

Minutes

PLANNING COMMISSION REGULAR MEETING
May 11, 2021 – 5:30 P.M.
Virtual Meeting

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

Beginning: 5:00 PM

Location: Virtual/Electronic

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

Staff Present: Patrick Cory, Joe Rice, Missy Creasy, Alex Ikefuna, Jack Dawson, Lisa Robertson, Matt Alfele

Chair Mitchell called the meeting to order at 5:00pm and asked Commissioners for questions about the minutes. Two updates to the minutes were pointed out and will be noted during the regular meeting. Commissioner Dowell asked what would be the most adverse impact pertaining to the critical slope application? Mr. Dawson noted the most critical time would be during the construction and staff would want to see the methods they provided for that stage. Commissioner Lahendro noted that the details of critical slopes are not usually provided at this point in the development. Mr. Dawson noted that it is not required but it would be good if it was. The narrative that the applicant provided did not satisfy what would be needed for review. Commissioner Lahendro asked if there are things that could be said in the narrative that could be closer to satisfying the need and Mr. Dawson noted that it is not there right now. Commissioner Stolzenberg asked if the conditions provided in the report would address his concerns. Mr. Dawson noted it is the best it can be at this point.

Commissioner Russell asked about the money related to the sidewalk. Commissioner Stolzenberg asked if the applicant could proffer the sidewalk? Mr. Dawson noted that the amount of funds provided would not allow for much sidewalk construction and it may be difficult to have the residents in the area agree to the sidewalk given the current situation where most park on the street. He noted he had not reviewed the SUP and was not sure how long the funds could remain in the CIP fund. Mr. Dawson wanted to clarify that the storm restoration request was not part of the critical slope application. He noted that this is not of value for the site due to technical reasons.

Commissioner Dowell asked if there was a better use for the funds that staff could recommend. Mr. Dawson did not have a recommendation for the limited amount of funds provided. Commissioner Stolzenberg noted that there is only about 100K in the CIP for sidewalk overall. Is there a cost estimate for this project? There is not but it would be much more than the amount available. Commissioner Russell wanted to better understand the stream restoration. Mr. Dawson noted that it was not a requirement of the site plan. It is important to understand how the disturbance will affect the construction. He noted that the stream restoration was not recommended by the Environmental Division and it was not included in the critical slope application.

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

Beginning: 5:30 PM

Location: Virtual/Electronic

A. COMMISSIONER'S REPORT

Commissioner Russell – I met with the Rivanna River Urban Corridor Steering Committee on April 26th. We talked about the current draft of the plan and the recommendations for the area along the river that is jointly bound by the city and county. The area is from Pen Park through Riverview Park and into Pantops. It stops at the I-64 crossing. A vision statement has been crafted in many plans. Recommendations will be used to guide future development. The primary driver behind the vision of the area is the environmental characteristics being maintained and strengthened and also looking at ways people can better enjoy the outdoors along the river. Development might be appropriately directed and designed in a way that is sensitive to the environmental aspects. More information about that plan is on the TJPDC website. The Fontaine Steering Committee has an upcoming meeting tomorrow. It is hosted by the Charlottesville Department of Public Works. They will be holding a design public hearing for the Fontaine Avenue Streetscape project tomorrow at 6 PM. There will be more information about the project tomorrow. People can register for the public hearing on charlottesville.gov/zoom.

Commissioner Stolzenberg – Yesterday, there was a meeting put on by the MPO discussing potential smart scale applications. If you have thoughts on that, that is fine to make them. They will be appointing committees to review the applications prior to submission with the goal of preventing the miscommunication that happened last time, particularly with regards to a project on Route 20 for pedestrian improvements through the I-64 interchange that would have ran through a whole row of trees planted by the Charlottesville Area Tree Stewards a few years ago. It engendered pretty significant opposition and ended up not being submitted at all. We were short one potential submission. There will be more outreach this time around, which will hopefully prevent problems like that in the future. There is an MPO Tech meeting next week where we will have an interesting study of bicycle crashes and data around them across Virginia.

Commissioner Dowell – No Report

Commissioner Solla-Yates – The Housing Advisory Committee met on April 14th to discuss the previous draft of the Future Land Use Plan. We were focusing on affordable housing and equity elements.

Commissioner Lahendro – I attended two meetings since the last time we met. The BAR on April 20th had five Certificate of Appropriateness applications approved and two preliminary discussions. One of the preliminary discussions was on 485 14th Street Northwest for some rear additions being considered. The other discussion was 120 Oakhurst Circle for a rear addition that is being considered. For the Charlottesville Tree Commission, we met on May 4th. We had presentations from the Botanical Garden of the Piedmont. We also had presentations from the Charlottesville Area Tree Stewards and from The Grove in McIntire Park. Arbor Day was April 29th. It was a wonderful event that had good participation from a number of organizations. It was so nice to see Walker Upper Elementary School take it seriously and had a class of students dealing with trees and studying them in anticipation of Arbor Day. One concern that we had was the Emerald Ashe Bore. It is hard at work. We're starting to see many ash trees showing distress. There is an emergency coming that we

somehow need to get the city's attention. There's not enough funds being put aside for all of the trees that are going to need to come down as a result of this infestation. It's going to happen within the next couple of years. The Tree Commission is working to figure out how to get the city and city community attention to this fact.

B. UNIVERSITY REPORT

Commissioner Palmer – UVA has kicked off their affordable housing initiative. They did that on the 29th of April with a public Zoom meeting/forum. They had President Ryan, JJ Wagner, and Gina Merritt, who is with Northern Real Estate and is helping us with that project. There is going to be a lot more opportunity for public input. Graduation is actually happening in person this year. It is a lot different from years past. There is going to be two weekends of graduation. This weekend will be a smaller ceremony for people who graduated last year and didn't get to experience graduation and want to come back and have that experience. Next weekend, there are three days of smaller graduation ceremonies starting at The Lawn and ending in Scott Stadium. It is going to look a lot different. There will still be a lot more people in town for the next couple of weekends.

C. CHAIR'S REPORT

Chairman Mitchell – The LUPEC group met. There is lots happening with LUPEC. There are a couple of things that would be of interest to this group. The first is what UVA is planning to do at the Emmet and Ivy corridor. The corridor starts at the intersection of Emmet and Ivy and runs down through Copeley. There are a couple of things they are going to do there that are of our interest. UVA is going to build and manage a hotel and convention center there. It will be the largest convention center in our region. What I really like about this is that even though this is UVA owned and operated, it will be a tax revenue generator entity for our region. It will give us more money to spend on things like affordable housing. They're also going to be building a School for Data Sciences. There will be a number of other buildings. These are To Be Announced. They are going to be undergrounding the utilities in this area. The other piece we talked about is the Barracks Road Streetscape project. This is something we looked at a few months back and gave the "thumbs up" to. This is supported by VDOT Smartscale Funding. The budget for this project is \$8.6 million. What they're looking to do is through the operations, input, and safety, at the Barracks-Emmet intersection. Through that corridor, they're looking to begin to enhance the biking and pedestrian experience and increase the safety for bikers and pedestrians. They're looking to enhance the aesthetics of the area. They're hoping to begin this in the Spring of 2023 and looking to wrap up in 2025. I also joined Ms. Russell and Ms. Creasy at the Rivanna River Corridor meeting. The prime directive of the vision that we are developing for that is protection of the environment and protection of that waterway. That does not mean we won't be doing some small scale, very careful development. Whatever we do, it will be environmentally friendly.

D. DEPARTMENT OF NDS

Ms. Creasy – There's an advertisement posted on the city website for the Planning Commission seat that was recently vacated by Mr. Heaton. Applications will be taken through June 11th with appointments beginning in late June. I am reaching out to our listening audience as well as our participants in the meeting to consider this opportunity and encourage those who know somebody who might be interested in applying for that seat. We would also like to welcome Dannan O'Connell

to the NDS staff. Dannan is our new planner. He is from Poquoson, Virginia serving as the planner there. He brings with him a variety of experience and certifications. He is viewing the meeting tonight. We're going to be working to integrate him into operations in the months to come. We wanted to give Dannan a welcome tonight. There are a number of Charlottesville Plans Together community activities that are taking place this week. I did want you all to make sure that you have inked in the work session for June 29th that we're going to have from 5:30 PM to 7:30 PM. This is a little bit different. This is the 5th Tuesday. We're grateful that you all were able to shift your schedules around in order to work with that timeframe. It is anticipated that the public communication and input that we have received will be incorporated into the draft that you will be looking at at that meeting.

