. That is a challenge for us because it's a new concept in general for transit. What JAUNT already performs is very similar to it. In the Charlottesville community, we provide a service that we have yet to find a peer in other communities that they provide. The leap to On Demand is just a skip for JAUNT. It's a slight evolution. For a place like Richmond, it would be a big change in what they already offer. The difference would be more profound in that kind of setting than here in Charlottesville. It's just an evolution in how people can access the services. The new aspect of it is that it would be opening up this kind of service to anybody in any type of partnership that we can form. The services that JAUNT offers is limited to either somebody certified as ADA eligible because of their disability or because of a partnership with a human service agency. Those are the only two types of trips that we would perform in the city. With this platform, we would expand that to more types of partnerships and opportunities for any type of resident. In my opinion, it is fairly significant when it comes to any gaps that exist in any other services or needs that have been discussed in the past.

**Commissioner Solla-Yates** – How long?

**Mr. Sheffield** – It is coming. We are looking to have the right staffing to help move initiative forward.

**Chairman Mitchell** – What feedback have you gotten from CAT and UTS?

**Mr. Sheffield** – Both see the opportunity to create a bridge for connection to those gaps that exist. With UTS, they see it as feeding in from the ancillary areas of their services and maybe meet some needs that don't get addressed on the off peak times. With CAT, there has been conversations about how CAT extends resources dipping into neighborhoods in parts of the city that make the services become less efficient than what they could be. Something like On Demand can help feed into hubs of CAT services that then help create that better connectivity. That's the general response that we have received. They can see how it complements the services and not compete. We have no desire to create another competing option. We have a desire of creating these complementing options. The concept of On Demand actually



goes hand in hand with this concept of unifying all the different modes under one platform. As a resident, you can go from A to B and you would use an app that gives you five different solutions that might be chain linked together. Those platforms go hand in hand. In Europe, they are referred to as mobility as a service. In the states, we seem to be going through different variations of the terms. The feds are calling it Complete Trip. That's where CAT and UTS see the opportunity to make that Complete Trip concept happen.

**Commissioner Palmer** – Thanks for mentioning UTS and how it can feed into that transit.

**Commissioner Dowell** – I want to know how the presentation differs from the services already offered by JAUNT. I also want to know if you have this information available. Do you have in mind any other partnerships right now that would be able to plug into this use?

**Mr. Sheffield** – We went after a federal grant with Loaves and Fishes to seek that very specific food security concept and to seek funding. For the feds, they are trying to figure out how to measure the performance of this type of concept. For us, we went after the grant to help get that type of initiative up and going. We have been having a lot of conversations with some other food banks of how this kind of platform can help expand the reach and offering of their services.

**Commissioner Stolzenberg** – Once you're able to request ride via an app or phone call, what do you expect the turnaround time will be to get that ride? Will there be immediate feedback?

**Mr. Sheffield** – One of the mistakes that I made was saying that this was “Uber like.” That was interpreted as we were partnering with Uber. We are not partnering with Uber, except to maybe include them in some sort of Complete Trip concept. We are looking to do it ourselves. Under the thought of “Uber like,” is that we would offer the same type of user interface or engagement that they do. There are platforms that we are talking to that have gone beyond just a concept of transit and looked at the human side of this. There is one vendor that has a “dignity rating” built into the platform. When the trip is done, they're able to actually provide feedback on how the trip met those expectations of providing them that mobility. It is actually how well it did meeting more of that human side of the equation. That's fascinating to know how well a driver treated a passenger in the process of providing a service. It's very similar to those type of platforms. The difference is that it is going to be more behind the scenes and how some of these opportunities are going to be layered on top of each other. The users don't know until they go to access a certain destination that that type of service is presented. Somebody using this to go to work may have to pay out of pocket. Somebody using the platform to go to Loaves and Fishes may have it paid for by Loaves and Fishes. That's not a typical ride sharing type of platform. That's the power behind this kind of platform. We're able to build those partnerships. When people go to use it, they come across the opportunities on how to access the service or the destination that they are looking for. You take that complication of the mobility or the transportation out of the equation, it improves that opportunity to access the service.

**Commissioner Stolzenberg** – In times where a lot of people might requesting a ride for the near future, how do you deal with that situation?

**Mr. Sheffield** – We are going to have a few resources vehicles that are going to be dedicated for this purpose. That should help manage the expectations that would come from the request. We actually expect

that some of the ADA passengers will abandon using JAUNT for paratransit ADA services and gravitate to using this platform because they don't have to call a day ahead of time. We have a lot of people, who call up to two weeks ahead to schedule a trip to go to the grocery store. I would go back to that work of empower. I would rather empower that individual to have that choice and not be bound by this para-transit ADA structure and be able to have the same opportunities to call up at that time to go to the grocery store and make that request. We will be able to see that those clients are typical ADA clients. We can't give preferential treatment. We can see how it may relax the need for the resources on the ADA side. It will be an effort on my staff's side to continuously monitor how this evolves over the short period of time. We do know that the resources that we have can meet the needs that emerge from the sheer nature of how we schedule and maximize our resources on any given day.

### **III. JOINT MEETING OF COMMISSION AND COUNCIL** **No hearings scheduled**

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

#### **H. Family Day Home – Discussion**

**Ms. Creasy** – The Planning Commission, at the July meeting, provided a request for a zoning text amendment related to family day homes. We have taken this in a couple of different directions. One is that there is an opportunity to provide information from a legislative standpoint. The City Attorney provided some information to the legislative committee for the city and some information that went on to our Delegates for the state. Some of the potential changes that might need to occur would be things that would have to have state support. The City Attorney put together some informational background and submitted that to the Planning Commission back in July. We also included those materials here. The City Attorney may have some feedback on this, as we go through this discussion. I am not sure we have heard anything from that. The other direction, locally, is that our current ordinance that is on the books needs updating. It is antiquated. Many changes have occurred at the state level. We took the opportunity to provide updates to the code that would adhere to those state regulations. If someone were to come forward, we would work with them through the current state regulations. What is allowable by the state would be what we would be enforcing from a city standpoint. What this would do is provide the opportunity for an update to our code language. That would provide additional clarity to the community from that perspective. What we have brought forward is a clarification to the occupancy residential definition within the code. We have also put forth proposals on how to update the use matrices in order to reflect this. One to four children is considered to be single family. That is something we want to move forward and clear up in the matrix. Any area that allows single family residential would allow for that use. Five to twelve children requires a state license. Categories for that would allow for it to continue to be by right in the areas it that currently is, which include the business districts and. allow for it by provisional use in all the other districts that allow for residential use. The zoning staff spent a good amount of time working through potential requirements for a provisional use permit. With a provisional use permit, an applicant would apply for this and if they can adhere to each of the regulations that are put forth in the permit, we would be able to move forward with approval. The most significant item with that is the state licensure requirements. It would be a very straight forward process for the applicant to move forward. Once they get through the state process, that is a lot more rigorous, ours is just 'checking the box' at that point in time. We're hoping that you will

provide us some guidance on whether this is the direction that you would like for this to go. We have a few questions for feedback. Are there variations needed to areas where family day home for 5 to 12 children is allowable by right or by provisional use? Is there any update to the provisional use permit regulations, as we have proposed them?

