

MINUTES
PLANNING COMMISSION JOINT WORK SESSION
Tuesday, May 26, 2016
5:00 – 7:00 p.m.

CHARLOTTESVILLE CITY COUNCIL AND PLANNING COMMISSION WORK SESSION

Location: NDS Conference Room, Charlottesville City Hall, 2nd Floor

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

City Councilors Present: Kathy Galvin, Mike Signer, Wes Bellamy, Bob Fenwick, and Kristin Szakos;

Special Guest: Milton Herd, FAICP, is the founder and owner of the Herd Planning & Design, LTD; He has over 30 years of successful, award-winning experience in local planning and consensus-building, in both urban and rural communities.

Call to Order: by Vice-Chairman Keesecker

Call to Order: by Mayor Mike Signer

Councilor Kathy Galvin opened the meeting introducing Milton Herd to talk about Form Based Code.

Milton Herd, from Leesburg, VA provided a 20 minute PowerPoint presentation about form based codes. He is a co-author regarding the connection between comprehensive planning and zoning, inclusive of form based codes.

He said Form Based Code provides for a relationship of buildings to the street (rather than land use or density). The rules are simple and straightforward

Councilor Galvin said we did the visioning two years ago, but we didn't go in depth about zoning.

The plan developed in 2013 aim was to initiate a transformational process to engage stakeholders, city staff and members of the greater community in the future of the Strategic Investment Area, which includes 330 acres located primarily south and east of the Downtown Mall. Goals laid out in the SIA include encouraging investment in the area, creating a "healthy, vibrant neighborhood" with parks and safe streets and rebuilding and preserving public and assisted housing.

As opposed to conventional zoning which is typically based on a separation of uses, such as residential and industrial zones, form-based code emphasizes the three-dimensional aspects of buildings and the relationship between structures and the streets.

Mr. Herd said form-based code also focuses on by-right usage.

Several Councilors and Commissioners discussed the form-based code proposal for the SIA and suggested a "transect" model in which development would become more intense closer to the Downtown Mall.

Councilor Galvin said what is allowed by-right under current zoning regulations is not in keeping with the feedback residents expressed at workshops.

Councilor Galvin said across the board, people in the Belmont neighborhood or in South First Street or Sixth Street public housing said they did not want what's allowed by-right, which was in a Downtown Extended zone. She said the T4 [transects] are transitions to step down to that smaller-scale, residential neighborhood, looking at the proposed form-based code map of the SIA.

Mr. Herd said buildings in the T4 transect would be two to three and a half stories tall and buildings in the T5 transect would be limited to a maximum of five and a half stories. The tallest buildings in the T6 zone would be at least six stories tall.

Councilor Szakos said the form based code, within the list of things that are allowed there, the city would not get to pick the things that are allowed there, it would be if you owned property in that area, like the size it would be you could put any of those things there that are on the list. She said one of the things that you could accomplish with SUP's that we wouldn't be able to accomplish in a situation like that if we know in that area there is a bunch of uses because in that list of uses are some that use a lot of traffic and some very little traffic; some have more noise and some have a lot more people coming in and out all day long. She said with an SUP, the Planning Commission and Council can say we already have a bunch of places with a whole lot of traffic so we don't want this one because it has too much traffic even though it is technically allowed by an SUP and we have too much with that there and we would not have that with this tool. So you would have to write the list so low and totally max out so you could sustain it and you can't get a higher use. She asked for examples of how this works in real life.

Mr. Herd said there are a certain amount of risks you take on with this but if you have a whole collection of uses by-right and you've got expected infrastructure network that you had in place or you are going to build it should work out. It is not perfect, that is the nature of the city and urban areas, there is a margin there and the other thing is the uses will change over time. In our Historic cities the street networks are still like they were 200 years ago and the buildings are the same but the uses are totally different. He said you are taking a little risk in the sense that you are acknowledging that it is going to be dynamic and organic. He said you can have as many SUPs as you want but each one you have brings more friction.

Vice Mayor Bellamy asked how people living at public housing properties or otherwise financially assisted sites would be protected during a transition to form-based code or redevelopment of any properties. He said how will we be able to ensure that everyone who lives there now, specifically all of the public housing units, can continue to live there, that their spots won't be taken?

Alex Ikefuna, Director of NDS said people who live in any affected facility would have first right of refusal and any changes would result in a minimum of the same number of assisted housing units that previously existed.

Vice Mayor Bellamy also questioned how to respond to constituents who feel that allowing developers to build by-right might result in residents being pushed out of the neighborhood.

Mr. Herd said that while the code is focused on the physical outcome, managing change is a parallel effort. He said the goal here, and the expected result, would be development that creates a better urban environment in the long term.

Councilor Fenwick said it's important to ensure residents feel a sense of control in the process.

Councilor Szakos said she thinks form-based code might offer some security.

Councilor Szakos said they get more predictability with how it's going to look like, whereas with the current system, no matter how you zone it, people can max it out or not and you are never going to know what's going to come. Some developers may build by-right before a form-based code is adopted.

In the meantime you have current zoning of a 100 foot tall building and the plans can come forward and use the Comprehensive Plan to re-zone. We want to expand it or decrease 5 or 10 years before the regulations.