Jennifer Koch, Cville Plans Together – We kicked off the public engagement period throughout the month of May. We have a series of events focused on sharing information and gathering input about the draft Comprehensive Plan chapters and the draft Future Land Use map. We have been hearing a lot of comments. We are compiling them as we go. We will share them with you in our meeting on June 29th. We also look forward to responding to some of the questions you all have sent. We had a webinar last night. The recording is posted on the website, cvilleplanstogether.com/engage, along with the PDF. That is the central hub for all of the activities. There are about 35 comments that we could not respond to during the webinar. We will be sharing responses to those Q&A comments in the future. The next webinar is on the 25th, which is Tuesday at 6:00 PM. There are also some in-person popup events. We're asking people to wear a mask to these events and practice social distancing. We had the first event at Riverview Park on Saturday, May 8th. We had 15 to 20 people stop by. We anticipate there will be a lot of activities this coming weekend. On Friday, we will be at Reid's from 1 PM to 3 PM. We will also be out on the downtown mall. We will be sharing information about that time when it is finalized. On Saturday, we will be at the farmers market at IX Park from 8 AM to noon. We will also be at the Jefferson School from 2 PM to 5 PM. They are all outdoor events. We have a steering committee meeting on the 19th from 5:30 PM to 7:30 PM. These activities are about giving and sharing information about the ways we're asking people to submit information. Those ways are via email at engage@cvilleplanstogether.com. People can also submit comments using the interactive map. There is a comment form in the form of a survey that is accessible on the website. There are several different options for people. We will be summarizing what we have heard to share with you all. During the webinar last night, we received a lot of questions. We talked through changes at a high level that remain between the March map and the current map. We didn't hit on everything. In trying to talk through our rationale for some changes, we did talk with Planning Commission and the HAC. We received comments that we pulled together and we made some changes. I would not be surprised if you heard some additional comments about the map.

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

Peter Gray – Rhoadesville and Harwell presented their latest version of the land use plan to the public yesterday evening. I support the goals and the vision of the plan. The plan presented a number of changes from the plan in March. One change was the injection of medium intensity land use into several neighborhoods, including my neighborhood Lewis Mountain. Lewis Mountain has been a mix of duplexes and triplexes and single-family homes. Recent zoning restrictions have limited our ability to offer dwelling units for rent. I know of others in my neighborhood who are in a similar position. Transitioning Lewis Mountain to the new residential category would triple the density of current residential zoning and could have a positive impact on the availability of new living spaces, while

preserving the housing stock. I ask the Commission to consider general residential for Lewis Mountain. The injection of new medium land density use into the neighborhood may not reflect the full wishes of the Commission. Last night when members of the public tried to point out the damage that could be done to our neighborhood, the consultants said “their hands were tied” by the Commission and they were requested by the Planning Commission to do this. I have reviewed the recording from March 30th. It was a small number of members of the Commission who made this suggestion. I would like all members of the Commission to be aware of the power dynamic that has been created in this way. Comments from a small number of commissioners is taken by the consultants as constraints that triumph over the original thoughtful design. Lewis Mountain has been treated unlike other residential neighborhoods. In Lewis Mountain, it has the entire neighborhood as medium density. The logic makes no sense. The proximity to UVA does not mandate medium density. I would ask that if the plan proceeds, that Lewis Mountain be treated fairly with medium density only along traffic corridors.

Bill Emory – We’re currently engaged in a comprehensive plan update and a zoning code rewrite. Both are catalyzed by an affordable housing plan to address the need for affordable housing in the city. It has been a long time since the 2013 comprehensive plan. In the interim, we have had the benefit of the 2018 housing needs assessment. We have had the benefit of years of work of the Housing Advisory Committee. We have had the benefit of the recently approved affordable housing plan of Rhoadeside and Harwell. I would really like to have a map that shows where affordable housing currently exists in the 19 planning areas. I would like a second vision map that shows where, following the implementation of the land use plan, the affordable housing will be. It would be great to have numbers by planning areas. We could begin to have a real conversation about how we can build neighborhoods to accommodate the 4,000 people.

Elisabeth Sloan – I have two requests. Slow this process down. We’re in the midst of a global pandemic. In the month of May, we have only had 3 weeks. It is going too fast and too radical of a change and too important of a change. We need to build consensus from the ground up with the entire community supporting this plan. We need a three dimensional model of how this will impact the city. The model needs to show height and massing. The argument that the code hasn’t been written does not “hold water.” You can show worst case, medium case, and you can be clearer on what you’re showing.

F. CONSENT AGENDA

1. Minutes – January 12, 2021 – Pre-Meeting and Regular Meeting

Motion to approve the minutes as amended by Commissioner Solla-Yates (Second by Commissioner Lahendro) Motion passed 6-0.

III. JOINT MEETING OF COMMISSION AND COUNCIL

Beginning: 6:00 PM

Continuing: Until all public hearings are complete

Format: (i) Staff Report, (ii) Applicant, (iii) Hearing, (iv) Discussion and Motion

Following a quorum for Council, Councilor Hill called Council to order.

1. ZM20-00003, SP21-00002, & P21-0023 - 1613 Grove Street – Landowner Lorven Investments, LLC has submitted applications seeking a Rezoning, a Special Use Permit, and a Critical Slope Waiver for approximately 0.652 acres of land, including multiple lots identified within City real estate records Real Estate Parcel Identification Numbers 23013000, 230134000, & 230135000 (collectively, “Subject Property”). The Subject Property has frontage on Valley Road Extended and the unimproved section of Grove Street Extended. The applications propose to change the zoning district classification of the Subject Property from R-2 (Residential Two-Family) to R-3 (Residential Multifamily Medium Density) for the specific development described in the application, subject to one proffered development condition (“Proffer”). The Proffers include: (1) *Prior to the issuance of certificate of occupancy for the seventh dwelling unit on the Property, the Owner shall contribute Forty-Eight Thousand Dollars (\$48,000.00) to the City of Charlottesville’s Capital Improvement Program (CIP) as a cash contribution for construction of sidewalk improvements along Valley Road Extended.* The Landowner’s application materials represent that the development will include restoration of the section of Rock Creek that runs through the Subject Property. The applicant is also seeking a Special Use Permit to increase the density from 21 Dwelling Units per Acre (DUA) to 43 DUA within the area of the Subject Property, as authorized by City Code Sec. 34-420 (Use Matrix, R-3 District). The proposed development consists of four apartment buildings with seven (7) two-bedroom units in each building. The total number of units would not exceed twenty-eight units. The Comprehensive Land Use Map for this area calls for Low Density Residential. The proposed development calls for disturbance of land within Critical Slopes area; this application also presents a request for a Critical Slope Waiver per City Code Sec. 34-1120(b)(6). Information pertaining to this application may be viewed online at www.charlottesville.gov/agenda. Persons interested in the Rezoning, Special Use Permit or Critical Slopes applications may contact NDS Planner Matt Alfele by e-mail (alfelem@charlottesville.gov) or by telephone (434-970-3636).

i. Staff Report

Matt Alfele, City Planner – There are three applications under review this evening. The first application is a rezoning application, which would turn the three subject properties from R-2 to R-3, with a draft proffer statement. That draft proffer statement would donate \$48,000 to the city’s CIP Program for road improvements to Valley Road Extended. The second application is a Special Use Permit Application to increase the density from the 21 dwelling units per acre, which would be by right and if the subject properties were rezoned up to 43 DUA that would give you the 28 units. The third application is a critical slope waiver to disturb all of the critical slopes on site. There is also the possibility of a fourth application, not in front of you tonight, for a sidewalk waiver. The applicant has not indicated how they would go about this. They would be required to build a sidewalk in front of the property on the city right of way or request a waiver or donate, separate from their proffer, into the sidewalk fund. That has not been determined at this time. That could be the possibility for a fourth application. As Planning Commission hears from the public, from the applicant, and during your discussion, you do want to keep in mind that these are three separate applications. We don’t have a unified development code. The development, as presented, is not being proffered. There’s only one proffer, which is the donation. You run the possibility of having a rezoning, going from R-2 to R-3, and that being approved by City Council and the Special Use Permit not being approved. Once that land is rezoned, it is R-3. That’s something you might want to discuss as you’re having your discussion.

With the rezoning from R-2 to R-3, you will notice this is a low density part of the city. The Future Land Use Map calls for this area to be low density. Low density is not only a density below 15 dwelling units per acre, it is a certain type of housing according to the Future Land Use Map. That is single-family, two family, and single-family attached. The proposed rezoning would increase the density and change the housing type that would be allowed in the area. That is one reason you would see in the rezoning report from staff why they're recommending denial from the Planning Commission. There are certain uses that staff is concerned about that are not proffered out. When you think about site plans, you think about review. You think about reviewing to very specific code standards. When you're looking at a rezoning and an SUP, you're looking at an analysis.