**Read Brodhead, Zoning Administrator** – My understanding is that the Planning Commission wanted to find a way to ease the restrictions that we had in place. I was looking at some of the provisional use permits that we already have in place, such as the home occupation form and the homestay. I tried to mirror this closely to that. I also looked at Special Use Permits that were granted in the past for family day homes in excess of five children. That’s why we required that a traffic safety plan be included. That’s something that the Planning Commission has asked for in the past. That’s where we came up with the hours of operation. That would be consistent with one of the approvals in the past. We’re proposing that this be an annual permit. That gives us the ability to reset and make sure that this family day home isn’t causing issues with the neighborhood. That’s consistent with the homestay permit. It gives us a chance to re-evaluate it. The signage clause and the revocation clause are similar to what we have in the homestay ordinance. It is important to have a strong revocation clause to make sure that we find any problems that might exist. It is pretty harsh too. If you lose your permit, then you can’t apply in the subsequent years. It is pretty strict and important for preserving neighborhoods and preventing problems from occurring. The one problem that I ran into was this 30 day window. I would be required to notify all adjacent property owners of the proposed use. This slows expediting this process. We wanted to create this permit to not require them to go to the Planning Commission and allow people to get through the process quickly. Number 8 is in reaction to a state code that states that adjacent property owners should be notified. It’s a win for the adjacent property owners. It’s an opportunity for them to voice their concerns. It does slow the process. I think that was the intent of looking at this ordinance to speed up the process. It’s going to be faster than getting a Special Use Permit. It’s still going to take 30 days after they receive their licensure and submit all information.

**Commissioner Lahendro** – Is the 30 day a state requirement?

**Mr. Brodhead** – It is a state requirement that was discovered through doing some research.

**Commissioner Stolzenberg** – Is there any way for that 30 days to run concurrently with getting the application materials in order so that you can send the letter at the very beginning of the process?

**Mr. Brodhead** – I don’t see why that would be an issue. If a person came and got an application and they pay the application fee, I can send out a notice for all of the adjacent property owners. If the state licensure isn’t approved, I would have to notify the neighbors. That would be a good idea to have it run concurrently. If the state process takes 30 days, they are done after one month.

**Commissioner Lahendro** – I have a question about the traffic safety plan. Does that have to be done by a certified engineer or can the applicant propose a traffic safety plan?

**Mr. Brodhead** – I don’t know what document was submitted with that SUP. I have a feeling that the homeowner submitted a sketch showing how they propose drop off and pick up happen to make sure that the kids get safely to the residence. I wouldn’t want them to have to get a traffic engineer and go to that expense to provide some safety measures. I would have our traffic engineer review the plan and

propose comments or ways they might improve it.

**Ms. Creasy** – That’s what happened with one of our SUP requests. The applicant put a proposal together. We ran it by our traffic engineer for feedback. We were trying to make sure that drop off and pick up are as safe as possible.

**Mr. Brodhead** – The places that are going to be a problem are places where there isn’t a driveway or a sidewalk. We need to look at that. It’s important to have that, especially if issues arise. We can go back and see if they are in compliance.

**Commissioner Solla-Yates** – Is it possible to share the old one so that people, who are not traffic engineers can drive that?

**Mr. Brodhead** – I wasn’t involved in that Special Use Permit. I read the conditions. I didn’t actually look at the plan. That would certainly be helpful to provide that information to eventual applicants.

**Commissioner Stolzenberg** – Is there some mechanism, if needed for traffic safety that an on street parking space could be reserved during the hours of operation for drop off and pick up?

**Mr. Brodhead** – That would have to be something special. As far as I know, if you want to reserve a parking space in front of your property, they have to pay \$20 per day to have a space reserved for themselves. That’s cost prohibitive for a family van to have \$100 a week for drop off. We would have to come up with something else to reserve a space. That will really come in with the really dense areas of the city. I can reach out to the traffic engineer. He might want to weigh in.

**Brennen Duncan, Traffic Engineer** – What we would probably do in that instance is a petition to change any public parking to something else. It could be a loading zone between certain hours. That just needs a 14 day comment period of the public. As long as there wasn’t massive opposition from all of the neighbors on the street, that could be something that could be done. That would be the route that I would start with.

**Commissioner Green** – This was a road that barely had a shoulder with this SUP. The sidewalk was non-existent. That was where that problem was.

**Commissioner Dowell** – I noticed that you said that the hours were from 7 to 6 for operation. I was wondering if that was the only limit for being able to function as a day home. If they wanted to operate after 6 PM, would that be under a different definition?

**Mr. Brodhead** – This is just a proposed hours of operation. If you feel that it should be extended in any way, then that would be up to the Planning Commission to make that proposal.

**Ms. Creasy** – That is one of the main items in the Special Use Permit discussions that occurs is the hours of operation and considerations pertaining to that. We looked at what we had in house and provided a range. That was one where we thought there may be some discussion. It’s a tough one.

**Commissioner Dowell** – I am just thinking of a healthcare worker or job where you can’t work from

home, those shifts are not only 7 to 3. I was just wondering if someone would be able to capitalize on that underserved market as well with this provisional use permit.

**Mr. Brodhead** – This is just thinking about business hours. 6 PM tends to be the limit. If you feel that it could be changed, it's certainly up to the Planning Commission to mandate it or put comments in there.

**Commissioner Dowell** – I just wanted to see if it was an option to leave it open if someone wanted to serve the market. I didn't know if they fell under this day home provision or if it was under a different term or definition.

**Commissioner Solla-Yates** – Could there be some component where staff could use some discretion?

**Ms. Creasy** – The discretion would be the regulations in the provisional use permit. Whatever the provisions are in that permit are what we would be able to enforce. It has to have some parameters. There are different ways that people could work through that. If it's a situation where it's a 5 to 12 during daytime hours, but they have individual that they care for in the 1 to 4 range. That goes into the by right category in those situations. What we're thinking about here is the situations where someone might have 5 to 12 children outside of the normal working hour range and how to think about how they might function.

**Mr. Brodhead** – The home occupation talks about customers coming onto the premises between 8 AM and 9 PM. People need to get their kids dropped off early so they can get to work. Remember, this is just a proposal. I think it's important to keep some sort of hours there. If you want to open it up a little more, then that's what we will do.

**Commissioner Green** – That eliminates some of the neighborhood concerns when this goes out to those people for that 30 day period. If you start getting a lot of neighborhood concerns based off this application, that's going to slow things down as well. Things that have come out lately have been 7:30 to 5:30. This does open it up to 6.

**Commissioner Dowell** – I don't think that we need to change the hours. I would just like for there to be a clause. If somebody needs to amend those hours to suit their clients, they could.

**Ms. Creasy** – I think the only way we would be able to do that for the 5 to 12 range of children would be to have some sort of additional zoning function. If a care facility that was going to function within a certain time range and after those hours, they could convert to a 1 to 4 children range, we wouldn't have any regulation over the timeframe for that smaller grouping. It sounds like from this discussion, trying to see if there is any way to accommodate a family day home that would allow for 5 to 12 children after standard working hour range is what we would be trying to figure out. If there is a demand, it would have to be an allowance through special permit to do something like that. It's a very good point.

