

**Meeting:** Response to November 30, 2016, Memo from WUNA with proposed “General Provisions to be included in Trinity Presbyterian Church PAD”

**Date:** December 7, 2016

**Participants:** *WUNA:* Chris Gans, Richard Mayers, Suzanne Schafer; *Applicant:* Rob Paulus, Randi Dorman, Doug Hawkins; *PDS/D:* John Beall (project staff), Rebecca Ruopp (assisting with facilitation of meeting)

## MEETING PURPOSE

At the December 1, 2016 Zoning Examiner Hearing on the Trinity Presbyterian Church PAD, the Zoning Examiner Continued the public hearing until December 15, 2016 and requested that the developer and representatives of WUNA meet to discuss the provisions proposed by WUNA and determine where there might be points of agreement.

## MEETING SUMMARY:

*[Note: Summary prepared by John Beall, PDS/D, for initial review by all meeting participants.]*

Provision #	Focus	Discussion Outcome
1	Parking Structure	WUNA wanted both Group Dwelling and Structured Parking to be excluded uses in the PAD. There appeared agreement that if the Group Dwelling were excluded then a Special Exception process for a Parking Structure could be supported. [Since the meeting it has been suggested by WUNA that the Structured Parking Special Exception process might be further refined to only allow for parking structures that are accessory to the principal uses onsite - while excluding Structured Parking as a primary use within the PAD].
2	Group Dwelling	Designate as excluded use - <i>Consensus</i>
3	Height	<i>Agreed to disagree on this proposed provision.</i> [Note: WUNA representatives voiced concern about precedent set by removing property from HPZ in terms of future development requests. All participants appeared to agree that an HPZ variance process would be worthy of exploration.]
4	Changes to design	WUNA representatives explained that they were concerned about changes to the design as it proceeded and, therefore, would like to see a design review component similar to the IID or Maingate. They think design review beyond HPZ review would be beneficial.  Applicant will consider adding design criteria and a design review component to the PAD – similar to TMC PAD. <i>WUNA representatives indicated this was satisfactory.</i>
5	Demolition process notification	Applicant will to add to PAD simple policy statement about communication of construction and demolition schedules, and is willing to post this information on site. <i>WUNA representatives indicated this was satisfactory.</i>

*Project Summary continued*

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6	Vibration impacts from demolition	<p>WUNA looking at a pre-emptive condition to address impacts from demolition or construction of the type it experience with the streetcar construction and would like this addressed in the PAD.</p> <p>Staff pointed out that the IID includes direction for special conditions such as a ground vibration study.</p> <p><i>Applicant willing to discuss further, but not in agreement that this should be addressed in the PAD.</i></p>
7	Structural inventory	<p>WUNA referenced experience with streetcar construction. WUNA would encourage and initiate property owners themselves to photo document their homes prior to beginning of construction.</p>
8	Compensation for damage from demolition	<p><i>Participants discussed and ultimately agreed this is a legal issue not a PAD issue.</i></p>
9	Construction schedule posting	<p><i>Applicant agreed to post on site and to provide construction schedule information to WUNA representatives. WUNA representatives indicated this was satisfactory.</i></p>
10	Specification of onsite contact person	<p><i>Applicant agreed to work with WUNA to determine how this might be done effectively. WUNA representatives indicated this was satisfactory.</i></p>
11	No nighttime construction	<p>Discussion confirmed that there was City code that addressed this issue. <i>Applicant and WUNA representatives agreed that reference of Code in PAD would be satisfactory.</i></p>
12	Specification that R&R would remain throughout the project	<p>While WUNA representatives expressed confidence in the Applicant, they are concerned about the possibility of deviations from the design if the current Applicant for some reason was no longer on the project. While it was agreed by all that this provision could not be included in the PAD per se, there was agreement that the effort to strengthen the design review process as discussed under item #4 could also help address this concern.</p>
13	Noise mitigation plan	<p>Discussion confirmed that there was City code that addressed this issue. <i>Applicant and WUNA representatives agreed that reference of Code in PAD would be satisfactory.</i></p>
14	Location of historic duplex.	<p>Pointed out that this was already addressed in PAD. <i>Applicant and WUNA representatives indicated that this was satisfactory.</i></p>
15	Consequences if historic duplex is damaged in move to point of losing historic status.	<p>WUNA representatives reiterated that the concern was retaining the neighborhood's historic district inventory. Discussed that the PAD has a process for this concern. <i>Applicant and WUNA representatives indicated that this was satisfactory.</i></p>