If it was rezoned to R-2, one of the helpful things in your staff report is a table that talks about things that can be altered through an SUP and things that cannot be altered. The applicant is requesting, with the increased density, to get to 28 units. They're also requesting alterations to the rear and side setbacks to accommodate the development. The biggest issue in the staff report that staff found during the review is the increased density at a dead end street would increase traffic on Valley Hill Road Extended, which the traffic engineer has concerns about with the infrastructure for that road. That is one of the biggest factors in the staff recommendation for denial on the SUP.

With the critical slope waiver, the developer would be impacting all critical slopes on site. The critical slopes do go beyond the site. In the staff report, the calculation talks about percentage of the full critical slope, which goes beyond the development. The impacts to the critical slopes on site would be 100%. You would have to completely fill in the critical slopes to develop this site. There was a question about if these were developed by right, would critical slopes be disturbed? That question is difficult to answer. It depends on how the site would be developed by right. There are three existing lots right now. Those lots have frontage on Grove Street Extended, not Valley Road Extended. You would need to re-orient the lots so that all 3 had frontage on Valley Road. You could build Grove Street Extended to give frontage to those three lots. You could build them. It does depend on how they were built. If the lots were built one at a time, there's no site plan and no review. You would build by right. If all three were built at the same time, that is a development. That is when your site plan comes into play. When engineering looks at it, they're looking at it differently than when the Planning Department is looking at it when you're talking about whether you can develop on the site or not. You will see in the analysis where that is talked about. The Planning Department says these could be developed. I believe engineering says they might not be developed. That's why there is that discrepancy. Engineering, Public Works, and Planning did put some recommended conditions on the critical slope.

Commissioner Palmer – How is that interface with an improved Grove Street Extended being treated? Is there a fence? Is it used as a fire lane? Is there any interaction between the property and that unimproved right of way that is there now?

Jack Dawson, City Engineer – At the property line, it is shown where retaining walls are. It is just a side lot line for the developers.

Commissioner Palmer – The side that faces the railroad is a retaining wall?

Mr. Dawson – That's correct.

Commissioner Russell – We talked a little about the sidewalk proffer and the applicability of it. Does it mitigate the impacts of the development? Is it feasible to improve the sidewalks on Valley Street Extended with the funds being proffered?

Mr. Dawson – The proffer says the given amount (\$48,000) and it is worded that it would be in the CIP for this project. This project is not on any pending improvement list. We don't have a project ready to go that this would offset some set aside contribution in the budget. The \$48,000 is a pretty limited section of sidewalk that you would get there. The reality of us being able to leverage that into a project might be limited. There are some other issues. Nothing is impossible. It would be an expensive sidewalk to complete the rest of the gaps in Valley Road Extended. It is just a proffer. It is not necessarily to mitigate the impacts. They would be building the sidewalk on their frontage. It is an above and beyond thing. It is limited in its impacts.

Mr. Alfele – The proffer is above what they would be required to do at the site plan stage. There hasn't been a decision. There are several ways they can go. They could build a sidewalk as required at the site plan stage. They could donate to the sidewalk fund, which would be the amount equivalent to providing a sidewalk, or they could request a waiver from City Council.

Commissioner Stolzenberg – They said the \$48,000 is based on some city estimate of sidewalk cost and would create 700 linear feet of sidewalk. Is that still an accurate cost? Is that about how much it would produce? Do we have a sense of how many linear feet of sidewalk are missing along this road?

Mr. Dawson – I don't know if I can give you a sense of what is missing on that road. There's not much there. Sidewalks are more complicated. When there is some sidewalk on either side, you're talking about mid-walk crossings and all of these things. The cost would have been from the sidewalk calculator, which was developed years ago based on a rough estimate of what it costs the city to build some sidewalks that were available to the people preparing that list. The "low hanging fruit" in the sidewalk world has already been picked to some extent. What is left are the hard projects. I think it skews more expensive than that. I don't think the applicant is being misleading in stating that as the calculation. There is a calculator that will tell you. That is based on what Matt was referring to, which would be donating to the sidewalk fund in lieu of building that equivalent sidewalk. That's where the calculator comes in. I would assume that's where that linear footage comes from. You wouldn't be able to build the 700 feet. It is unlikely that cost is equivalent.

Commissioner Dowell – Staff mentioned that there are a list of unwanted uses if we were to rezone the property. I was just wondering if there was a list of those unwanted uses.

Mr. Alfele – It is on page 11 of 13. I am going by my staff report page numbers.

Commissioner Solla-Yates – With trip generations and walking dogs, we have two different estimates for the trip generations that this potential development would produce. One is very low from the applicant. One is very high from city staff. I thought that there was just one. Which one is right? Why are there differences?

Mr. Alfele – I did send that question onto the city traffic engineer. I don't have a good answer. He said that the numbers should be the same. I wasn't able to get a good explanation why the traffic review differs from the question that was sent.

Commissioner Solla-Yates – With walking dogs, I have heard a whole lot about walking dogs from the public very recently. Some people are for walking dogs and some people are against walking dogs. It appears that this property is being used by people who are walking their dogs. Is there an alternative available for people walking dogs?

Mr. Alfele – It is private property. I can't give you a good answer with how that property is being used as private property. People have to go to public areas to walk.

Commissioner Solla-Yates – Are those available?

Mr. Alfele – Forest Hills Park is probably the closest park.

Commissioner Solla-Yates – Is that doable? Is it unreasonable to ask the public?

Mr. Alfele – It is roughly a 14 minute walk. It is 0.7 miles.

Chairman Mitchell – The only thought that I have relates to the \$48,000 proffer. I think this is a "restricted grant" in the way it is worded in the staff report. It looks like we won't be able to get to that "restricted grant" for a number of years if ever. If they put the \$48,000 into our coffers and it sits there for five years, does it go away or does Council have the ability to repurpose it?

Ms. Creasy – It would sit in an account. When we received the proffer request, we verified how it would be handled logistically if it were to come to pass. They would create a specific account for this. It would sit there and await something to happen with it in the future specific to that role.

Chairman Mitchell – We can't tell an applicant what to do with their proffer. It seems like there might be an opportunity to repurpose this money for something else related to development inside.

Councilor Snook – There was a reference in some of the materials to a long rumored but not yet planned tunnel under the railroad tracks for pedestrian and bike traffic from Fifeville to the University. Do we have any further news on that?

Mr. Alfele – No. That's part of the Bike and Pedestrian Master Plan. There's nothing moving forward on the city side.

Councilor Snook – Any idea what it would cost if we were to move forward on it?

Chairman Mitchell – Getting the right of way above or below a railroad track is nearly impossible to do. Parks and Recreation did it. It took a tremendous effort.

Councilor Hill – After hearing from many constituents, there are many people who go through people's private property and cross the railroad illegally. It is happening a lot with people trying to get to the University Health System.

With Grove Street Extended, what is the status of that today? That's a dead end. I am not really clear on what the infrastructure is there.

Mr. Alfele – There is no infrastructure. There is some gravel thrown down. It is a paper street between the subject property and the railroad right of way.

Councilor Hill – With the critical slopes, I am struggling to understand where that big drop off is when I look at it on Google Maps. Can you help me understand which critical slopes are we speaking of? I am trying to make sense of that portion of it.

Mr. Alfele – It is right in the middle of the subject property. Do you see on the hill to the east? That drops down and starts to level out. That's the critical slopes.