**Commissioner Solla-Yates** – I think what is here makes sense. I think that it will create more opportunities if we can get something finalized.

**The meeting was recessed for five minutes by the Chairman.**

## I. 240 Stribling Avenue – Work Session

**Matt Alfele, City Planner** – This project has been in the works. You held a work session back in February. That's where you saw the initial design from Southern Development, who is the contract purchaser for 240 Stribling. At that meeting, the Planning Commission had a positive reaction to the design with a mix of housing types, central greens, and street layouts. There was a positive reaction to the density. The Planning Commission was looking to see greater affordability, especially below the 80% AMI, more protection from Moores Creek, and the effect on Stribling Avenue and Morgan Court. The applicant took that information from the work session on February 26<sup>th</sup>, and they did some updates to it. They submitted an actual application in August. As part of their application, they also held a community meeting on September 3<sup>rd</sup>. This was held through Zoom. This was done, as outlined in the new community meeting procedure. It was attended pretty well. There were about 40 participants. The meeting was taped and it is available for anyone to watch. The meeting is technically open for 45 days. When they held the meeting, the notice, the invitation, self-addressed stamped envelopes with return addresses, and portions of the plan were mailed out. The meeting is open for 45 days from September 3<sup>rd</sup> for people to send back comments, who could not attend the meeting in person by Zoom. The plan has changed slightly from what you saw at your work session in February. The applicant will be giving a presentation and go into that a little bit more. Some of the changes that you are seeing include a change to 181 units. The design has stayed the same. They have proffered a contribution for offsite improvements to Stribling. They have proffered 50% of the units as designated for affordable with the AMI between 25% and 60%. After the applicant gives the presentation, we can open it up to discussion. The city engineer and traffic engineer can speak to the higher level material. They have not reviewed the plan in the detail that you would get with a site plan. We can talk about the conceptual things.

**Charlie Armstrong, Southern Development** – We have been in the listening mode for this project. This is the third work session with the Planning Commission. I want to address some of the earlier comments that I heard from the neighbors. We absolutely agree that Stribling needs bike and pedestrian improvements. As part of this proposal, we want to help with that. I am not sure that we can do everything that everybody wants. We want to help to the greatest extent that we can. The architecture that we are showing here is just a concept. We have not designed all of the buildings at this early stage. It gives you an idea of the pedestrian feeling and place that we are going for. This is a view of the central linear green that runs down to Moores Creek at the bottom. This is a zoomed out slide to give you the larger context. We showed you a general massing illustration at the last work session. This shows the context to what is nearby. Huntley is at the bottom right. Eagles Landing Apartments, on the other side of Moores Creek, is at the bottom left. The Fontaine Research Park is at the top. It shows context in relation to other green spaces. Many are preserved. This is the overall lot and building layout. Stribling Avenue is to the left and is the primary entrance onto the site. Morgan Court and Huntley are at the top. This is a secondary entrance. Moores Creek is to the right. The Albemarle County line and the Knob Hill subdivision are at the bottom of the image. The next two slides are more detail on the conceptual landscape screening with street trees shown. We will be engaging with a professional landscape architect at some point in the process before a final site plan is submitted. The large green area shown is proposed to be permanent tree preservation along the creek and along the western edge of the property. The teal colored areas are proposed stormwater management facilities. Being this close to Moores Creek, that certainly is very important. These are proposed use matrices showing what uses would be allowed in this proposed PUD and what is

currently allowed. The current zoning of the property is R1 and R2. These are the proffers. I would like to discuss these with you tonight. They are \$500,000 toward bike and pedestrian improvements on Stribling Avenue. The bike and pedestrian master sidewalk improvement list in the bike and pedestrian master plan shows the assumed cost at \$598,000 for the sidewalk. That's worth looking into more detail. The city has not done extensive study on that yet. That does not include drainage improvements, which the street also needs all the way down to JPA. That's the cost that has been estimated. The other proffer is affordable housing. We are proffering in 15% of the units dedicated as affordable for households earning less than 60% AMI. We're trying really hard to hit a lower affordability threshold than what is city standard in city ordinances. Staff proposed five discussion points. I would ask to add a sixth discussion point to discuss. That is some feedback on the use matrix that we are proposing. Whether the uses to allow and disallow give any concern to commissioners. Are they too restrictive? Are they not restrictive enough?

**Commissioner Heaton** – In some of the public comments, it was mentioned that the community organization voiced their support of the project. I heard from a lot of residents that said that was not the case. Do you know how that miscommunication happened?

**Mr. Armstrong** – I only know what I heard at the neighborhood meeting we recently had. That was support from the neighborhood association. What was voted on was conditioned on a number of things. Maybe that's where the details are. I haven't seen the letter because it is not yet ready. I am sure that is what it is. I also know that not everybody in the neighborhood goes to the neighborhood association meetings.

**Commissioner Green** – We met on this at the TJPDC building. There was some robust discussion about improvements that need to happen. Have you been in discussion with the city based on the conversation we had regarding the road improvements that need to happen in that area?

**Mr. Armstrong** – We have. We have had a number of different conversations. We have walked the entire length of Stribling with the city engineer, the city traffic engineer, and the city bike and pedestrian as well. We have looked at a number of issues. Drainage is the hardest to solve. Right of way seems to be there in most places to be able to add a sidewalk, not necessarily for any grading that would need to be done. There is very little information on any existing drainage easements that may or may not exist. The city engineer is pretty certain that, even if there are easements, they are sufficient for adding things like storm sewer pipes to get water to where it needs to go. The right of way may be there for the replacement of sidewalk and is likely there.

**Chairman Mitchell** – Last year, you had a concept that was not a PUD. We thought that what you were attempting to do would work well if you morphed this into a PUD. We did encourage you to give some thought to putting together a proposal that embraced the idea of a PUD. You would have to significantly improve the road and drainage infrastructure to make that happen. I want to make sure people knew that we suggested that much better infrastructure would be needed to support that.

**Commissioner Green** – I do remember that. We had looked to increase the density. You can't increase density without increasing the infrastructure. We had a conversation that you will have to get together with the city to increase infrastructure in this area for water, drainage, and transportation. We did talk about a PUD at that point. You will want to pay attention to that comprehensive plan. When

we were going with the comprehensive plan, it is a very dense area in that neighborhood and in that area on the Albemarle County border.

Commissioner Russell did join the meeting during the 240 Stribling Avenue Work Session but only to listen.

**Commissioner Lahendro** – The PUD was something that appealed to me. This is a really special site. It has some really challenging topography and a lot of assets to it from Moores Creek to the woods. It seemed appropriate to look at a PUD. That would allow the clustering of buildings together. It would preserve some of the special features of this site. That's what we haven't seen in PUDs in the past. This looked like a good opportunity for what the PUD would allow.

