

Minutes  
**PLANNING COMMISSION REGULAR DOCKET**  
**TUESDAY, September 12, 2017 – 5:30 P.M.**  
**CITY COUNCIL CHAMBERS**

**I. Commission Work Session (Agenda discussion(s))**

*Beginning:* 4:30 p.m.

*Location:* City Hall, 2nd Floor, NDS Conference

Members Present: Chairman Kurt Keesecker Vice-Chair; Lisa Green, Commissioners Jody Lahendro, Genevieve Keller, Taneaia Dowell, Corey Clayborne, and John Santoski

**II. Commission Regular Meeting**

*Beginning:* 5:30 p.m.

*Location:* City Hall, 2nd Floor, Council Chambers

Members Present: Chairman Kurt Keesecker Vice-Chair; Lisa Green, Commissioners Jody Lahendro, Genevieve Keller, Taneaia Dowell, Corey Claiborne, and John Santoski

Staff: Missy Creasy, Carolyn McCray, Lisa Robertson, Assistant City Attorney, Heather Newmyer, Duncan, Carrie Ramsey, Alex Ikefuna, Tony Edwards

Council: Kristin Szakos, Wes Bellamy, Bob Fenwick

Call to Order: The meeting was called to order by Chairman Keesecker at 5:30 pm

**A. COMMISSIONERS' REPORTS**

Commissioner Lahendro: reported that he did not attend the Tree Commission meeting because he was in a Planning Commission work session, but he was able to get the minutes from it. Kimley Horn presented the Belmont Bridge design for comments and the commission gave advice regarding the tree species to be used in in planting beds. Brian Daly, Parks and Recreation Director, reviewed the current CIP requests involving trees, rather than one general CIP request for tree maintenance and planting. There will be four separate requests for citywide tree planting, downtown mall tree preservation planting, tree maintenance and management non-mall, and downtown mall trees active life-cycle management. The greater specificity reflects the level of detailed study and cost information which has gone into this year's request. Mike Ronayne, the city arborist, and the commission reviewed the list of 88 trees that will be planted this fall in Westhaven, Shank's Branch and Quarry Park among other locations. The Housing Advisory Committee and the Planning Commission will be meeting in a work session at noon tomorrow in the NDS conference room and the purpose for that is to select additional affordable housing recommendations generated by the RCLCo housing report which relate to land use and zoning tools and regulations. The public is invited.

Commissioner Keller: reported the TJPDC met and presented an introductory regional housing study that the PDC staff will be conducting. It was an informal round table of the commissioners from our city and surrounding counties who did confirm that housing is a regional issue. She will be keeping you up to date as the study proceeds.

Commissioner Dowell: no report

Commissioner Green: reported the Citizen's Transportation Advisory Commission will meet next month. She is looking forward to the Capital Improvement Program meetings so we can get funding for our initiatives.

Commissioner Santoski: no report

Commissioner Clayborne: no report

**University Report:** Mr. Brian Hogg: no report

B. **CHAIR'S REPORT: Kurt Keesecker** reported that on the 17<sup>th</sup> of August he attended the PLACE Task Force and BAR joint meeting to discussion the definition of building height; and nothing was resolved at that meeting but there was a lot of good discussion and a number of good ideas for how to improve our definition of building heights. Both groups will be talking about that again in the future and provide a recommendation to us to consider as we look at that definition for a zoning text amendment. On the 24<sup>th</sup>, the regular meeting of the Route 29 and Hydraulic Steering Committee met at the Water Street Center (TJPDC). (stopped my review here) His thought was that it went very well and the team made a great presentation and we were all able to get up to speed and there are a lot of details to work out, but that process seems to be moving along fairly well. The goal is the plan will be presented to us for adoption in some form. On the 31<sup>st</sup> at 5:00 he attended a seminar and the speaker was Willie JR Fleming from Chicago and he was a very passionate speaker about housing and community activism. It was a well-attended meeting with a lot of people that we don't see in our meetings very often. Mr. Fleming's presentation was inspiring and he hoped we can reach out to those who organized it and have Mr. Fleming come again and present a follow-up in the future. He said about 20% of his talk revolved around the idea of becoming active in the community and move toward the goals that you would seek and not wait on others to bring action to you and the other 80% was to get organized, form groups to address those needs and go after them. This week Ms. Rausher, from the University Architecture office called and ask if they could present some ideas that they have for Brandon Avenue improvements through the University to our group and Ms. Creasy is working with her to try to find a date that we can hear more about those plans.

Report of the Nominating Committee – Vice-Chairman Corey Clayborne, Chairman – Lisa Green Election Motion by Commissioner Keller to nominate Commissioner Lisa Green as Chairman and Commissioner Corey Clayborne as Vice Chairman, seconded by Commissioner Lahendro, motion passes 7-0.