Councilor Hill – I am more concerned about making sure that we have that proffer. We will be able to maintain it in the sidewalk fund to go to other areas that really need sidewalks.

i. Applicant Presentation

Justin Shimp, Project Engineer – The property owners are a family from northern Virginia. They bought this property a year ago and hired us to pursue some options for it. What you see before you is the concept for the Rezoning, Special Use Permit, and the 28 units. I do hope we get to a day when the new code comes about that the processes are simpler. It is 3 different actions, a lot of paperwork, and a lot of things that are complex about the plan proffer. We're trying to get to a design that creates more density in a neighborhood setting. How we get there is always more complicated than what we would like it to be. With these questions about the trip generation being different, we didn't know about that until the staff report came out. I have no idea where that higher number came from. There was only one number. If you put the calculation in, it is around 151 trips. We have no way to tell you tonight why there is a discrepancy. Those are the things that should have been sorted out ahead of time. We had sent in requests for meetings with the traffic engineer. That's some of the issues with the sidewalk and traffic questions. Mr. Alfele has been very responsive throughout this process in pulling this together. The sidewalk number does come from the city's calculation of 700 linear feet. There is about 1100 feet of linear sidewalk missing on that street right now. We came up with a number beyond the middle of that. There is a noticeable section that goes from Cherry Avenue to the first section of sidewalk on Valley Road Extended that we thought was workable. Mr. Dawson is right. We were basing that on the city's number. That was the fairest thing to do. We certainly do not object to proffering it out more broadly. In the context of the proffer, people in these units will be walking all over the city. I don't think it is a problem to put that money towards the general sidewalk fund. That is matched by grant. If \$48,000 becomes \$100,000 worth, that becomes a meaningful contribution. I think the city's total contribution is \$100,000. We realize that it is certainly not enough. In the context of that, \$48,000 is a significant figure. In addition to that, we could also propose a sidewalk payment on our side of the street. There is no sidewalk on that side at the end. That would further contribute additional dollars to the sidewalk fund. Those are things we are willing to do or happy to change. We realize we may have to do a revision to this before the City Council meeting or

possibly even a delay and another hearing to change those proffers. We're happy to do that. On the stream protection issue, our description references the DCR regulations on that. Our thought was to spell those out. We will do this in accordance with DCR (Department of Conservation and Recreation) regulations. It is a state agency that deals with things like stream restorations. I think a Special Use Permit seems reasonable with more density and more parking in an impervious area. That's the tie that makes sense.

The unimproved section of Grove Street is between us and the railroad tracks. The site plan has not changed substantially from the work session that we had in October. We have four buildings with seven units a piece. They cover the parking. They have green space and amenity space around them. The stream restoration is here. We would either install the sidewalk along our side of Valley Road or pay into the fund, which would go into other sidewalks. There are setback reductions as part of the Special Use Permit. The R-3 zoning district has some suburban setbacks. The Special Use Permit would modify it with something more reasonable. There is the \$48,000 proffer. We have no objection to amending that proffer to be used throughout the city sidewalk fund. We wanted to give an example of the scale of the buildings. On the left, you have three townhome units at 60 by 40. Our buildings will be 47 by 53. The three townhomes are a little bit smaller. A duplex would be the by right building here. It would be 60 by 24 and house two units within it. Our goal is to get some more meaningful density into a location where the buildings can still fit the scale of a house more than the scale of an apartment building. You will notice the elevation on the right hand corner. That gives you the scale. It is three stories with an attic with the lower floor being parking. The houses behind our site are at a much higher elevation. Our site tucks into the hill. We have this 3 or 4 story building with a duplex across the street with single family at the higher elevation. Behind our site is the University and the University Health System. A couple of examples we thought were compelling were these houses off of Cherry Avenue. These are 6 or 7 unit buildings. We saw these and we found them as a successful example of implementation of a plex-type building. It has single family and duplexes around it. It blends into the neighborhood very nicely. This is the cross-section illustrating what I discussed earlier. At the top, we have Valley Road Extended over to Baker Street. It gives you an idea of how we cut this lower level into the hill making it a two and a half story building. There's a duplex that is the closest existing structure. This is the detail of the stream restoration. We have updated this from the DCR regulations. Undertaking this stream restoration would be in accordance with the specifications from DCR. The concepts can remain implemented. I had heard about this not being a good location for that. That surprises me. I have rarely seen a stream that couldn't benefit from some restoration, especially within the city. Most of them are compromised in some way or fashion. If that is true, we could maybe put a little more money into sidewalks instead of this. We felt this was an appropriate improvement to make on site given that we are asking for a Special Use Permit.

The critical slopes on this site are a little unusual in that they're in the middle. There's not a huge slope here. I think the slopes are something like 26% or 27%. The slope that gets you to a critical slope is 25%. Mr. Dawson (City Engineer) described how the conditions were intended to force erosion protection. Regardless of the slope, they are going to require that sort of protection for any project. When this slope waiver business came about, some of the enforcement or the detailed erosion control plan was not what it is now. From my experience in working with the city, the presence of critical slope would not change their perspective on protecting streams by all means. For those concerned about that, that is covered very thoroughly. This particular slope is not part of some larger slope system. It carries on from around a couple of houses that are developed.

As far as the staff recommendation on restricting R-3 uses, we are happy to go along with that. Those seem reasonable to us. I am happy to amend our proffer accordingly.

Commissioner Russell – There is no feasible way that Grove Street could be extended to this site because of the way that Baker Street interrupted what would have been the right of way? You couldn't go through the houses that are there to connect?

Mr. Shimp – I did research the deeds there. My first thought was to build a pedestrian path along Grove Street using the city right of way. We could connect over to King Street and walk onto the site from that direction. Unfortunately, that right of way was closed.

Commissioner Russell – I was curious of your change in the proposed units from when we saw this in the October work session. You had a mix of 2 bedroom and 4 bedroom units. What led to the change that is now all 2 bedroom units?

Mr. Shimp – When my clients were first looking at this property, they viewed it as a student housing type of project. What we heard from the neighbors and the Planning Commission was encouragement to make it more of a local person's development. This is for people, who live and work around town. A two bedroom unit is a more conducive unit for those people.

Commissioner Russell – I know there would be stringent requirements from DCR. When you look at the plan, what struck me was that one third of the stream isn't restored. It is piped through a culvert. The other half of the stream is bounded by a retaining wall. That cannot be truly defined as restored under DCR?

Mr. Shimp – There are all different levels of that. It would be preferable to have vegetation on both sides. You can create the pools of vegetation needed on one side and the retaining walls to stabilize the slope of the sides so you don't have erosion and sedimentation on that side. We do have to drive across the culvert in some fashion. I don't know if this is a discussion for now. It can be. We could propose a half pipe culvert so that the stream remained natural all of the way through. We could do that. I don't know if we have gotten to that level of detail. It could be done in different ways. I think the proposal would meet the technical requirements of stream restoration as proposed.

Commissioner Russell – In your presentation, you showed the "plex" structure. I am familiar with those "plex" buildings on Cherry Avenue. I think they're a good example of more density that fits into the existing neighborhood. However, they are two stories tall as opposed to four stories. Part of the reason they fit in is because they are at that scale.

Mr. Shimp – You are correct. Those are smaller. Those benefit from having a different parking situation. In some of those older units, parking is not as strictly enforced as it is now. In our case, we have the benefit of a slope. We felt that with one floor effectively eliminated, we are cutting back into the hillside leaving more of a 2.5 or 3 story effective structure. We are also separated from the units adjacent to our site by more distance than those. Your point is taken. I love those units. I think they're an excellent model for side by side. We have a little bit more separation. We felt what we had was reasonable.

Commissioner Russell – I want to note that although you might have used a standard sidewalk number, I think it is very clear in looking at that street that a big cost would be relocating power lines. They're bounding the ability to have continuous sidewalk.

Mr. Shimp – I have not surveyed that entire street. If the right of way is similar at the entrance as at the end, you could build a sidewalk. I think you have to have 36 inches minimum at the pole separation. You could widen out the sidewalk. There are unknowns with these kinds of things. We have proposed a very specific proffer in response to some "back and forth" with the city. We should have gone through a little more. It is true that every resident in the city is going to walk on a city sidewalk somewhere. I think it is fair to take that out a little bit further, especially if that is easier to implement.

Commissioner Stolzenberg – Walk us through these proffers. There is one proffer in the application and the additional proffer that you just made. I think you said that you weren't aware of the concern about additional uses in R-3 until today?

Mr. Shimp – I should clarify that when the staff report came out. At that point, it is too late for us to amend the application. It has already gone out to the public. We don't have an objection to amending those so that the proffer would have two things. It would have a restriction on the uses that staff recommends. It would have the sidewalk cash contribution that would go to the city's sidewalk fund.

Commissioner Stolzenberg – Walk us through the affordable housing on the site and in this application.

Mr. Shimp – This project trips the FAR limit for affordable housing. We fall under the city's policy in this particular one. There are no further proffers than that. We must follow 34-12. I think that it is one affordable unit as triggered by the housing policy.

Commissioner Stolzenberg – There was some discussion from the public suggesting that you have set the rent for this project at \$1500. I didn't see that anywhere in the application. I know we had an extensive discussion in the preliminary discussion about housing affordability. If there's one unit that will fall under the regulation in 34-12, which would follow the standard operating procedures and be priced at HUD high rents, which are fair market rents in this case, is that correct? What's the expectation for the market rate units on the site?

Mr. Shimp – That is correct with regards to the affordable unit to follow the procedure City Council has spelled out. As to the other units, they're market rate. They are designed to be a building for people who work around town and has some amenity space. We don't have pools or roof decks. It is truly meant to be a simple reasonable place to live. It is not designed to be extensive. The rent will be dictated by how many other units come online and the time this comes online if it should get built and what the demand is at that time.