**Commissioner Stolzenberg** – As I recall, it was already past the time where we had finished the new draft of the comp plan. We were specifically talking about the current adopted 2013 comprehensive plan. It calls for density in this area and defines low density as up to 15 units per acre. This plan does fall within that amount. It does make sense to put additional density beyond the by right amount in this area and keep that open space and the mature forest around the perimeter. This is in compliance with the 2013 comprehensive plan and is contributing towards our larger goals as a city to build more densely and to stop pushing out into sprawl. Of these 12 acres of forest, we might be losing 8 or 9 within the city. They don't do city residents that good for enjoyment of nature as private wooded areas where you are not allowed to go. They are not adjacent to things like streets and sidewalks. When the alternative to building townhomes here is building townhomes in Crozet and clear cutting some old growth forest and having the residents drive in for 25 minutes. The choice for the environment is fairly clear.

**Commissioner Green** – Going back to that meeting a year ago, we discussed a more robust affordable housing plan. Our wishes and desires would be there. I thought that we had discussed that this would be the perfect opportunity in this area for that to occur.

**Commissioner Dowell** – A thing that they did take into account is that they did increase the options of the AMI affordability. I do want to point and agree with one of the residents that spoke during the public comment. 15% is still a little bit small for me. 15% out of 181 units is roughly about 27 or 28 units. When you do 28 out of 181, it seems like a very small drop in the bucket. I am concerned about connectivity issues that go along with this plan. To get to the closest CAT bus stop, you might as well call a cab. This is an instance where the new JAUNT plan would be effective. We need to talk that out a little bit as well.

**Commissioner Lahendro** – Where in the development were you planning to have the affordable housing occur? Has that been decided?

**Mr. Armstrong** – We have not decided. What we have done in the proffer is that at least 30% of it shall be for rent units. At least 30% of it shall be for sale with a guarantee of affordability of 30 years. We have proposed some multi-family units in here as well as townhomes, which are technically single-family attached. Because of how the proffer is structured, it would almost mean that the density spread in those two types of buildings on the site. We don't like to cluster the affordable units. We



have a track record of having them integrated and central to the communities that we have built. We would aim for something similar here. We haven't identified specific lots or buildings.

**Commissioner Lahendro** – I have read some public comment about the fact that they believe it was targeted for the last of the phasing. There was a good chance that it would never happen.

**Mr. Armstrong** – We have a proffer such that five affordable units would be under construction prior to the issuance of every 30<sup>th</sup> certificate of occupancy for market rate units. It stipulates that cannot happen. It has to come along simultaneously.

**Chairman Mitchell** – The PUD idea will help protect Moores Creek. It allows you a little more creativity. Can you talk about your thinking with Moores Creek? What are you thinking to help protect Moores Creek? Are you going to do any development on the slopes?

**Mr. Armstrong** – We are requesting a critical slopes waiver for some of the fringes of the slopes. They “creep” into the middle of the site in a lot of places. They are really hard to avoid, except in a cul-de-sac arrangement. The green areas on the slide are proposals for permanent tree preservation. There are essentially two drainage areas on this site. One is Moores Creek and the other one is along the Albemarle County line. That one is a smaller drainage area. It still has some of the biggest, mature trees on the site. Those would be permanently preserved in open space. It provides a buffer against Moores Creek. We have a couple hundred feet from Moores Creek to the nearest building. It completely stays out of the stream buffer that is on Moores Creek, any wetlands, and floodplain that are down there. There is a main sewer line that runs along Moores Creek. They do mow it. Even though it is along the creek, we have another agency that does keep it clear. What we are proposing to do there is put in a multiuse trail, which is part of the trails masterplan for the city. It's actually a well-traveled path. That would be a permanent trail. It would eventually come directly to Stribling. We would connect it to our internal road system via a paved path. It is accessible to bikes, pedestrians, and strollers on a hard surface from Stribling to the Moores Creek trail.

**Chairman Mitchell** – Will you engage the engineers regarding the steep slope? What feedback are you getting?

**Mr. Armstrong** – They are engaged. I don't know if we have gotten any feedback from engineering from the city. We have submitted a critical slope detail that would come to the Planning Commission. I don't recall any specific feedback on that from them at this point.

**Commissioner Solla-Yates** – I looked at your parking calculations. I was expected a story of every single truck onsite, not effecting the neighboring areas. There is so much parking. What is going on?

**Mr. Armstrong** – The only surface parking is parallel on street parking. That limits the street scape and the pedestrian feel and more traditional neighborhood feel. There are no parking lots or designated parking surface areas. It's not parallel parking on the street, it is under the buildings. There is parking proposed under the multi-family buildings. There is parking proposed under the townhouse buildings as well. Whether people use those for cars, I don't know. That's where it is. We have found that it is pretty hard to sell or rent a unit without parking. The way those spaces are right now, I would hope that they could be converted to some other use.

**Commissioner Solla-Yates** – Do you have a sense about when those trails might come online for more public use?

**Mr. Armstrong** – I haven't thought about the timing for that. If there are any sewer improvements that need to be made there, that would have to be done first. There is no reason to do anything in those protected areas. It could potentially be early on. The only spot that would be tricky would where it connects to the existing roads. There is a building that is very close to that trail. The park along Moores Creek would be early. The connection up to Stribling and through our new roadways and sidewalks might need to wait until the building construction was complete.

**Chairman Mitchell** – Will the roads meet the city's standards?

**Mr. Armstrong** – We're proposing something a little different. If you look at the overall plan in the packet, the main roads coming in off of Stribling, going past the multi-family areas, are shown as full city standard streets with sidewalks on both sides and parking on the street. With the smaller roads that look like alleyways, we want to propose something that would be an innovative street concept. It's something that is not currently in the city standards but would be thoroughly vetted by the traffic engineering staff to make sure it does meet every standard. It's important for the street. They are shown as 22 foot wide pavement width, with buildings really close on that. It functions and looks like an alley. The homes that back to those alleyways would front on the green spaces. It's a bit of an engineering challenge for us. Nobody has looked at this part of the Standards and Design Manual before because it's brand new. We want to try it. We want to do something a little unique that would serve to create place rather than being focused on streets first. This is place first, streets second.

**Mr. Alfele** – That's how the Standards and Design Manual is set up. It really puts the onus on the developer to convince Public Works, the city engineer, and the traffic engineer that the innovative streets meet that section. That section really talks a lot about the meeting of ADA compliance. There was a meeting with Public Works and some other staff with the applicant. They provided this information. Public Works and Fire are really going to be important aspects of how the streets work. Public Works gave Mr. Armstrong some direction to look into on what they would want to see before they would consider taking ownership of these roads. That information was provided to the applicant. They're going to need to see a lot more information before they sign off.

**Commissioner Stolzenberg** – What part of the new Standards and Design Manual is this using?

**Mr. Alfele** – Shared Streets is one. I don't know if Mr. Duncan (Traffic Engineer) or Mr. Dawson (City Engineer) can say the exact section numbers. They are very much called out.