C. Annual Report: Missy Creasy reported once a year we put together a report that has a combination of all the activities the Planning Commission has done over the year. It gives the highlights of the basic actions in chambers, different applications, work sessions, and work activities. The main point for the fiscal year July 26, 2016 until June 2017, is the commission spends a lot of time talking through small areas plans and providing prioritization for those and the three that they have prioritized are in different states of moving forward. 1) Hydraulic 29 which is slated to come before the commission in October for a hearing; 2) Cherry Avenue has a lot of work going on with the neighborhood and the TJPDC as well as the beginning of the Rivanna River plan working through the mapping corridor exercise first; which will be a jump start of the next phase. You ended up work through the regulatory review process that Council provided for us in September and has us on the path of working through the 2018 Comprehensive Plan review, as well as code review, and there are other initiatives that are going on with the standard and design manual update; and a number of other things. This captures the different work sessions that was held as well as the data that has come from those sessions. There are attachments that note some of the score card

information, bylaws and operational guidelines that you updated and provided for those this past year; and then the information from the phase one of the Comprehensive Plan review. We are already building pretty heavy on this next one with this phase 2 and phase 3 to come. The assignments for Planning Commission committees are in there from last year. She said there are some changes that were pointed out and we will get those changes taken care of. Chairman Green will have the opportunity to review the list and make any changes in the next couple of weeks. This week you have the joint work session tomorrow mid-day, a Friday morning work session to work on scenarios for the Comprehensive Plan. We will work on the timing for the Brandon Avenue presentation probably at the October meeting with a number of other things that are scheduled for that meeting.

Chairman Green: said she welcome any and every one to feel free to join the Planning Commission at 7:00 a.m. on Friday morning.

Commissioner Keesecker: said it's been a busy year but staff has obviously done a super job of keeping us on task and he hopes effective to the goals that were set for themselves and us as we move through it. It was a lot of work but he found it personally to be fairly pleasant and didn't dread any of those meetings and felt like we were able to climb a few hills or obstacles, and turn a few corners. We still have a lot of stuff going on obviously, but it just flew by in terms of last year. It went by so quick; and that is a testament to Ms. Creasy and her crew and everybody for making it happen like that and it is not easy so thank you.

Commissioner Keller: said as the senior member of the commission; she extended thanks to Commissioner Keesecker for his leadership; and even and calm demeanor that has gotten us through many a long meeting. He always comes prepared with diagrams, drawings, sketches, metrics and all kinds of tools for us. In this kick-off and initiation of our required Comp Plan; that has really been a help to get us going. You have exhibited superb leadership and she wanted to thank you for doing that and getting us off to such a good start.

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

- a. Ashley Davies: speaking on behalf of the CADre Group, we have been tracking the code audit and working with you, attending work sessions and we appreciate all of the effort thus far on this very tricky issue. Commissioner Keesecker mentioned the PLACE and CADre joint work session that we had recently on building height. She thanked the City, PLACE and the Planning Commission for making that type of meeting happen. That is exactly the type of collaboration that we have been looking for and hoping for and the type of relationship we want to have on these issues. She said we find that as we dig into them they are very challenging and it take all of these different prospective to really figure out what's going to what work best for our community. We hope that that type of collaboration can continue because she knows that was just the first of several of these items that you want to get to in the near term. She said that it the best way to handle it if you are going to get the results that you want. We wanted to make sure that the resolution tonight has a lot of different items and we wanted to make sure that it is going to continue to respect that process with PLACE and wanted to make sure that once this moves forward we can get a document that really includes all of these items. We know that a lot of discussions have happened so it is really hard to understand reading through the seven items of the resolution. She asked what does that exactly mean and what is coming forward when and what is the process from her on out. We just want to continue to be an active part of that and stay informed and get any of the amendments as soon as possible so we can be sure to review them and work with you moving forward.
- b. Morgan Butler: Southern Environmental Law Group, Congratulate to Ms. Green on being selected as chair and also echo Ms. Keller sentiments in thanking Mr. Keesecker for his service over the past year.

You have indeed done a great job at the helm of the commission and we appreciate that. He is also going to speak to the item on the consent agenda that deals with the legal audit. We are glad to see a resolution to initiate the amendment of your zoning ordinance on your agenda tonight. He shares some thoughts from the prior speaker of wanting to make sure we understand the process going forward. It is hard to know whether the various categories that are listed on the resolutions are the right ones until we see the various specific changes they will include, but we do worry that this process could get bogged down if we try to get too expansive in the difference changes that are considered. On that note we urge you to put the primary focus on those provisions that in the words of Council September 20, 2016 resolution “include inconsistencies in the need of immediate clarification in which have been particularly problematic for staff to administer”. Council’s resolution for example specifically mentions the mixed use definition and the problematic building heights provision and these are definitely issues that need to clarify as soon as possible. There is a proposal in right now for a building along Waters street that has a 100 foot building wall along Water Street. It is being process as by right, in downtown zoning district has a 70 foot maximum by right building height. In the downtown extended zoning district we have seen proposals trying to take advantage of the mixed use bonus that consist of entirely office space with a parking garage. Whatever you decide to include in the resolution tonight and wherever this process goes from here, let’s be sure that these particular issues get ironed out as soon as possible and we plug these obvious holes in the ordinance. The city can then continue onward with additional ordinance improvements when the Comprehensive Plan update plan is completed.