Commissioner Stolzenberg – I would note that the payment standard limit for 2021 for a two bedroom apartment for CRHA is \$1392 a month. We have talked about the stream and the restoration you're going to do for it. I don't see anything in the application that says DCR (Department of Conservation Resources). You haven't proffered the development plan. What assurances do we have that you would even do that? It doesn't seem to be required by anything in this application. You could do a by right under R-3 rezoning. You could do the SUP without that.

Mr. Shimp – It is proposed as a condition of the SUP. We don't have an objection to putting it into the proffer if the land is zoned R-3. We would develop it regardless if the Special Use Permit is approved or not with the stream buffer. Our hope is that if the land is zoned R-3 and the Special Use Permit is granted some developments may not necessarily be as good as the one proposed. The stream restoration could be placed in the proffer. We don't have any objection to that. If the Special Use Permit is granted, the SUP will have a condition in it that requires conformance with the plan as submitted. If Council was to approve the R-3 but not the Special Use Permit, there is a scenario where you haven't seen the plan for that. We hope that it doesn't happen. We can still build an apartment building there. It is not going to be as fitting in with the neighborhood as our proposal. If it did happen, we don't mind moving the stream restoration to that category to protect from that odd occurrence.

Commissioner Dowell – Most of my questions have been addressed in the pre-meeting. I had asked about possible ways to repurpose the proffer for the sidewalks. It seemed like it was an impossible project to put together. I was curious as to how you are justifying the project being harmonious with the current neighborhood.

Mr. Shimp – The origination of the concept in accordance with protecting neighborhood character is to think about it in the context of zoning. It comes from a dark place. There is this idea that neighborhood character needed to be protected. I think that has been used to say things like “we can't allow this small business to go in” and “we can't allow this apartment building to go here because it would adversely affect people in single-family dwellings who already live there.” I believe that putting more people in the neighborhood is a good thing. People will agree and disagree about that. The important consideration is not the number of people. In my mind, the more that can fit into a place where they have good opportunity, the better. The first sketch we submitted was a single apartment building on this property. In thinking about that, we felt that it was reasonable within the neighborhood. That's the reason we broke it up into four smaller buildings. They're not as small as the houses there. They're designed to look like a house. If you were to look around at some of the single-family houses being built in the city, they're a similar size to the units we propose. It's about how you imagine a single-family house accommodating more residents into the neighborhood. That's the origin of many of our projects and this particular inspiration and why it fits into that context. We can look at the context in what the street looks like and not “will I be interrupted by different people moving in.” That concept of “character of neighborhood” is used in a way to keep people out for the protection of others. The city does not do that. The background of that concept has been used that way. I look at it as how these buildings fit as compatible structures so there can be more neighbors in the neighborhood that still feels like a residential neighborhood that doesn't have high rises at every corner.

Commissioner Dowell – We have had a development come that was up the street from you. That was one of the big things. It was not necessarily harmonious with the neighborhood and its current character. I was curious about your thoughts about that.

Commissioner Solla-Yates – I have heard a lot from people pro and con about vehicles going to and from this site. The two different trip generation numbers are concerning. I have a recommendation for rejection from staff based on one of those two numbers. There is a really big difference. I have concerns from residents saying that there is not enough parking. I have concerns from residents saying there are way too many trips. I have concerns from residents that there won't be enough support for alternative

modes. I have one suggestion saying free bikes for everybody. I am really interested to hear your thoughts on this.

Mr. Shimp – Parking is always a key issue with these things. It would be less expensive for us to provide an e-bike to everyone. I am sure that some people would suggest we start trading parking spaces for e-bikes. Maybe that is not a bad solution in the grand scheme of how the city gets built out. Parking was the number one concern at the neighborhood meeting. We asked the city about putting in some backend spaces off of Valley Road. We can get eight more spaces that way. We're happy to do so. The traffic engineer has said that they weren't crazy about the idea. We're currently pretty open to this. From a standpoint of getting along with the neighborhood, having parking there is fine with us. We have had this discussion before. There is a question of whether to put more bike racks or parking spaces. There can be compromise in these things. We're not opposed to these backend spaces. In this situation, we would definitely pay into the sidewalk fund. We would not build a sidewalk on our side of the road. Similar for down Valley Road, people would basically pull off the street into these parking spaces. The benefit of this location is the very end. Nobody would walk past the site on our side of the road. As far as conflict between pedestrians and parking, there really wouldn't be any. If traffic engineering is OK with that, we're happy to proceed with that concept. We haven't gotten the 'blessing' from them. We would if they were to give us that 'blessing.' It comes down to the numbers being very different. I have to ask people to consider if there is 150 trips for this road, how that compares to 150 trips coming in off of 5th Street; people commuting in and people coming down Rt. 29 and other busy roads in Charlottesville. A function of that is in the thousands. People commute from all over the place. If somebody can e-bike around easily, you're contributing to the fix and not contributing to the problem. I personally do not believe 150 trips creates any particular detriment to the road. More parking spaces can be provided if the city engineer permits it.

Commissioner Solla-Yates – I have heard so much about dog walkers. How will this affect the quality of life of those who cherish this property?

Mr. Shimp – It will affect very positively the quality of life for the people who move into the property. I cannot speak for the dog walkers. Those who work around the area can move into these units, can cut a bunch of commute out of their life, can engage in bicycling or e-biking, will be very happy, and their lives will be very positively impacted. Those people and their dogs may need to walk a little further somewhere else. It is private property.

Commissioner Lahendro – My biggest concern remains the traffic. I don't know how we resolve that and the difference between the two traffic counts. I am really surprised and disappointed that our traffic engineer is not part of this meeting knowing how important this is to the neighborhood and the community. I don't know how to proceed.

Mr. Dawson – I apologize for our traffic engineer not being here. I can't speak to the trip generation numbers. I was involved in the review of the angled parking. That is not standard for the public right of way to have angled parking like that. That would not be approvable. As mentioned, it does conflict with the sidewalk, which is a requirement. It's not a good idea as stated "if you build it they will come." We don't want to displace the potential sidewalk with parking. I apologize about the trip generation numbers. The parking is not acceptable without an innovative design proposal.

Chairman Mitchell – I will echo Mr. Lahendro’s concern about the traffic with the inconsistency with the counts that we have. Traffic is narrow with all of the people walking in there. I am peaked by your willingness to tighten up what you would be doing under R-3 and restricting some of the things by proffer that might be done there. I am also peaked by your willingness to move the money into the general sidewalk fund. Ms. Robertson (City Attorney) did inform me that we have 12 years to spend proffered money.

Commissioner Dowell – Since this is private property, it is not fair to consider people having an issue with not being able to walk their dog anymore on the property. It’s not even fair to the property owner to bring up in a discussion of this nature. That is private property. Nobody has rights to it except the people who own it. They should not be using the property without their permission.

Commissioner Stolzenberg – I have a question about off street parking in this plan. I am looking at page 67 of the packet that shows the 8 on street spaces and the off street parking lot. I am counting 29 parking spaces there. Is this over-parked? Is this under-parked? Is this parked at the regulations? I know that one space per 2 bedroom unit is required. I believe you mentioned something about bike lockers. There’s a reduction associated with that. Where are we on that requirement?

Mr. Shimp – The intention is to park it at the requirement. We were planning with some tweaks to that following the neighborhood meeting trying to get as many parking spaces as we could. We would not be requesting a reduction on the bike lockers. We would have bike parking spaces. We would not be looking for a reduction.

Commissioner Stolzenberg – Given that reduction would be applicable but not applied, you said there’s more parking than required by code?

Mr. Shimp – There certainly would be at least as much. If we had enough bike locker spaces, in theory, it would reduce the requirement. It might be one parking space over by code.

Kelsey Schlein, Applicant – The exhibit in your packet was explored at the community meeting. We are working through comments with city staff. We received those comments coming up on the deadline of Matt having to produce a staff report and get everything finalized to be on this Planning Commission date. That’s the reason for the discrepancy. We explored exactly how many additional parking spaces we could find. Picking up that one additional parking space onsite was the result of tweaking the retaining wall heights at the rear of the property to pick up some additional space. Those are the reasons behind the plan that you see in your packet.

Commissioner Dowell – The parking proposed is enough parking to park the entire development? They would not have to use on street parking. All of the parking would fit?