**Mr. Duncan** – There are two sections. There is one that speaks to the innovative design. I think it's somewhere in chapter 3. There is one that says "any engineering be innovative design." There are some specific sections that speak to street innovative designs. It does give 3 or 4 suggestions. There are four or five of them there. There are specific criteria that has to be met for those. That doesn't mean that those are the only ones the city would look at. If they wanted to do something different, then it is in 4.7. They would have to give us a lot of information. The ones that are in 4.7 have been vetted and have certain criteria. It's up to the applicant to decide which one of those they want to

move forward with. If they want to do something completely different, they have to do a little more ‘legwork’ on their own.

**Commissioner Stolzenberg** – Regardless of what we decide, every street design is going to have to be cleared by staff and the fire department?

**Mr. Duncan** – We have the normal city standards that need to get the rubber stamp. We still have to look at it to make sure that it’s going to work where they want to put it. We will review it further if it’s in that section.

**Jack Dawson, City Engineer** – Mr. Alfele can speak on some of the complications when we would have to approve that with the PUD. I would have concerns about them moving forward with that without having all of the technical details. The issues are in section 4.4: Alleys are supposed to be private streets. There is not very much engineering information provided in this packet. We haven’t fully reviewed it. There are concerns about how storm drains, water services, and sewer services are going to fit in a vehicular way. The 4.1 through 4.7 section discusses alternative roads. Most of those rely heavily on ADA compliance. There are some more ADA concerns as well. As soon as you get away from the public right of way, the ADA access concerns get a lot more onerous on the design.

**Commissioner Stolzenberg** – Would that be PUD time approval or would that be final site plan?

**Mr. Alfele** – It really needs to be PUD. One of the standards, when doing a PUD, is meeting the road standards. That’s not a standard you can adjust through a PUD process. City Council doesn’t have that authority. To take advantage of the Standards and Design section, they are going to have to get sign off from Public Works before this can be moved to a public hearing.

**Commissioner Solla-Yates** – It sounds like the neighborhood is comparing this to Huntley. It looks like the neighborhood was against it. The city had some problems with it. There were some compliance issues. The result had some problems. What are the differences between that and this?

**Mr. Armstrong** – We didn’t do Huntley. It was done in the mid-2000s. The PUD ordinance was not well defined at that point. We did another PUD at around the same time. It was a really “wild, wild, west” create your own PUD as long as City Council approved it. It was also developed under different stormwater standards. Those have changed dramatically in 2004, 2009, and again in 2014. The requirements for water quality and quantity control were really different. They had no drainage and outflow. Storm drainage from Huntley was a major issue all during construction and probably even today. When you look at Huntley, it’s a suburban design. The lots are small. It’s a winding road through topography to get from the top to the bottom of a hill. It’s not comparable to a design like this. We’re really focused on the place as a whole. For the stormwater, the differences here do way more quantity and quality control by state and city laws that are now more stringent than with Huntley. The PUD process, as an entitlement process, has gotten a lot more structure over the years. I think that is thanks to the city staff and city attorney’s office. They were finding a lot of enforceability issues with the previous PUD process from the early 2000s and wanted to make it a little more predictable. The process is a lot more robust including look at things like analyzing streets to make sure that the streets will meet city code. That’s not something that happened in the past. In the Huntley

days of PUD approval, you could have drawn it in pencil and submitted it for approval. The differences you see now are pretty stark.

**Commissioner Green** – The critical slopes ordinance wasn't in place at that point. The EPA standards for TMDLs were not in place. That made a huge change in how the stormwater was captured and how it was handled.

**Commissioner Lahendro** – I wanted to ask about the placement of Morgan Court and especially that cul de sac at the end. It's not designed with lots around the cul de sac. It looks like it was designed as if it was envisioned to go through to development farther to the west.

**Mr. Armstrong** – I don't know the history of that. It does essentially go to the edge of the property. It was not designed as a suburban cul de sac where you see lots ringing all the way around including a through road. Looking at it today, it looks that way.

I would like to hear more feedback from the Planning Commission on that connection. We are hearing loud and clear from neighbors, who live in Huntley and Morgan Court that they don't want a connection there of any kind to new development. We had originally envisioned this as access only. It would include daily traffic. Since then, city traffic and fire have let us know that it would be strongly encouraged with any review that they did. That would be full vehicle access so that there is a second point of access in and out on a daily basis. I agree with the condition on Morgan Court. It is not up to city standards. It's not a city street yet. The developer is still building and working on that. I don't know the exact status of that either. One thing that we discussed was the concept of making some of our internal shared streets one way. They would be oriented on a one way traffic flow. It would discourage daily use just by the orientation of the street flow of traffic to and from Morgan Court. I think most people coming and going from the site would want to get out to Stribling directly rather than going through Huntley to get there. We could potentially look at adding some one-way directional flow. That's an option that we would like to look at.

**Commissioner Stolzenberg** – I would like to hear more from the public about this. What I have heard loud and clear is that people on Morgan Court don't like the idea of a vehicular connection there. What do people on Stribling think about the possibility of some traffic going up Morgan instead of along Stribling? They are the ones, who would be benefitting from it. I would like to hear from people along Stribling. The traffic engineer's opinion of how much traffic would actually go along Morgan, given that it is out of the way. I think it's important that a bike and pedestrian connection exists there. A compromise between full access and no access is either encouraging or allowing exit only traffic. The only traffic would go up the hill at Morgan Court, where people are less likely to speed. They're not going downhill. There will be more of it in the morning, when kids aren't playing in the street. I would also like to see a curb cut at Morgan and Huntley and a crosswalk there.

**Mr. Duncan** – To speak to the distribution of trips. I would only anticipate that maybe 15% or 20% would use Morgan Court. I think we had somewhere around 70% going north towards the city and 30% heading south on JPA or heading down Cleveland towards the hospital that way. The majority of the traffic is going towards the city. If 30% of the people are heading that way, two thirds of those people are using Morgan Court and going around to Sunset Avenue and coming out at Cleveland. A third of the people are staying. It's going to depend on where you're living in the complex as well. If

you're the first house off Stribling Avenue, you're not going to drive all the way through to go out to JPA. That's how we have that set up.

**Commissioner Stolzenberg** – What does go up Morgan would end up on Sunset and not end up on Stribling further down?

**Mr. Duncan** – The majority of people, who use Morgan, are going to end up heading south, either further out and down JPA or down Cleveland. I don't see much of the benefit to going down Morgan Court just to end up on Stribling again.

**Commissioner Stolzenberg** – You're asking for up to 181 units. Your site plan shows 169 units. What is the difference there?

**Mr. Armstrong** – It's a difference between what we have drawn on the concept and setting in the use matrix a threshold. What we did with the use matrix was have a line at 15 DUA max. That's how we set that max. We haven't done the calculations to know that 181 is met. 169 is what we are showing here. It is conceivable somebody might want to have an accessory apartment in one of these homes. It's nice to have that as an option. Without coming back to the city for a rezoning, I think it is silly that those even count. That does allow that possibility.

**Chairman Mitchell** – I have a question for staff. It would be difficult to move forward with a PUD with this level of density unless we know what needs to be done with these streets. What is the thinking regarding sidewalks, backways, and drainage? Have we thought about that?

**Ms. Creasy** – Those are all elements that are typically part of the development plan. The next step would be for them to figure out how they're going to engineer this plan and receive feedback from engineering in order to move forward. They may find that there are some hiccups along the way. It might be a good opportunity to do some additional outreach so that people understand what is going on. It's hard to answer those questions because they are still in the process of putting those plans together.