*Project Summary continued*

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16	Financial assurances to help ensure project will be completed.	Discussed WUNA's concerns about possibility of project getting under way and then stalling. Applicant explained there are provisions in the purchase agreement that prevents them from starting demolition or construction prior to securing financing for project. <i>No outcome.</i>
17	Ongoing management plan.	Applicant explained that they will be preparing CC&Rs with Trinity Church that will address operation concerns. WUNA representatives indicated that they would like a policy statement about the criteria for a management plan included in the PAD. A WUNA representative said he believed this issue had been address in the Casa de los Ninos PAD in a way that was satisfactory to the Feldman Neighborhood. <i>Applicant agreed to consider this issue further.</i>
18	Parking lot plan re late-night activity.	WUNA recognized that there are rules covering such activity enforced through TPD, but noted that was often not satisfactory given ability of TPD to respond. Applicant noted that they were sensitive to this issue since the development would be mixed use with residents who would also be bothered by such activity. Discussed that the approach to addressing this might be done in conjunction with the management plan issue referenced in item #17. <i>Applicant agreed to consider this issue further</i>
19	Noise mitigation plan	Discussion confirmed that there was City code that addressed this issue. <i>Applicant and WUNA representatives agreed that reference of Code in PAD would be satisfactory. Applicant agreed to consider this issue further</i>
20	Patio music time restrictions	WUNA representatives described the impact of late night activity on neighbors' quality of life given the often very close proximity of residences to businesses. Applicant indicated understanding of the point, but wasn't prepared to agree to a specific restriction not knowing how that would impact future leasing of restaurant uses. <i>Applicant agreed to look further at this issue. WUNA representatives indicated this was satisfactory.</i>
21	Facilitation of alternative transportation	WUNA representatives explained their interest in having the PAD include policy supportive of Transit Oriented Development (TOD). Applicant noted that they separate parking and unit leasing in their projects. WUNA representatives indicated their support for such an approach, but would like acknowledgment of this in PAD. Applicant, WUNA representatives, and staff were

		not sure how this could be incorporated into PAD. But WUNA agreed to send suggestions to applicant for review. <i>Applicant agreed to consider this issue further.</i>
22	Traffic mitigation and enforcement	WUNA representatives discussed some of the challenges faced by neighborhoods with traffic, particularly during 4 <sup>th</sup> Avenue Street Fair, and made some suggestions about how this might be mitigated. Applicant explained in response to some suggestions that they were working to have more green space and less hard surface that contributed to heat island effect. Applicant agreed to work with TDOT and WUNA on traffic related issues and mitigation. <i>Applicant agreed to consideration of a policy regarding the intended collaboration and coordination.</i>
23	Work with WUNA Traffic Committee re mitigation measures	See item above.

**ADDITIONAL POINT RAISED**

WUNA representatives raised a question of clarification about what has been presented to the neighborhood regarding the volume reduction identified in the PAD on page 30, which calls out that the design of the project will result in a 32% cubic volume reduction, i.e., from 77,735 cubic yards to 53,238 cubic yards. However it was pointed out that on page 34 the maximum 50-foot building is allowed only if the design of the project incorporates a building footprint that reduces overall volume and mass by a minimum of 10% from that allowed by the original zoning place on October 1, 2016. WUNA representatives pointed out that neighbors did not understand the latter provision and assumed that the project would result in the 32% reduction show in project presentation on page 34 of the proposed PAD document. Applicant explained that they needed some flexibility during design and had suggested the 10% since they didn't have time to figure out the exact calculation. A suggestion was made that perhaps a percentage range could be provided. Applicant agreed to take a further look at this, and WUNA representatives indicated that they would wait to discuss this further with association before hearing from the Applicant.