Mr. Shimp – That’s correct.

ii. Public Hearing

Kevin Hildebrand – I live at and own 1522 Cherry Avenue. My parents purchased this house in 1955 as their first and only home. I remember the single family character of the neighborhood in the 60s. I have

seen many single family houses converted to two separate units and rented to students at the University. My understanding of the Comprehensive Plan and Zoning Ordinances is that they are to provide assurances to homeowners who invest in their neighborhoods that there will be a consistency in character and density of their neighborhood. They will foster and protect the wellbeing of communities. Our neighborhood is uniformly R-1 and R-2 Low Density Residential. The railroad acts as buffer to the higher density that has been allowed around the University. The request to spot-zone the three parcels at the end of Valley Road Extended from R-2 to R-3 would be the first incursion of R-3 into our neighborhood. It is not just inconsistent with the Comprehensive Plan and the character of our neighborhood. It is hostile to it. The rezoning would destabilize the neighborhood setting a precedent for future rezoning requests. I ask that you consider the proposal from a different perspective. There are 30 residential structures on Valley Road Extended. Most are two family units. The proposal to allow 28 dwelling units represents a 50% increase in dwelling units on an overcrowded road, which means increased traffic. I think there are other parcels that would be prime for the city to consider, especially the street frontage of the Johnson Elementary School.

Josh Carp – We have heard a lot of concerns about the character of the neighborhood. The character is pleasant, beautiful, and extremely expensive. You have to be a professional to afford a house here. There aren't a whole lot of options that are affordable. To me, character means what kind of families can live in our neighborhoods. I am skeptical of the high traffic numbers. The neighborhood reminded me of my old neighborhood of North Downtown. I think it was pleasant living in my previous neighborhood. I do think that people are walking across the tracks to work at the hospital. If these homes don't get built here, they will be built somewhere else. They will be driving more.

Crystal Passmore – I want to echo what the previous person just said. It is very expensive to live in town. We need more housing in town. This is currently an empty lot. We should be asking for more units here, not less. I don't understand people talking about walking their dogs. More people to be able to live here. People do want to live here. If we don't build these houses, I don't know where you think we can put 20 more affordable houses in Charlottesville.

Stacia Reinhardt – I live on the other side. I drive from one end of Valley Road to the other end every single day. I and my husband walk our dogs every single day. The traffic count is very high. At the community meeting, we were told that the traffic number was a low number. Every time I walked down this street with my dogs, I get at least 3 to 4 cars going by me. There is no way with 28 unit apartment that there is only going to be 28 cars. Most people cannot afford those apartments at \$1500 if they don't have two incomes. To have two incomes, most people have two cars. You now have issues coming down the road for emergency vehicles. The road is blocked. That is part of living here. People looking for parking are going to come up the street. The street is not a city maintained street. Any cars coming up the street are going to damage the street. We have to pay for that out of our pockets.

Michael Thomas – I don't believe the traffic count is quite that high. The big issue is that Valley Road Extended is 2 lanes on paper with the pinch points in the middle. I feel half the number of apartments would be better. I do agree that we need more housing in the city. I would like to see all or most of it be affordable housing. I would hate to see people being displaced who live on this street. I would love for a pedestrian tunnel under the tracks. It would be good for the city to look at the stream as a whole. There is a pinch point where there is some flooding of the street.

iii. Commission Discussion and Motions

Rezoning Application

Commissioner Solla-Yates – We have discussion of two proffers we don't have. We have two different trip generations that don't match. Can we proceed?

Chairman Mitchell – It is up to the applicant to revise the proffers. If the applicant would like to defer and revise the proffers and consolidate the trip generations, it is up to the applicant to do that.

Commissioner Lahendro – We heard the applicant say something tonight in their presentation that they meant to change their proffers. They're offering something different. We can't take that into consideration?

Ms. Creasy – We can. Are we referring to the change from where the funding would go?

Chairman Mitchell – The applicant offered two revisions. One was a proffer to restrict the R-3 uses. The other was to be a little more flexible on where the sidewalk funding would go. There was an allusion to the protection of Rock Creek.

Ms. Creasy – The one specific to the amount and where that goes has some flexibility on that. The advertisement did not include additional proffers on restricting uses on the parcel. I am not sure that we would be able to add that at this point in time and consider that with this vote. Are those outlined? I don't recall which uses would be restricted.

Commissioner Lahendro – Mr. Alfele has them in the staff report. Could we make that a part of the motion?

Lisa Robertson, City Attorney – The proffers you are looking at in your review are considered preliminary proffers. They can be modified by the applicant verbally as part of the joint public hearing. If there's a proffer that is now being offered for the first time or there is a proffer that is being substantially modified from what was identified within the application, then city code 34-64 requires that the application be continued by the Planning Commission to allow for review by both the planning staff and other city departments and to allow for the opportunity for public comment on the new aspects of the proffers that are being offered as part of the application. For anything new that is being offered now that wasn't part of the application, the city code states that the application should be continued.

Mr. Shimp – If we could proceed with a verbal agreement with said proffers, we can put them into the final condition moving forward. That is our preference. If that is not allowed by city code, then it is not allowed. In the county, we can amend the proffers as long as it is more restrictive. If I proffered to restrict those uses, a new public hearing would be required because you're giving the public more protection. If the code prohibits that, I don't have an objection to this being continued. The things I have said and agreed to can be put into writing and adjusted quite easily. If that is what needs to happen, we are OK to defer. The Commission can finish their discussion so that we can have a complete list of any changes, to amend that, and come back the following month for a vote.

Commissioner Dowell – We definitely need to continue our deliberations. I would hate for them to do a continuance and we move to not approve the rezoning anyway.

Councilor Snook – I am curious what the effect would be of proffers that laid what they weren't going to allow under current R-3 zoning if we're about to "throw all of the zoning ordinance up in the air" anyway if the new zoning ordinance doesn't even have an R-3 designation. Do those proffers persist?

Ms. Creasy – They would continue to go with the land. We do not have a proposed rezoning request at this point. We're just working through the land use map. Once we get further down, there may be more information. It wouldn't be in a timely manner for the application that we have before us. We need to work with the information that is currently approved.

Councilor Snook – What is the effect of a deferral at that point if we defer and they come back? If we come up with a new zoning ordinance, what happens?

Ms. Creasy – I anticipate that it will be much more than 4 or 5 months.

Councilor Snook – With this proposed rezoning, would the parcel be in violation of the land use map, both current and proposed? The issue that is more important is that I think it is very poor policy for us to approve a rezoning that puts 3 parcels in a place that violates what we are about to do and what we currently have in the land use map.

Ms. Creasy – We definitely have to use the tools that we currently have approved. We can consider where things are going. Where things are going, we're not quite sure. We're in the public comment phase. We're receiving quite a few comments from the public. We anticipate that will continue to evolve. For the application that this applicant has provided to the city for a result, we have the tools we have in place to address that.

Chairman Mitchell – At the end of the day, Councilor Snook, you're going to make the decision. It is probably good for us to deliberate and give you our recommendation free of influence. We can give you our advice.

Ms. Robertson – In an ideal world, comp plans are updated regularly on a five year cycle. You have the guarantee that things are going to look exactly the same. For the Planning Commission, your job is to review the application in accordance with the current comprehensive plan. You have a timeline that has to be done on. Once City Council receives your recommendation, it does not have a specific timeline that it needs to act on. Depending on the schedule of certain things, City Council can make its decisions accordingly. In a number of localities when there's a proposed development in between cycles where the comp plan is being updated, it is not unusual for landowners to present comprehensive plan amendments along with their rezoning request. You don't have to put applications on pause while you wait to figure out what you might want to do in the future. You should go ahead and review it. Once the application gets to City Council, it doesn't have the timeline it is acting on unlike the Planning Commission.

Chairman Mitchell – Kelsey and Justin I think you are leaning towards a continuance or a deferral. If that is the case, I would like that we poll the Commission on the whole package on what would make the package better or things that we don't like. Is that OK?

Mr. Shimp – That seems logical to me. The future land use map is just one part of the comprehensive plan. I am very much weary of going purely by maps in land use decisions. It is all about how you make the city better for the community. That means for people living in the community and people to be living in the community.

Commissioner Palmer – I would point out the crossing over the tracks of people going to work at the hospital. UVA doesn't have any plans for building a tunnel. We developed Brandon Avenue area or took that street from the city. We brought it into UVA and reorganized it. We did do a study to see where a potential crossing might make the most sense. The area at the end of Valley Road Extended wasn't one that came out on top. It seemed more feasible to do something with the alignment of Monroe. We did the study as part of taking over Brandon Avenue. Any advice to the applicant would be to think about the connectivity with the larger sidewalk network. I know it is tough on Valley Road Extended. From the University standpoint, I wouldn't have any other comments. The stream is important to restore. Affordable housing is always a big deal.