Neil Williamson: Free Enterprise Forum, said he like to think that he is on top of things so he was surprised that on Friday Morning at 8:30 to learn that he had missed a 7 am meeting of the planning commission. He said certainly there is an agenda online and there is not. You have the best public input with all of the meetings listed and there is nothing about it on the Charlottesville web site. He is coming on Friday and bringing coffee. He said I am assuming it is in the conference room and I will have to bang on the door to get in. It would be nice to make sure that that outreach goes on. On your consent agenda today there is some language in the amendment to move forward with the resolution of intent. He said “as to which no objections were received from the public as of 5.4.2017. He said he has attended many meeting including 5/4/2017, and spoken at those meetings about things other than the top four; why would you exclude those comments. He said it is just a technique for scoping and he thinks it is a misplaced technique. He asked you to strike that from the amendment.

Valerie Long: Law Firm of Williams Mullen, speaking on the zoning text amendment of the code audit, and is with the CADre group and work very closely with my colleague Ashley Davies and others. We spend a lot of time going through the draft ordinance line by line comparing it to the existing ordinance. We are very involved in the comment letter that you received from CADre back in May. The CADre group was form with the expressed purpose to provide collaborative input to the commission and the city as a whole from a variety of disciplines, design professionals in the community who are involved in development process with the most collaborative of goals in mind. We want to help create the next best place in our city rather than worrying about the last bad project. Our intentions have always been the extraordinarily collaborative and well intentioned and we want to continue the process going forward. We hope that you will use the professionals that are involved in CADre as resource. We are heartened by the level of collaboration that went on between CADre and the PLACE Task Force. We hope that will continue. Our firms has been highly involved, we have had between one to three members at every single planning commission work session. We have invested an extraordinarily amount of time in trying to be collaborative and understand what the proposed changes are provide input when we have the opportunity. We have asked that you ask for our input perhaps more often. We often feel like we are kind of talking to you but not feeling like you are asking for our input. We felt that with the last collaborative effort with CADre on the building height issue with PLACE. That what we are here for, it’s well intentioned and we hope we can contribute so we can end up with an ordinance that’s workable and achieves the city goals that are laid out in the Comprehensive Plan.

David Mitchell: member of CADre; he is here to encourage you to make sure that these changes you are talking about; some of height changes and mixed use changes he has seen. You need to make sure they are serving the purpose of the Comp Plan and the vision of this city. Specifically height and mixed use go to affordability; mixes of uses, buildings that have more height more units which make everything in the city more affordable. He said they had a project come through because of the additional floor that would not be possible. If the current wording was to go through you would lose one or two affordable units; these are the types of impacts that these zoning texts modifications can have; and he thinks you need to pay attention to those things as you work your way through this.

#### E. Consent Agenda

1. Minutes - August 8, 2017 – Pre meeting and Regular meeting
2. Minutes - June 25, 2017 – Work Session
3. Zoning Ordinance Update Initiation – Resolution to review multiple changes

Commissioner Keller: asked for some clarification regarding the resolution with multiple changes.

Ms. Creasy: said following the last work session we had pertaining to zoning text amendments, it was noted that there are a number of items you all felt could be moved to the next discussion point of things you would feel comfortable with moving to a public hearing. The topic areas are outlined in a resolution to be initiated for study. A draft was sent out in November 2016, and Ms. Robertson is planning to go back to the draft that was sent out; will be revising the items you all looked at possible by November 2017 when another draft is available. It will be available online for comments.

Ms. Robertson: said we are trying to do wrap up with things that are fairly urgent from her suggestion and what we have talked about for many months at various work sessions. The first 6 items of the 7 in the resolution are all things that have been documented either in your minutes or whatever that we've been through at one of the work sessions that we've talked about. That doesn't mean you have to adopt them but we'd like to bring them forward in a way that could be further discussed at a public hearing. The 7<sup>th</sup> item are things that may be certain inconsistencies in the ordinance or words that are causing problems they may not have risen to the level of urgency that she put them on the top priority list for the other 6 items but nobody over the last year picked up or nothing jumped out at them as being particularly problematic or some people may have been focused on other things. She thought for purposes of the resolution you might at least consider having her present a final sub set of things that are still causing problems that you might want to resolve in the short term and get it done with. If you initiate these amendments and adopt this resolution, she is going to go back and work up a set of proposed ordinance amendments that only include those items so you won't any longer be dealing with this gigantic document that has lots of different critiques in it. It will only be the amendments that you have discussed at the work session. It will relatively be a small set of things that will be included in the 7<sup>th</sup> category. That document will be presented to you for advertisement at a public hearing for further public comment and for you to decide whether or not you want to adopt any of it. There will be a new document and it will clearly show the changes you have discussed at your work sessions as outlined on that list. It should be a little easier for people to go through it and say okay I see what they are talking about. She does not see this document being ready by your next meeting. It may take a couple of meeting cycles for her to get something in front of you. It is still a big undertaking. If the other advisory groups present you with a proposal for height that you really like, that could go forward in the interim. If it comes through first it would take precedent.

Commissioner Santoski motioned to accept the Consent Agenda, seconded by Commissioner Keller, motioned by 7-0.