**Chairman Mitchell** – It seems that there is going to be a lot of work that needs to get done. It's probably going to be more than \$500,000 is going to do for us. It seems that they are going to need help from us to make these streets what they need to be to do this development. Do we have any thinking about that? Is it somewhere in the Capital Improvement plan?

**Mr. Duncan** – We have submitted the last couple of years in the CIP for this sidewalk down Stribling Avenue. One option, if this project was to move forward, would be to take that \$500,000 and use it as a match to get more funds. It doesn't solve the issue the first day that this is open. It does give us some money to try to get matching funds from the state and move forward that way. If you're looking for same day as Huntley gets approved and built, that funding is not identified. The plans haven't been drawn up. There has been no formal engineering study as to what exactly has to be done for drainage or anything like that. The costs that we have in this CIP are approximate costs right now. We're still several years away from actually doing any improvements on Stribling even if we had the funding today.

**Chairman Mitchell** – We wouldn't be thinking about breaking ground on this until we knew that we had the funding and a plan to make the improvements that we need to make.

**Mr. Duncan** – The way that Stribling is set up right now, it is substandard from a pavement width standpoint. It varies, but it holds about 19 feet down the majority of Stribling. The standard is 20. It's only slightly substandard. It is substandard. There is no sidewalk. There are portions of sidewalks that don't connect to each other down Stribling right now. There is no continuous sidewalk. Where there is available right of way to put sidewalk, it flips from one side of the street to the other based on how the roadway weaves within the narrow right of way that is there. The current right of way varies some. The majority of Stribling is about a 30 foot right of way. Standard right of way would be 45 feet now. Even the right of way that we have is very limited. There is usually a hill or a drop off on one side of the road or the other. It's not an easy sidewalk to put in. There are going to be retaining walls, grading of driveways going back onto people's properties, and a lot of engineering that has to happen to get that done.

**Chairman Mitchell** – I have a question for the City Attorney. Are we going to have to invoke eminent domain to build the drainage systems and sidewalks that we are going to need to build those sidewalks?

**Lisa Robertson, City Attorney** – We will have to see. How you manage a project like that is you develop your plan and your specifications for that plan. You then talk to people about it. If there is a need for additional right of way, that right of way would have to be acquired. People donate it. The city would value it and offer compensation. If a person simply did not desire to sell it through the compensation offered, something like eminent domain would be a last resort.

**Mr. Dawson** – There is a larger concern other than just adding a sidewalk. There are probably 3 or 4 low points or sags along Stribling as you go that way. Each one of those drains to either side. It's not always clear where it drains. Before you curve that, there are existing drainage problems there. As soon as you throw a curve on one of those sides, it's not only if you can fit those 5 foot sidewalks in the right of way with a given road that varies, you will need to chase that water that was just put into a storm drainage system. You have compounded that. There is a huge unknown. It's not a perfect drainage situation. There is a lot to be uncovered in the survey and design phase.

**Commissioner Stolzenberg** – This is something that the neighborhood has been asking for a very long time. We have some cost estimates from the CIP. \$1.45 million was the request from last year. Is that the actual estimate? Or is that assuming revenue sharing and the actual estimate would be about \$3 million? Are we confident that we could get revenue sharing from the state? Have we engaged the neighborhood association or neighbors to ask them to dedicate that revenue in advance?

**Mr. Dawson** – I believe the estimate from a decade ago was \$2.2 million. The way that estimates are put together is that is a guess more than it is an estimate. There has been ongoing conversation with the neighborhood, mostly around the neighborhood CIP request. Revenue sharing with VDOT is up in the air right now with all projects. Because it doesn't rank very high in the V-Tran score, it's probably not a winner for revenue sharing or smart scale. I am not comfortable with making that guess. The other issue is whether we do it or the developer does it. It needs to get done before the developer develops it.

**Commissioner Lahendro** – Can you comment on the traffic count that was done and the public’s criticism of when it was done and the necessity of a traffic light at the intersection of Stribling and JPA?

**Mr. Duncan** – The traffic counts that were done were scheduled before the COVID stay at home order happened. Once it happened, we realized what was going on. We worked with EPR, the traffic engineer for the applicant to extrapolate what counts they did have. We had more recent VDOT counts on JPA from last year around this time. We had them take counts there as well and compare those counts with counts at other places. We had a good idea of how much traffic had dropped because of COVID. We had seen 50% in other places. The numbers that they got on JPA were about 60%. I think they did some estimates based on the Institute for Transportation engineer estimates based on households. They did a count of the area and how many vehicles should be expected on Stribling. They were about 60% there as well. We had them double those, which would put us at 120% of the estimate. We were confident the numbers we were getting were a conservative estimate for what should have been there. As far as a signal, it’s not going to come close to meeting the criteria for a signalized intersection, even with this development going in there. It would probably be too close to the intersection at JPA and Maury for it to act very effectively.

**Chairman Mitchell** – I did take the opportunity to go over there. I didn’t see as much traffic as I expected to see. I did get an appreciation for the environment. The street is very narrow. People were walking up and down the street. I can see when that is busy how difficult it would be to walk and have people driving by. It’s a very automobile dense area. There is a lot of off street parking but not on street parking. There are a lot of automobiles over there. Unless we can improve the infrastructure, it’s going to be difficult to put the kind of density that we’re talking about on that site. There are only partial sidewalks. Where there are parts of sidewalks, they are on one side of the street.

**Commissioner Palmer** – It’s a lot like East Market Street without the street parking.

**Commissioner Stolzenberg** – I think it’s already a dangerous situation. There are a lot of people walking and biking down that street. We have heard it in public comments. We know that street is 80% renters. We have also heard how far it is from amenities and transit. You can’t have both of those. The fact that we have so many people walking and biking shows how well connected it is. It is a 12 minute walk to the bus stop at JPA. That’s the best served bus stop in the entire city. It has 5 UTS lines and the free trolley on it. On the other side, we have the Fontaine Research Park going through a big expansion. Its way past due for these sidewalks to have happened. I think we should have funded them a long time ago. This project is the way to make it happen. If you put in 169 units, and they are conservatively assessed at \$200,000 each. We’re going to get \$320,000 a year in tax revenue. 40% of that will go to the schools per the agreement. That amount of tax revenue can finance \$2.9 million worth of bonds. Every \$10 million worth of bonds at 1.6% is going to cost \$660,000 a year in debt service for 20 years. That’s money in addition to this proffer of cash lump sum, which comes at the very beginning. We can finance these sidewalk improvements and stormwater improvements and still have money left over after financing the schools. That can look like a 10% increase in the entire CSRAP. They can be any Council priority on top of giving this neighborhood the infrastructure improvements it has needed for a really long time. That’s not a guaranteed outcome. Council has to agree to put it into the CIP and stop leaving it on the unfunded list. If we let this go through, it is

incumbent on us to review the CIP and the Council decides what goes in to make it happen. It pays for itself and more. It could be a win-win combination. It could also create this onerous burden and make the problem worse if we do nothing. I don't think the infrastructure needs to be done at the time they break ground here but certainly by the time we are a few years in.