Commissioner Russell – One thing I would want clarified in a future application via proffer would be around that stream restoration and what standards they would be meeting and better articulating of that definition of restoration. I am worried about the proposed jump in density of this site with the rezoning and the SUP. Your application states that medium density, multi-family residential development would not be out of character. I agree with that intent. I think what you provided as shown does overshadow the existing road, the existing parking, and isn't what we, as the Planning Commission, are hoping to see in terms of more transit oriented development. It is at the end of a dead end road. Speaking to a future land use map, this doesn't seem where we want to see the intensity within our neighborhoods.

Commissioner Stolzenberg – I keep thinking about comparable apartments here in North Downtown on very comparable streets, in terms of being 20 foot widths. There are always cars completely parked in one lane on Altamont Street, Altamont Circle, and First Street North. On Altamont Street, it is single-family homes, largely subdivided to two apartments each. At the very end, there is a 20 unit apartment building with a 21 space parking lot. Altamont Circle was developed as a single family home street with very expensive homes; well over \$1 million for most of them. In the circle, there is a 30 unit building. I think about the people living in those buildings. Hearing the comments from the neighbors, I wonder if we would ever approve those buildings today. Or would we say "we don't want them living in our community." There is a path to 'yes' for me for this. I do empathize with the neighbors' concerns about traffic and the impacts of cars on that road. The fact that it is fully parked means there won't be much parking spillover. There has been a lot of talk about how two bedroom apartments mean two cars per apartment. If you look at the census data, that is simply not true. The vast majority of units in the city have two or more bedrooms. If you go to Vehicles Available, less than half of families have two or more vehicles available. The majority of all families have one or zero vehicles available. Of renters, only 37% of renter households have two or more vehicles available. In excess of 60% of rental households have one or fewer vehicles available. That is clear to me that there is plenty of parking here. It does make me hopeful that there will be fewer car trips generated by this.

We were talking about the right of way to get to places. It seems that this part of the Grove Street extension that the path to Grove Street is all railroad right of way. It is actually a lot wider than most of the railroad right of way. I wonder if there is a way to recover that to create a pedestrian facility in the

future. That's not necessarily a prerequisite for this. The actionable suggestion that I would make is that if we're going to make this pedestrian improvement proffer more general, I would hate for it to be dumped into some general fund that might be applied elsewhere in the city without at least some consideration for applying it here. I would word it in a way that it is just for pedestrian improvements. If there is some way to create that path there, that would be great. Even if it is something like traffic calming along Valley Road that you can do to make it more tolerable for people to walk along. The roads I mentioned earlier do have sidewalks. They are so narrow and often blocked by things like trash cans that almost everyone ends up walking in the street anyway. It does make cars go slow. The bad thing is that people are in the streets with cars. Any way you can make that more tolerable is better and something I hope city staff could be free to do with that money. I would like to see the actual development plan be more solidified as the guarantee of what we get here. I would love to have more of a reason for us and Council to get to 'yes' here and to get a real significant public benefit. More rental housing and more availability for families to live in our community is a benefit. More affordable housing would make it even stronger and more of a reason to ask the neighborhood to observe these impacts.

Commissioner Dowell – I feel very strongly that we do need more units of decent housing in the city. On the other hand, the point of a Special Use Permit is to make the property better or to provide a public benefit than what is already there. From what has been presented to us, I can't see how this is necessarily going to make this neighborhood better other than we are putting more units in the city. It is really not accessible. We only have, by code and proffer, one affordable unit out of the project. I agree with the citizens who commented. I would definitely like to see, if possible, at least one or two more affordable units within this site. One of the residents made a great comment. The prices may not look that bad to the average person looking in. When you compare them to the people, who already live on the street, that landlord says "the development at the end of the street can get \$1500 for an efficiency. I am going to charge \$1700 for my duplex." Then you start displacing people out of the neighborhood. No, we're not displacing anyone off this site. Without being responsible, you could displace the rest of the people that are already the remaining part of the street.

Commissioner Solla-Yates – There is a lot I like about this project. I have been watching that kudzu patch for a long time. I don't like to talk about land use harming residence in the city. Kudzu is invasive and really bad for the environment. With the design, it makes a lot of sense. I really like having the buildings over the parking and reducing the footprint on the land and reducing the visual impact on the property. That is very smart. That is something I want to see more of in the city. It breaks my heart that there is not a clear connection to the university. It does change how the property works. Affordable housing is really important. I am excited to see how that develops.

Commissioner Dowell – I would like to see those funds for the sidewalk that were proffered to stay in that neighborhood. I think it is important to use that to develop or have better amenities for the neighborhood instead of saying "here are funds for sidewalks throughout the entire city." I don't think that is necessarily going to benefit the residents of this development.

Chairman Mitchell – If we do that and keep the funds in the neighborhood, remember we have no idea when we're going to be doing any sidewalk development in that area. We still have 12 years to spend a restricted proffer.

Commissioner Dowell – Sidewalk and road improvements are very expensive. I wasn't necessarily saying a sidewalk improvement right now. I also think that there can be something else the money can be allocated to improve the neighborhood in general. I just want to see the funds in that neighborhood. I do not want to wait ten years to see the funds used. If the development is going to move forward, then the funds that are supporting that development for neighborhood amenities and improvements need to coincide with that. I don't want funds sitting somewhere for ten years because we can't think of what to do with them.

Chairman Mitchell – I like what Mr. Stolzenberg suggested in improving general walkability and circulation. I like what Mr. Shimp just proposed in keeping the money in the general area.

Commissioner Lahendro – This is hard. We are hearing from our City Council that we have to take into consideration an approved comprehensive plan that is 8 years old. We have been going through a process for the last 3 or 4 years hearing how that comprehensive plan needs to change. It is not there yet. We know it is going to change. It is going to allow more density in the city. We have to use the tools that we have at hand that have been approved. I look at the proposed development. When you have retaining walls that are a story and a half tall and that is how you are able to fit this development on this site, it is not really designed appropriately for this location. I would like to see more than the by right amount of development allowed on these three lots but not as much as what is being proposed and to have the design be more appropriate for the topography and the site than it is now.

Chairman Mitchell – The only thing that I will offer relates to the critical slopes. I would ask that you take a look at the staff recommendations at the end of that report. The initial recommendation from staff is that we deny the waiver. They do suggest that if we do approve the waiver, a litany of things be done. You should look at that and maybe include those recommendations in your next iteration. The feedback I am getting from staff is that if you do those things, they're going to be far more comfortable with the application than they are now.

Ms. Creasy – If you ask for the deferral that would probably be much cleaner based on the discussions that have been had and the potential feedback you all have provided. This is likely to go back to square one.

Commissioner Stolzenberg – We had a conversation with Ms. Robertson about comprehensive plan amendments. We did do one for that 208 Maury project. I wonder if that would be appropriate when this comes back to us so that it is in conformance with the map portion of the plan. I think it is in conformance with other portions of the plan and of the adopted Affordable Housing Plan. There are small, isolated parcels that are already R-3 in places like North Downtown, Park Lane, and Farrish that are not designated high density in the comprehensive plan and designated R-3.

Commissioner Dowell – We feel comfortable with spot zoning in everything surrounding this property?

Ms. Robertson – The comprehensive plan is a guidance document. It is not a prescription. It is OK to make a recommendation or a decision that is not strictly in accordance with the plan if you know that the city is moving in a specific direction. Generally, if you want your comprehensive plan to be effective, your decision should be made in a way that implements that plan. You are on the back end of a comprehensive plan that you are updating right now. If the Commission wants to initiate a comprehensive

plan amendment for this location, you can do that and have it advertised for your next meeting. It would take longer. Staff would have to develop that recommendation. I am not sure that is practical. From a legal perspective, it is not necessary.

Commissioner Dowell – I was just asking if we were comfortable with spot zoning.

Ms. Robertson – Be careful with your terminology. A lot of people use spot zoning. Spot zoning is when you zone something purely for the benefit of a private developer. Spot zoning is not when you agree to rezone a particular parcel of land because the property owner has asked you to do so. There is a difference. In my opinion, this is not spot zoning. It is a proposed rezoning that has a number of impacts that aren't necessarily addressed in terms of guidance within your current comprehensive plan for this location. In terms of what the city would be getting, you would be getting the unit of affordable housing that your ordinance calls for. It is not the case that your decision would be solely for the private benefit of the landowner. That is a line that is hard to understand. Rezoning a single piece of property isn't the same thing as a spot zoning. I get that this feels like you are in a strange place because of the place you are in the comprehensive plan process.