**CP17 - 00001 - Belmont Bridge Concepts** - Pursuant to Virginia Code section 15.2-2232 and City Code sec. 34-28, the Planning Commission will review the proposed Belmont Bridge Replacement concept, located within City-owned right of way on 9th Street between Market Street and Garrett Street / Levy Avenue in the City of Charlottesville, to determine if the general location, character and extent of the proposed improvements are substantially in accord with the City's adopted Comprehensive Plan or part thereof. The Planning Commission shall communicate its findings to the Charlottesville City Council, with written reasons for its approval or disapproval. The conceptual design of the proposed improvements may be examined at the Department of Neighborhood Development Services, 610 East Market Street, Charlottesville, Virginia, Monday – Friday between the hours of 8:00 a.m. and 5:00 p.m.

Report given by Tony Edwards, NDS, Engineer

Since the meeting, the project team has further explored these issues and has also met with the Board of Architectural Review, Steering Committee, Tree Commission and Bicyclist/Pedestrian Advisory Committee. The following is the updated status on these 3 issues.

- Vertical Circulation North of Water Street
- Graves Street Vehicular Circulation
- At-Grade Crossing at Graves Street

Commissioner Lahendro: asked Mr. Musarra what changes and follow-ups have been made to the alternative #1 recommended concept that was presented at the end of last month commission meeting?

Mr. Musarra: said at grade crosswalk is the most significant change and approach; beyond that would be the pilot program in terms of the change in traffic flow on Monticello is probably the only two changes.

Councilor Szakos: She stated that maybe the planning commission had materials that she didn't have because she is having a difficult time following the presentation because her materials did not have any of his speaking points and she said there were street names thrown and she didn't know where they were in the design. Since it is a public hearing she assumed she is not the only one. She said to him that one thing he said in the presentation was this plan does not need the Streets that Works or the Comp Plan. Is there a piece of that that didn't or is that something that is no longer happening?

Chairman Green: said she heard the ninth street crossing that is not signalized and would not meet our streets at work or the Comp Plan and is not in there because of a lot of legal things.

Councilor Fenwick: asked for clarification on the pages 14 and 15 and he see a corridor plan and is it one lane in and one lane out over the tracks? It shows two lanes in and two lanes out across the tracks. He said directly underneath that is the corridor plant pallet and it shows two lanes in and two lanes out.

Mr. Musarra: said it has one travel lane in each direction.

Councilor Fenwick: asked where the traffic projections for this project are.

Mr. Edwards: stated it's on the website under Belmont Bridge/resources

Councilor Fenwick: asked what businesses you contacted in the immediate vicinity of the project.

Mr. Musarra: said we had several businesses and property owners come to the meetings on both sides of the corridors.

## **Open the Public Hearing**

Steven Huff Lyman Street: said he goes through the Graves Street intersection every day and this is a repeated plea for some turning there. It is a major entry and exit for north Belmont. It seems to be a bias against the number of accidents because the number cited tonight was not the number given at the last meeting which was slightly more than one per year. He would like to know if that is an unimproved intersection something that only recently got pedestrian lights. The increased traffic by closing that would go through residential areas, and turn some sleepy streets into busier streets with further development in the area Riverbend potential development at the Nova Properties will only increase traffic pressure in that area. We need more entry and exit points in North Belmont rather than fewer. Please modify the intersection don't eliminate it. Limit the hours of turning. He goes there every morning and it is clearly an option play whether he is going to turn left or not. There are times is he going to wait for traffic to clear, he is not turning left because there is not option of turn left. That could be formalized. Heaven forbid put a signal there, combine it with the Levy/Garret intersection and make it one big intersection to allow that because you really do need more egress points. With regard to the pedestrian crossing and risks, there's risk of every minute of every day now and he doesn't see that changing and this is an unimproved intersection. This is just a plea for some turning in and out of North Belmont and by the way no underpass please, it just going to be a gathering point for chronic inebriates and drug transactions.

Julie Williams, 751 Belmont Avenue: she asked if mobility excessed points on the bridge addressed tonight. She still would like to see the diagram that shows how people in a wheel chair or are mobile impaired access the entrance. She address the turn onto Graves Avenue, she doesn't use it every day and she feels like safety has been such a primary concern with this existing intersection that she thinks she is not weighed toward including it for safety concerns and she thinks that is something to balance with the interest of North Belmont. She is not sure if all of Belmont agrees with Ninth Street.

## **Closed the Public Hearing**

Commissioner Santoski: said it was clear to the steering committee that City Council had given both the steering committee and the design firm a much specified list of performance guidelines. He said some of the things that were brought up (even by Council) were things such as the one lane in each direction and that was something that Council has voted on. We were prescribed to live with within the design. We were very clear from the beginning that there were some things we were not supposed to go outside of the lines with as we were walking through this whole thing. This list of things you see in the very beginning of the background were the things we were told this is what Council has previously considered and voted on and said these are your directions as to what you are going to do with now as far as you putting your bridge together keep that in mind and go to it. Kimly Horn was saying do you want a long bridge or a short bridge? You have X amount of dollars because this is the amount of money you have to make all of this work. The three things they talked about tonight he would say is the design ADA friendly? He works with a group of people who would be ideal if they had as much accessibility from that bridge as everybody else who is going to walk, and bike and travel across that bridge every single day. Having a ramp that would give them direct excess to the Transit Center and the Pavilion would be ideal but we also knew going into it that it would probably sky-rocket the cost of the bridge. Then we start talking about making reasonable accommodations. Making reasonable accommodations mean a person in a wheelchair will probably have to go further around and use the passage way underneath. It bothers him when he hears other folk feeling inconvenience when they can't make a left hand turn or have to give up the walkway across Graves Street. He is willing to make millions of dollars accommodations in order to get the best bridge for the entire city. Let's give up