**Commissioner Solla-Yates** – Transportation demand management is something everyone wants to talk about. I am seeing a lot of space to store trucks. I worry that if you build it, they will come. How do you make this nightmare not come true?

**Mr. Armstrong** – I might have to give that some thought and get you a more comprehensive answer at a later date. We could certainly include bicycle storage facilities. That fits well with the goals here. We need to consider whether these are marketable today without as much parking. We can't build something today for a buyer that currently doesn't exist. I would like to give that some thought and see what we can figure out on that question.

**Commissioner Lahendro** – I am looking at the site plan. I understand that you haven't had a landscape architect involved. It concerns me to not see a development integrated with its neighbors and the site around. Instead I am seeing walls of wax magnolias around a perimeter property line creating barriers between this development and whatever else is around it. Is that intent of what you are doing instead of looking to integrate it with the surrounding?

**Mr. Armstrong** – That's what happens when your engineer takes a stab at a landscape plan for the purposes of demonstration. I wouldn't pay any attention to species or specific buffer designs there. The intent was to provide some sort of visual buffer to the neighbor to the east. The neighbor asked for that and wanted to have some separation. That's the origin of that particular buffer on that side. I prefer a more varied buffer style that does create some visual separation and privacy.

**Commissioner Solla-Yates** – I didn't see anything about the housing. You have been really responsive on the comments about housing. Our housing situation is worse now than what it was the last time we talked about this. More important to see it now.

**Commissioner Green** – I will leave you some final comments. For you, the task is going to be taking a look at this vacant land in the city and deciding whether we can work with city CIP, get funding somewhere to be able to develop this in a dense enough place where housing is a definite shortfall in the city. Or it is just decided that this is a by right use. Your task, as you go forward, is going to be to take a look at this. Land is at a premium in this landlocked city. Is the by right development better than time to come up with solutions? The city has to be a partner with you on this. Clearly, there is infrastructure that has to be in place. We want housing in this city. You need to take a look at this. Maybe the city partners with you enough so that there is more affordable housing in this project. To have a piece of land this large that continues to go undeveloped. This can be developed by right. Will this be developed better with a PUD than it is by right? As a PUD, we get to look at a lot of things like stormwater, streets, preserving critical slopes, and making sure there are enough trees in the area. With a by right development, the Planning Commission doesn't get to weigh in on that. I would also take a look at that matrix. Make sure what is in that matrix is a by right use is actually what you want to see there.



**Mr. Armstrong** – I would love to have any feedback on the matrix. If there is anything that people saw as undesirable, included or not included. That can be now or any time along the way as we continue through the process.

**Commissioner Solla-Yates** – I looked through it briefly. I didn't see any issues. It looked conservative to me, given these comments.

**Commissioner Stolzenberg** – It looked fairly similar to our R1 and R2, except that libraries are gone. Surface parking lot as an accessory use concerns me. I am not sure how it would be valid given the PUD. You have to fundamentally change the proffer development plan. It shows underground/podium parking.

**Commissioner Green** – I would say to take a look at the homestays when you're talking about the impact on the neighbor. You're already impacting the neighbors with this amount of new homes in the area with an infrastructure issue that you already have transportation wise and traffic wise. When you add homestays when you have constant in and out, that might be something you want to take a look at.

**Commissioner Stolzenberg** – I don't see a need to make it more restrictive than general R1 on homestays. The use matrix on Municode that says it's by right is not right. It should be a P for provisional use permit. Even though it says B, you still need to have a provisional use permit. As that is true, I am fine with it.

**Commissioner Dowell** – Do we want just a by right development that doesn't satisfy the needs or the wants of the community? It does not give us a desirable affordable housing that we seek for. Are we going to try to figure this out to make it beneficial for everyone? I am hoping that we choose the latter.

**Commissioner Palmer** – I think that density is commendable. It's interesting when you look at the aerial perspective. It feels like this is a remote part of the city. You go across the city line and there's this big apartment complex there. It's not like there is not a precedent. It is close to Fontaine and the rest of the university through the bus line. That's not too far away. I have noticed, with being home a lot, all of the delivery vehicles that tend to come with development with this tight road network. There may need to be some thought put into how you safely efficiently accommodate that large amount of delivery volume throughout the day that has become ubiquitous. I thought Commissioner Green's comments were really good. There is a fair amount of leverage that the city might have in achieving some of its goals with a project like this. It would be nice if this were right in the middle of the city.

**Commissioner Heaton** – I concur with Commissioner Palmer about the density and the direction that the city needs to go to mitigate our housing issues. It seems to me from public comment that you might have some creative thought into what Commissioner Lahendro referred to as the perimeter feeling of this development. Your creativity could be put into how this development interacts with its neighbors. It seems like an opportunity to engage with the existing community that's there that will not want more density. Go ahead and put some energy into what it looks like to the neighbors. What are these people going to be friends about? I think that would go a long way toward helping the city embrace its need for density, but also the relational connections between existing subdivisions and new subdivisions.

**Commissioner Lahendro** – It would be unconscionable to approve this PUD development, as much as it appeals to me, because of its traditional layout, design, thoughtfulness, and how it takes advantage of the PUDs. Unless we knew that Stribling was going to be improved, I don't know how we could approve this as an island and not take into consideration the neighbors and the people affected by it along Stribling. A partnership needs to be worked out with the city to ensure the fact that Stribling is improved when this development starts to go in.

**Commissioner Stolzenberg** – I agree with Commissioner Lahendro. The infrastructure does need to get in there at some point. Even if this development was not to happen, it needs to happen. I hope that the city can take this chance to really pursue the goals that we have set for ourselves in the past and to give back to the neighborhood as part of it and create these much needed improvements.

**Chairman Mitchell** – I would rather see a PUD than a by right development. We can't do the PUD unless we work with the city to improve the infrastructure. We need to do all the things to protect the slopes and Moores Creek.

**With the upcoming vote with the Entrance Corridor, the City Attorney asked the Chairman whether Commissioner Green (outgoing commissioner) or Commissioner Russell (new commissioner) would be voting on the Entrance Corridor. Consensus was reached that Commissioner Green would be the commissioner voting on the Entrance Corridor, given that Commissioner Green had been in the meeting from the beginning.**

#### **J. Entrance Corridor - Chick-fil-A Barracks Rd**

**The chairman gaveled the Planning Commission into the ERB Meeting.**

**Jeff Werner, Staff Report** – The decision is yours. In my planning and professional opinion, light glare is a significant issue in this town. What we have asked is that these lights at this new building have the ability to be dimmed if requested. They meet the color temperature criteria that we have laid out. If the applicant doesn't think that can be done, that is your decision to make. As a community, these are the design and aesthetic criteria we want to work towards. This is what we want to see for this new business in this new location.

**Commissioner Dowell** – We had a recent project where we had this issue with lighting. We required that they use a dimmer. What are we going to put in place so that it's not up in the air? We need to have some clear procedure in how we determine what a light nuisance is.