Commissioner Stolzenberg – That makes sense about the comprehensive plan amendment to me. In the early stages of the map process, we saw a map of vacant parcels in the city. It does make sense to develop those more densely. It doesn't displace anybody or create any pressure to tear down existing housing. I was surprised to see those weren't treated differently in the new comprehensive plan. That is something we could consider moving forward.

Mr. Shimp – I would like to request a deferral. I will take into account what I have heard. I hope to not start from square one. It will depend on the nature of how much we revise the plan. We have heard some good feedback. We will take that into account and resubmit promptly.

Motion to defer application – Commissioner Solla-Yates (Second by Commissioner Lahendro) – Motion passes 6-0.

Meeting was recessed for five minutes.

Commissioner Dowell did leave the meeting prior to the presentation.

IV. COMMISSION ACTION ITEMS

1. Presentation – Botanical Garden of the Piedmont

Jill Trischman-Marks, Executive Director of Botanical Garden of the Piedmont – Last summer, we invited the community to give us suggestions about a new name for the garden. We got over 200 responses. The name we selected was Botanical Garden of the Piedmont. It was chosen because it was concise. It not only describes where we are located, it also speaks to the flora and the fauna that will be highlighted in this garden. In 2012, the idea of a botanical garden was first visualized on the master plan for McIntire Park East. In 2013, the garden became a public-private partnership when the city named us as their partner. The City of Charlottesville has dedicated the land for this project. That's where the taxpayer burden ends. All of the funds that are needed to design, construct, and maintain

this garden will be privately raised. Once it is built, BGP will be free and accessible to all. The idea of a botanical garden in McIntire Park East was refined in 2015 with the development of the East McIntire Park schematic park plan by Mahan Rykiel. The mission statement is: “To invite all community members and visitors to engage in nature, to educate and inspire through beauty and importance of plants, to advance sustainability, and promote human and environmental wellbeing.” Below that is our vision. Both the mission statement and vision were adopted by the Board of Directors in the past year. We have just completed the first of three design phases for the garden, our schematic plan. That was based on community feedback. We did that in a variety of different venues as well as on a survey on our website. This is the resulting schematic plan, which won a national award from the American Society of Landscape Architects. This plan focuses on enhancing the existing ecosystems. It also provides gardens for interactive and immersive learning. This plan redefines the idea that botanical gardens are only places to discover botany. It creates a place to pull a broad audience. That adds a distinct social overlay. We do have quieter, more contemplative spaces like flowering groves, woodland trails, meadows, mushroom, fern, and moss gardens and healing gardens. We also have active and communal garden areas like an aquatic garden, a waterfall feature where you sit in the rocks where water cascades over and a tree canopy walk. In the center of your screen, you can see our visitors and education center. Adjacent to it are the most public and programmed garden spaces. It includes the main event green and our natural outdoor amphitheater. They have been designed to facilitate social interaction and support diverse programming. They will host classes and seasonal celebrations and performances for the entire community. The spaces will also be available for rental, weddings, and corporate functions. Those things will help support the garden financially. The blue line you see over the schematic plan is the border of the 8.5 acres that has been designated for the botanical garden by the City of Charlottesville. The infrastructure adjacent to it is currently the responsibility of the City of Charlottesville. It was planned to serve all of McIntire Park East, not just the botanical garden. Because the garden is adjacent to and dependent on this infrastructure, we can’t make any progress on the site until this infrastructure has been constructed. You can see this land outlined in red. This infrastructure has not been included in the CIP budget for the next five years. A delay would definitely would kill our momentum. BGP has begun a conversation with the City Manager, Chip Broyles and Todd Brown, the Director of Parks and Recreation regarding assuming the land and responsibility for some of this infrastructure in a land-lease agreement modeled on the agreement the city has with the YMCA. This schematic plan was the first of three design phases for the garden. We continue to invite community feedback with the garden survey available in both English and Spanish on our website. The public input regarding the preferences for the features and programming in the future garden helps us to ensure that it will be welcoming and relevant to all. I invite all of you to go to our website and respond to the survey. On the screen is the dashboard of the 369 responses we have received so far on our survey from December 7th to May 1st. There are other things that are happening now as we raise the funds to build the future garden. With the help of community grants, business partners, and volunteers, we started stewarding the site a couple of years ago. The removal of invasive plants opened up the site. We used chippings to create trails, which allowed us, until COVID, to start offering education programming. The programming ended but the use of the site increased as the public sought solace and comfort in the outdoors. To fill that need, we met with our local community partners for ideas about how to make the site more welcoming. We got great feedback and responded to those needs. We added log benches along the trails and created gathering areas to safely accommodate people between 4 and 12 people. We have started garden guardian programs, which is on the first and third Wednesday mornings of the month. That’s how we are helping to maintain the site. We are looking forward to a lot more

happening in the next year. There is a bridge that is going to be constructed over the stream and trails that are going to connect the Melbourne side of the garden to all of McIntire Park East and beyond. The first phase of a stream restoration will be beginning soon. There will be a garden shed and a wildflower planting bed installed on the site in the next month. As COVID allows, we're planning to resume our garden site educational walks. We will be hosting donor and volunteer days in the garden as well as a Fall Festival art show. In September, we will be hosting our 4th Ian Robertson Lectureship with the theme of Healing in Nature.

Commissioner Lahendro – During your presentation to the Tree Commission, one of the things that I came away most excited about was a very distant possibility of using the abandoned Norfolk Southern railroad line that goes right through McIntire Park for a green walk. I know that Piedmont Environmental is pursuing this with the railroad. The possibilities are extraordinary for what that could do for McIntire Park in connecting it with all of Charlottesville. Can you speak to that?

Ms. Marks – That was a presentation that Peggy Van Yahres made. The group is working with the PDC on that project. I am strictly a staff member of the Botanical Garden. It is a pretty exciting possibility for the city.

Commissioner Lahendro – It certainly has implications for the Botanical Garden.

Commissioner Solla-Yates – Can you help me better understand this concept of a land lease?

Ms. Marks – The land lease is based on the contract the YMCA has with the City of Charlottesville. The advantage it would give to us as a partner with the city is that it would allow our donors to have more confidence in our ability to be able to control the funds, the donations that they give and how they will be received by our organization. We have an MOA agreement with the city. It is not a confidence builder for our donors.

Commissioner Solla-Yates – Would this take you out of the CIP logjam? How does that work?

Ms. Marks – On the current plans for the infrastructure that is adjacent to the garden, there is a plan for a parking lot that requires 8 feet of fill on it. Below that will be the utilities that will service the garden. We can't do anything until those utilities are installed. They need to be installed with 8 feet of fill in place. That's a hindrance. If it is not on your CIP in the next 5 years, we take that responsibility away from you. We can proceed.

Commissioner Dowell – One thing that I would definitely like to recommend is about signage. I am currently using the John Warner Parkway. I am finding that we have some really nice things within the city on that parkway. If you're not familiar with the vegetation or what is planted, they don't have enough signage to let you know what is actually there. I would highly encourage you to be able to mark everything. For someone like me, the more verbiage and signage we can have, the better. People can truly appreciate it and enjoy this space.

Ms. Marks – That's a really good point. We do know that we have 40 different species of trees on our site. We have begun labeling them. We just got an information kiosk that was built for us in collaboration with the Building Goodness Foundation. We are actually in the process of installing a

wildflower meadow. On the information kiosk, there will be information about all of the plants that are in the wildflower bed as well as the pollinators that are working with those plants. We are trying to make the actual process of designing and building this garden an informational and educational process for the community. We have already worked with four eleventh grade English classes from Charlottesville High School. They worked with us in helping to develop programming for the garden. They gave us feedback about what they would like to do educationally and recreationally in the garden. We're looking forward to future opportunities to work with the schools.

Commissioner Stolzenberg – This is a super-cool project. I love the idea of doing it with private funds. Help me understand what the Planning Commission's role will be moving forward. What are the city's responsibilities beyond the land lease?

Chairman Mitchell – We can be a bully pulpit for this. We can get out and talk about it.

Ms. Marks – I would appreciate you guys getting out and talking about this project. It will be a significant community resource and asset. We want people to be involved in it during the planning process. We want to ensure this garden is being designed and constructed to fit the needs of our community. The best way to do that is to get as much input now during the planning process. I also foresee us working together. I imagine there are aspects of this project that will need to come in front of the ARB. I will be needing your direction to make sure that I am doing things properly. I am here to introduce you to the garden. When I 'knock on the door' in the future, you will have a frame of reference of where I am coming from and where I want to go with this garden.

The meeting was adjourned at 8:38 PM.