some of these other accommodations so we can get something and not be arguing about whether or not it's excess into a neighborhood or it allows 15 or 20 cars to make a left hand turn. It's all a matter of perspective and if I sound a little frustrated, one thing I would be concerned about is how does the businesses around there handle the traffic flow in and out of the streets that have to now worry about the traffic coming in and out around the Belmont Bridge because one of the really neat points about this is they are closing off old Avon Street. At the same time you will have tractor trailers circulating around that property and that is a critical point that has to be worked out either by the design team or either by the city or by everybody working together to make that happen. You have the railroad that figures into this and what kind of excess are they going to give or kind of property excess you have to get through some of the other areas out there. He thinks there is still some other work that has to be done to make this a really great project. He said not everything has been figured out yet.

Commissioner Lahendro: said he was impressed by the underground passage-way and how that goes under the road and this passage way connects those two areas in a way of a un-grade crosswalk over the bridge. He believes that it will serve an important function in the future. He is supporting alternative #1 as presented today.

Commissioner Clayborne: he is in support of this as well and they are doing a very good job at trying to following the Comprehensive Plan and meeting those goals as far as integrating pedestrians, vehicles, and bikes. He said he had the privilege of listening to the BAR presentation and hear the very early design stages to where this is going and he thinks this is on the right track. It does meet the intent and he will support it.

Commissioner Keller: said it is in conformant with the Comprehensive Plan, Graves Street and the underground passageway. She thinks it is a good solution; it isn't a wise decision to encourage that.

Commissioner Dowell: stated she is in support of the bridge but questioned the lighting in the underpass and what are we going to do to make sure that it doesn't become something we don't want it to be.

Tony Edwards: said the lightning is not overwhelming but is a comfortable level of lighting, and is adequate for safety.

Chairman Green: Mr. Santoski made a great point on the things we have to give up. She was at a place in Greenville, SC where they created a place under the underpass where they have done art inside and created a park, a really neat space. We can create an awesome environment, looking forward to the future in those areas.

Commissioner Keller: her concern is the increase traffic on Monticello Road and it would be a very short section but less than ½ dozen properties would be affected. She would like to see some traffic calming rather than after the fact.

Commissioner Santoski: said the city government needs to be conscious of the narrow sidewalks.

Brennan Duncan, City Traffic Engineer: The pilot was talked within the last month and we have talked to the Chairman of the Belmont Neighborhood Association and we have not talk to the property owners yet but it is still in the works. We have not determined that we are going to do it. We want to make sure we have everyone's buy in before we do anything. We are going to be looking at the number of vehicles. We are not looking to move more vehicles. We envision that we will move less vehicles through there and forcing any cut through traffic that currently use Monticello Road coming from

Carlton to get down there won't be able to they will have to go out on Levy and stay on Avon the whole way. You will get less traffic for the neighborhood residents. We want to see how it will work both for the residents and the parking which we will probably lose one or two parking spaces to do the pilot. It will provide a shorter distance detour to help with the removal of the turn lane at Graves. This would create a short block to get out; and you are out at a signal light intersection. This is what we are looking to do but none of the decisions have been made yet.

Commissioner Keller move that the proposed Belmont Bridge Replacement concept's, located on 9<sup>th</sup> Street between Market Street and Garrett Street / Levy Street in the City of Charlottesville, general character and extent of the proposed improvements are substantially in accord with the City's adopted 2013 Comprehensive Plan or part thereof, Seconded by Commissioner Clayborne, motion passes 7-0.

**SP17-00004 - 1530 E High Street** – Amir Zandinejad, as the agent for E. Grant and Barbara H. Cosner, has requested a Special Use Permit (SUP) request to allow automobile sales at 1530 E High Street, pursuant to City Code sec. 34-796. The subject property is further identified on City Real Property Tax Map 50 Parcel 15 having frontage on E High Street. The subject property is zoned Central City Mixed Use Corridor ("CC"). The subject property is approximately 0.321 acres. The Land Use Plan calls for Mixed Use at this location. The subject property is currently vacant. Information pertaining to the request may be viewed online at <http://www.charlottesville.org/departments-and-services/departments-h-z/neighborhood-development-services> or obtained from the Department of Neighborhood Development Services, 2nd Floor of City Hall, 610 East Main Street. Persons interested in this SUP application may contact NDS Planner Carrie Rainey by e-mail ([raineyc@charlottesville.org](mailto:raineyc@charlottesville.org)) or by telephone (434-970-3453).

### **Report by Carrie Rainey**

Staff recommends it is reasonable to permit automobile sales at this location, if proper conditions are applied. The Planning Commission may wish to designate the staff to administratively review and approve the site plan. The ERB may wish to designate the staff to administratively review and approve the COA.

Councilor Szakos: asked if this lot is already paved and is there going to be a problem to access the trail that runs along there.

Ms. Rainey: said No there shouldn't be any impact to the trail. No there will not be any changes in the traffic go from Cosner Bro location they go behind his building.