**Mr. Werner** – We get phone calls and emails about West Main Street with the building on the west side of the bridge. We ask that if the lights can't be dimmed, then turn them off. What are our capabilities via the zoning officials enforcing certain things? It gives us a tool to use. With the information that has been submitted, I would want to see a cut sheet for that fixture that meets that criteria. Absent that, this condition would cover it. I know how we have responded to complaints. There is an honest assessment and evaluation.

**Ms. Creasy** – What typically happens with a lighting violation request is that someone contacts staff and lets staff know they have a concern. We investigate it. Craig Fabio, the Zoning Administrator, does lots of those. He has been doing quite a few during the state of emergency. They go out with a

light monitor. They determine if it is within the criteria. If there is a concern, the first step is reaching out to the property owner to try and work with them. If that goes to no avail, then it goes through a zoning violation process.

**Commissioner Green** – When you go out to do a measurement, this is dark sky compliance. If there is a glare and it doesn't meet the lumens at the property, then is that a matter of being dimmable or does it have a shield installed?

**Ms. Creasy** – There are different ways it can be addressed. Staff will work with the individual to make it work. If it is a larger business, they have experience with that. Some of the smaller places don't. It depends on what their capability is. The idea is to get it into compliance. It's either in compliance or it's not in compliance. If it's not in compliance, people know and they let us know.

**Commissioner Stolzenberg** – That distinction seems different from what we are talking about in this ERB condition? If it's clearly not in compliance with the lighting ordinance, staff can enforce that? It sounds like their issue is that beyond the lighting ordinance and the objective measure of 3000K, it's well that if you get any reasonable public complaint, then you must take action. Reasonable public complaint seems like a nebulous and subjective concept.

**Commissioner Green** – If staff has a complaint, they investigate. If it is not in compliance, then they have the options.

**Commissioner Stolzenberg** – It can be an unreasonable complaint if it is in compliance with the lighting ordinance. Without the condition, you could still investigate to see if it is in compliance?

**Ms. Creasy** – We investigate either way. There are a number of lighting investigations we do where it is not a violation. There is also the good neighbor aspect of things. We have found that a lot of businesses want to be good neighbors. They work with the staff and they make adjustments. There may be some wording arrangement to that condition that can get it to something that will allow people to move forward with that. We have definitely found that providing this language has been very helpful when all of the lighting gets out there. If there are any problems with it, it is a lot easier to hit a dimmer button than it is to have to retrofit.

**Commissioner Green** – We have an ordinance that talks about spillover, which is light that spills over the property line. When a lighting engineer looks at it, they are looking at it on flat ground. The lighting engineers don't look at the overall topography. When you are doing a lighting plan, it is going to comply because it is on flat ground and flat paper. Where problems come in the community, this particular establishment is at one grade. Where you're going to have residential concerns is at the higher grade. It would be on the same plane as the lights. You're not talking about being able to control or engineer a plan for the surrounding grades. It's easier to add these things at the beginning than it is to have a lot of neighbors on the street. We have an opportunity to make it right at the beginning.

**Mr. Werner** – Technology is running ahead of the ordinances. The ordinance was written for light bulbs. My understanding is that the 3000K max and dimmable provides that extra if needed. With those two provisions, you're there. I understand the situation with trying to have a very clear answer.

Given that it is in Barracks Road Shopping Center, there are lights all over that place that are issues. I encourage you to come up with any language that you prefer for the second piece of that. The key condition is the 3000K and dimmable fixture.

**Commissioner Green** – The other part is that Barracks Road is an established place, and I don't think they have switched everything over to LED yet. Whatever you have there is there and you add a new establishment with new fixtures and new lighting, it may meet the ordinance. You are going to get calls when people change out the fixtures to LED.

**Chairman Mitchell** – What are we trying to achieve with this application?

**Ms. Creasy** – You had the single condition that was of concern. The applicant is here and can provide some background. If you needed a staff report for this, we can provide that information. It is in your court as to how you would like to move forward with the discussion.

**Commissioner Stolzenberg** – Can we recognize the applicant for no more than two minutes to say what their problem is?

**Ryan Yauger, Bohler Engineering** – I agree with a lot of the things that have been said. There is different nomenclature that we have concerns with. The first one being the dimmable aspect of it. The city doesn't necessarily have the ordinance caught up with technology to govern by. We are meeting the city ordinance. We are in compliance to the city standards for the zoning ordinance and in compliance to the shopping center standards. We feel that we are trying to be good neighbors. We are not trying to submit an application that is not in compliance. However, the dimmable aspect of it would be at a detriment in isolating to our single pad single tenant use here rather than a standardized approach for the whole city. We are willing to accommodate any city regulations in place. We feel this is above and beyond. With the back and forth with staff, we were really discussing a dimmable aspect of a fixture with a more interior fixture of a recessed bulb as part of the canopy ordering system and the canopy lighting that would be blocked by the roof of the canopy. You would not have any of the issues of the adjacent neighboring properties because it is underneath that canopy. You did not mention dimming the light pole fixtures for the parking areas. In the motion, there was a universal dimming of all lights on the property. We can certainly look into dimming the canopy. As far as the parking lots, that's our concern. By agreeing to the motion, as written, it leaves the end users operator to future subjectivity of the opinion of an individual or the opinion of the individual, even if it is a member of the public or city staff member. We are going to get a site plan approved, build that site plan, and adhere to it. For some reason at post construction it does not adhere, we are happy to oblige and revise that. It is going based on a quantifiable city standard rather than the ambiguous. The two things we are isolating are the dimming features for the canopy and leaning on the zoning ordinance for the standard of fixing in the future rather than arbitrary.

**Commissioner Stolzenberg** – I feel that there is disconnect there. I would think that it is the ones not within the canopy that we care about. All of the non-canopy bulbs have fixtures available that are dimmable. They can buy those off the shelf.

**Mr. Werner** – By looking at the information that was available, all of the fixtures had a type available that came with the 3000K lamp and a dimming control. What is being dimmed and how it is dimmed,

I am relying on the experts from the BAR. I looked at what the light fixtures listed, it was the only one that didn't meet the canopy lights at the drive thru. My intent was all of the fixtures would have the 3000K and dimmable as it seemed they were available that way.

**Motion - Commissioner Lahendro - Having considered the standards set forth within the City's Entrance Corridor Design Guidelines, I move to find that the proposed design for the Chick-Fil-A at 1000 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 as submitted with the following conditions:**

- **The four (4) existing magnolia trees along Emmet Street shall be maintained and protected from damage during construction.**
- **Requirement that all door and window glass be clear (not less than 70% VLT);**
- **Prohibition of signage on the outdoor umbrellas and requiring they be of a uniform color.**
- **Exterior light fixtures shall have lamping that is dimmable and have a Color Temperature not to exceed 3000K. Additionally, the owner will address any reasonable public complaints about light glare by either dimming the lamp or replacing the lamps/fixtures.**

**(Second by Commissioner Heaton). Motion passed 7-0.**

**The chairman gavelled the Planning Commission out of the ERB Meeting.**

**The chairman gavelled the Planning Commission back into the regular meeting.**

**The meeting was adjourned at 9:53 PM until the second Tuesday of October.**