Amir Zandinejad: said there will not be any changes to the property at all other than just cleaning it up and making it look nice. The traffic on the trail actual go from the Cosner Bros. location so they don't even come on his property, they go behind his building.

Chairman Green: asked about our regulation with FEMA in a flood way, and with the storage of gasoline; is out insurance rates affective by something like this.

Ms. Rainey: said she believes that is part of the criteria that is studied by the flood plan administrator, prior to approving a permit to allow the use.

Commissioner Keller: asked if there is outdoor advertising aka a billboard on this property now. She said she knew there had been some changes in the Virginia law for outdoor advertising; and is it all conforming or figured into this in any way.

Ms. Rainey: said there are existing billboards.

Ms. Creasy: said she can't imagine that they do, but the folks who work with those billboards have been very careful to make sure they adhere to every letter because they really like those billboards.

Commissioner Keller: said they enjoy certain allowances because they have been there a long time. Her specific concern is would this applicant using this SUP should it be granted in the future be able to use the outdoor advertising structures to advertise that particular business and then in affect be a super sign and wouldn't be allowed under out sign ordinance in any other way. Could a condition be made as onsite advertising?

Ms. Robertson, City Attorney: said she would be happy to look that up because no one has ever asked her that before. Anyone willing to pay for the advertising space according to state law, even, if they are an onsite business should be able to pay for the billboard.

Chairman Green: said they are regulated and owned by someone else and this business was to go in and pay for this particular billboard the answer is yes.

Chairman Green: said with the two structures that are crossing the property line, is there any legal non-conforming to address this SUP, would there be any reason to ask for something to be made less legal non-conforming.

Ms. Robertson: said they are under the same ownership and it is not clear to her that changes are being made to the building itself. The use will be located inside the building so before you could require changes to make something less non-conforming there has to be a triggering change. The size of the building is not being changed and the use will be entirely within the existing building.

Commissioner Lahendro: said he was at the site today and there are 2 trailer size buildings; one on the applicant's property and other one were not. There is an abandoned box-truck with the back opened in between those two structures. It doesn't show clearly on the maps where that truck is.

Chairman Green: said that box truck is a metal trailer.

Amir Zandinejad: said to clarify on the site plan that line going across the metal carport; that is a very small garage, beside the metal carport is the truck he is explain about has nothing to do with him and it is not in his vicinity.

### **Open the Public Hearing**

Martha Smyth: 1520 Rutledge Avenue, said if this property is full as planned of the 15 cars to be sold, where would the people park who were coming in to look at these cars, or par if they were working on the property for whatever purposes.

Julia Williams: said High Street is now on her commuter path to work and when you go from the free bridge up on the East side of High Street, there is not good sidewalks the whole way, and no planting area at all so she assumes they will be moving asphalt or concrete to put in a buffer, and very interesting to see a site plan and how that is going to change. Almost the whole length is curb cut so she is curious about pedestrian safety with all of the activity along the river and the parks. She does think looking at the curb cuts and business excess through the walk ways is an important thing to consider.

## **Closed the Public Hearing**

Ms. Rainey: said she is clarifying that the site plan in the packet does include the require parking spaces that would be generated from this new use as shown in front of the metal office trailer that would be used. It is five spaces one of which is ADA van-handicap accessible and the other darker shown vehicles would be the cars for sale.

Commissioner Lahendro: asked about the sidewalks and the planting along the sidewalk.

Ms. Rainey: said nothing is shown at this time but a large part of the flood plain requirements or restrictions in terms of what could potentially be planted. The applicant is hoping to use planters as a style not to break up the asphalt. The site plan is a general representation to where cars could generally be but does not show any proposed planting at this time.

Commissioner Lahendro: asked is the sidewalk safe to walk on.

Ms. Rainey: said from staff standpoint it is currently safe. There are vehicular access points; and the traffic engineer has reviewed the plans and found no issues with the points of access as they stand relative to the sidewalk or the impacts to traffic. She said while it is a more narrow sidewalk than the Street That Work plan would like to see it is 5 ½ feet more than our minimum and more than we see in a lot of places so, maybe not the most ideal, but still safe.

## **5 minute break: 7:30 reconvene**

Commissioner Keller: said several of the people who spoke were concerned about pedestrian immunity and safety along this street; when you say they wouldn't need to make changes, would it be possible at the site plan or at the entrance corridor review stage to require some street trees for shade so that would become a more comfortable pedestrian zone which is something we really do want to encourage for the use of the river.

Ms. Creasy: said there are regulations that they are going to have to adhere to through the flood plain requirements and those are not put forward yet, and so, it minimizing impacts to the existing site is key and they don't want to do any pavement movement or building movement on the site which could influence that piece of the puzzle as well.

Commissioner Keller: said this is one of those places she wished we were more like the County and issued shorter term special use permits because she is perfectly comfortable with this as an interim use because the value of the land and the desirability of this area for re-development will happen. She doesn't think that issuing this will impede that in any way but we are looking at a five or ten year temporary use and there is no point in over-burdening an applicant but at the same time we do have stated goals for the Rivanna River and Streets that Work and we want this to be a comfortable pedestrian zone and want it used. There are already reasons why people aren't pedestrian in that area and we have every expectation that will increase. She is in favor of approving this but not in favor of giving up our entrance corridor review because that might be a place where we can influence and reserve that right to take up at a later date.

Ms. Creasy: said think about the character and ownership of properties in this area now. There are a couple of trends due to those factors: flood plain consideration, next to the river, short squatty lots and there are some things that are out of our control completely to move towards a different type of vision.

Commissioner Dowell: asked why this request is any different from the businesses that are already located in that area. She's wondering why so much debate about it.

Commissioner Lahendro: said we should be careful micro-managing and thinking we can micro-control and let the market take care of it.

Commissioner Santoski: move to recommend approval of SP17-00004 to permit automobile sales at the subject property, subject to the conditions recommended by staff, because I find that the proposed use, if conducted in accordance with the conditions, will serve the interests of public necessity, convenience, the general welfare, or good zoning practice, seconded by Commissioner Dowell, motion passes 7-0.

**Commissioner Keller left the meeting.**

**Critical Slope Waiver – Seminole Square and Pepsi Bottling - Heather Newmyer**

Should Planning Commission recommend approval of the critical slope waiver, staff recommends the following conditions be part of the recommendation:

1. The existing stormwater easement that was created in 1985 be vacated, as there is no apparent reason that the City should be maintaining any part of this private facility. Vacation of the existing easement could also serve as a public benefit by taking the maintenance burden of a private facility off of the public tax dollar.  
\*Alternatively, if the critical slope waiver is granted and the easement is not vacated, it is recommended that an access road be constructed as part of the wall construction so that maintenance can actually be performed by the City. The existing easement would also have to be expanded to include the access road.
2. A detailed survey by a licensed professional should be provided following construction to capture any deviation from the approved plans. Upon completion of the as-built survey, the stormwater routing analysis should be verified using the as-built data.
3. Construction begins after the Hillsdale Road extension project is complete.
4. The previously submitted routing analysis for the existing stormwater basin between Seminole Square and Pepsi shall be revised and resubmitted to engineering staff should the retaining walls located on the Pepsi site require adjustment due to the development activities on either the Seminole Square property or the Pepsi property.

Scott Collins, on behalf of Pepsi Bottling Company, is requesting a waiver from Section 34-1120(b) of the City Code (Critical Slope Ordinance) to allow for the construction of a 365' long retaining wall, containing existing slopes greater than or equal to 25%. The applicant states the reason for the critical slope waiver request is to allow for expansion of the existing warehouse/office and loading area to accommodate the plant's future growth

Commissioner Lahendro said on the eastern block what is the distance between the dumpster pads and the retaining wall where you are squeezing in this trail.

Mr. Collins said that area is about 12 or 13 feet wide right there.

Commissioner Lahendro said it doesn't scale that way with the graphic scale no dimension that says that.

Mr. Collins said if you look at the width of the brown line in the exhibit that is 8 feet and then you see green and the other side so it is at least 2 to 3 feet.

Commissioner Lahendro said that is not what is showing on your utility plan.

Mr. Collins said we have not updated that plan. That retaining wall is getting moved over to the Pepsi property.

### **Public Comment**

Ms. Shawnee Baker, 1812 Old Orchard Road, Free Union, She has a saddler store in the Seminole Shopping Center and she has been there for 12 years and 5 years in her present location. She was across the parking lot before that. She is excited to hear of the end of the Hillsdale project and she said it has been tough. Unlike other vehicles most of her customers drive big trucks with horse trailers and getting in and out of the parking lot has been problematic. She is concerned with keeping her brick and mortar store going when it's so easy for everyone when they have taken the opportunity in the last six months to shop online. She said parking in her corner, since the Hillsdale Drive cut off her parking lot in the middle, it now has one exit and one entrance. There are six stores in her corners, 20-23 employees, using 10 parking spots away from her stores, and that puts us in front of the next store. She is concerned about her land locked parking lot and the turn-around space her customers need.

Andrew Benetti, 2505 Holcomb Drive, He has assisted the owners of Seminole shopping center in bringing new businesses to the center and he is here tonight to ask you to approve the Critical Slope Waiver.

Commissioner Santoski asked Ms. Newmyer about the critical slope waiver because there are two waivers, can we approve one and not approve the other.

Ms. Newmyer said yes.

Chairman Green asked Commissioner Keesecker to talk about small area plan.

Commissioner Keesecker said none of this is official yet but he did give a brief talk on the small area plan.

Chairman Green: based off of the land and lot the business that is there now.

Commissioner Santoski said these are wonderful things but let's try to be realistic with it. He will probably go ahead and approve and he is not crazy about it, somebody give him a better option to why we shouldn't do this.

Commissioner Keesecker: said the critical slopes that are there now exist in a place and the space they exist is the rear façade of a series of buildings and a loading zone of another and the side entrance of the post office. That is the quality of this space, you are in between and behind but it's critical slope and somewhat in its natural state over having grown up for some number of years with the proposed changes to the slopes, they are not as natural, they are more constructed. A green way exists and you have the potential of the re-orientation of the buildings that were mentioned before. The loading zone comes over on you so he doesn't know if that falls in the public conversation of public benefit or not. He is falling on the side of if the greenway existed at benefitted activity up to 29 was in place, it feels like it provides the opportunity for some kind of space to be improved beyond the critical slope area to be more visible, more habitat able, and more useful for a variety of uses in the future rather than

remaining the back door to the buildings. They are going to continue to face away without that immunity.

Commissioner Lahendro said he spent about five hours riding his bike around the shopping center and the Meadowbrook Trail because he was looking at the master plan for the small area plan and took a lot of photos of this area. He said it is a throw away place, it was thrown away by the shopping center when they leveled the land and built it up and made a plateau and the only reason they left it here because it was less expensive than trying to bridge over put the stream underground. It has since then grown up filled with vines, and it would be tough to get down there. There is debris, trash thrown into it. Ironically the place that has been respected is the post office, they have managed the hillside and you can get around under the canopy and it goes down to the stream. This is a throw away area that has as grown up and become a greenway and to have a walk way go along the top of a 20 to 30 foot retaining wall is not a way to preserve it. It doesn't have to be this wide. We are making it usable on two sides so we can put dumpster pads on one side against the retaining wall and have a row of parking on the side You don't have to make it this wide and by the time you make it this wide, you have lost most of that green area and it has just become a trench.

Commissioner Dowell: said we need the parking but she doesn't want to lose the green space either, she is on the fence.

Commissioner Clayborne: said he is leaning toward approval.

#### Seminole Square Shopping Center

#### **The Commission took the following action:**

Commissioner Santoski moved to recommend approval of the critical slope waiver with conditions for Tax Map 41C, Parcel 3.1 (Seminole Square Shopping Center), based on a finding that due to unusual physical conditions, or the existing development of the property, compliance with the City's critical slopes regulations would prohibit or unreasonably restrict the use or development of the property per City Code 34-1120(b) (6)(d.ii).

Planning Commission recommended the following conditions as being necessary to mitigate the potential adverse impacts of approving the waiver in the location requested:

1. The existing stormwater easement that was created in 1985 be vacated, as there is no apparent reason that the City should be maintaining any part of this private facility. Vacation of the existing easement could also serve as a public benefit by taking the maintenance burden of a private facility off of the public tax dollar.
2. A detailed survey by a licensed professional should be provided following construction to capture any deviation from the approved plans. Upon completion of the as-built survey, the stormwater routing analysis should be verified using the as-built data.
3. The improvements depicted in the Concept Plan Exhibit Series dated 'received January 13, 2017' (Seminole Square Shopping Center Base Exhibit, Parking Calculation, Impervious Calculation) attached to this critical slope waiver request shall be incorporated in the site plan amendment submitted for future redevelopment of the site and further reflect staff's recommended modifications prior to site plan approval:
  - a. Eliminate the proposed pedestrian crossing along Hillsdale given its proximity to the signalized intersection

- b. Ensure proposed pedestrian areas meet ADA standards (including curb ramps, minimum width and cross-slope)
- c. Ensure proposed bicycle racks are located close to building entrance, visible from the multi-use trail, and the number of racks meet the standards outlined in Sec. 34-881.
4. Construction begins after the Hillsdale Road extension project is complete.
5. Proposed 8' trail: is asphalt, includes a buffer no less than three (3) feet from parking lot and the proposed fence's type and height is determined with Parks and Recreation Department prior to site plan approval.
6. The 10' easement proposed to encompass the 8' trail is strictly for maintenance of the trail itself and not the retaining wall. The easement documentation shall be worked out with City Parks, NDS and City Attorney's staff prior to site plan approval.
7. The previously submitted routing analysis for the existing stormwater basin between Seminole Square and Pepsi shall be revised and resubmitted to engineering staff should the retaining walls located on the Seminole Square site require adjustment due to development activities on either the Seminole Square property or the Pepsi property.

Commissioner Dowell seconded the motion. The Commission voted 4-2 (Green-Lahendro) to recommend approval of the critical slope waiver.

Pepsi Bottling Plant:

**The Commission took the following action:**

Commissioner Santoski moved to recommend approval of the critical slope waiver with conditions for Tax Map 41C, Parcel 3 (Pepsi Bottling Plant), based on a finding that due to unusual physical conditions, or the existing development of the property, compliance with the City's critical slopes regulations would prohibit or unreasonably restrict the use or development of the property per City Code 34-1120(b)(6)(d.ii).

Planning Commission recommended the following conditions as being necessary to mitigate the potential adverse impacts of approving the waiver in the location requested:

1. The existing stormwater easement that was created in 1985 be vacated, as there is no apparent reason that the City should be maintaining any part of this private facility. Vacation of the existing easement could also serve as a public benefit by taking the maintenance burden of a private facility off of the public tax dollar.
2. A detailed survey by a licensed professional should be provided following construction to capture any deviation from the approved plans. Upon completion of the as-built survey, the stormwater routing analysis should be verified using the as-built data.
3. Construction begins after the Hillsdale Road extension project is complete.
4. The previously submitted routing analysis for the existing stormwater basin between Seminole Square and Pepsi shall be revised and resubmitted to engineering staff should the retaining walls located on the Seminole Square site require adjustment due to development activities on either the Seminole Square property or the Pepsi property.

Commissioner Clayborne seconded the motion. The Commission voted 4-2 (Green-Lahendro) to recommend approval of the critical slope waiver.

Adjourned 11:00 pm

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