Chairman Santoski of the Planning Commission said we have to recognize that regardless of what we tell the public, some things are going to happen that we have no control over.

Commissioner Green asked why there is a T6 in the middle because that is where it is the highest and she envisions a bulls eye. Why is the T6 right there?

Councilor Galvin she said in the vision plan that is where the Plaza sits. The question should be whether or not that T6 should be along 2nd Street tying into the downtown which is T6; because that way you are rationing down as you get closer. So instead of a bulls eye maybe it is really that corridor getting closer.

Commissioner Keller said it is a traditional area of increased and intense height but not incredible height but by the standards of the day that was the intensive area.

Mr. Herd said this plan reflects an area based kind of regime and one of the opportunities you get with form based code is to make it more edge based and that gives you the emphasis on the street frontage and the character of the street - to have different things on both sides of the street is not necessarily a conventional way of thinking in terms of areas instead of edges.

Commissioner Keller said if you look at Belmont, East of 6th Street, it's almost that they were built to a form based code. If we were designing that today for blocks of single family houses we wouldn't come up with something too different. We do need to tweak that which is why I passed that to you because you can see the street names on it. We may need to tweak the T3 and T4.

Councilor Galvin said first of all we all just needed to make sure we understood what all of this meant but now we can have a more informed discussion on how to adjust the boundaries.

Commissioner Keller said those streets have had significant re-development through PHA and significant rehabilitation through property owners buying older houses and rehabbing them. We need to make sure that the form based code reflects that and we also may need to make sure that the language and intent do not alarm a public which is suspicious because of redevelopment in the past. If done appropriately, the code could attempt to rectify the wrongs of the past.

The final decision was directed to NDS to approach a form-based code change in a phased process, with the warehouse district area south of the mall as the first phase, the area north of Belmont Bridge in the second phase and the T3 transect area which includes the Belmont neighborhood as the final phase.

Brian Haluska said one component of the Strategic Investment Area (SIA) plan is a list of recommendations to change City regulations -- specifically land use regulations. These changes would serve to move the overall vision of the plan forward and regulate new development so it fits the vision within the SIA plan. Staff feels it is important to assess the recommendations provided and establish clarity in direction prior to moving forward with a detailed review process.

First, there are fundamental questions which need answers at the beginning of this process to assist in moving forward:

1. Boundary of study area – The study area includes many established residential areas where no specific zoning changes are proposed. Should the study area be limited to areas where regulatory changes are proposed?
2. Building Height – Is there a desire to change the maximum building height in the areas in the Warehouse District (west of 6th Street)? What information would be needed to make a determination on heights for this area?
3. Uses – The SIA plan calls for evaluation of additional uses for the R-3 and DE zones. Should consideration be given to whether the proposed uses are appropriate for the zones throughout the City rather than only within a small area of the City?

Staff requests guidance on these areas to determine the best path to move forward for this review.

Councilor Galvin said the concerns did not deal with form at all and we had the form discussion and are people comfortable with this direction of governing the form of this area. It is really about neighborhood protection.

Councilors Fenwick said the study area includes many established residential areas where no specific zoning changes are proposed. Should the study area be limited to areas where regulatory changes are proposed? Another comment Mr. Fenwick made was to get the community involved as his concern is what he heard and what we are about to do.

Ms. Creasy said Mr. Fenwick is referring to one of the points we listed but there are areas with specific recommendations but not the single and two family residential areas in the SIA. Our concern is if that is included in this discussion we might spend a lot of time defending that we are not making any changes to these established residential areas rather than to be able to focus time on the warehouse areas which were the ones that were highlighted as part of this review.

Mr. Haluska said it was a balance of the study area, it was further reaching than just the corridor along the exit of the hospital but it was definitely expanding to include the housing sites in all sides and part of it was to look at the adjacencies, (Ms. Galvin said) there are implications even if it focused on just the core of this area there are design implications even if you stretch into the Belmont area. From our standpoint, when you look at the total list of recommendations in here, there is a far reaching amount of implementation that needs to be done and so our concern is about guidance, if there is a comparative to get this done quickly pairing down the amount of stuff maybe initial focus on the warehouse district where for instance Monticello we have 3 active plans under review. The development activity is happening now. Some of the implementation going on is actual physical implementation and we want to make sure we get that zoning right so that when opportunities arise we will be able to initially focus on the 2nd Street corridor and work our way out. We are not going to see a ton of redevelopment in Belmont but there may be especially with the working plans we see with Friendship Court. How do those connections get made particularly in Belmont because they are looking at reengaging that neighborhood and making this feel like one piece opposed to a wall?

Councilor Galvin said it's like knitting them back together again and the fact that they were together as part of the SIA gave the queues to the PHA to examine the Street-Net parking and its green street detailing for the Belmont area.

Ms. Creasy said she thinks framing it as a phased approach is going to be helpful and it will allow discussions that are likely to be very different.

Commissioners Keesecker said could we further limit that north. The Belmont Bridge will also be some future phase after the bridge is redeveloped.

Councilor Szakos said she would recommend that if we are going to do three phases, she would want that section to be second, because there is a fair amount of redevelopment coming in that neighborhood and it is vulnerable to things that we may not want.

Commissioner Keller said there is a lot of focus on that area and it's more competitive for grants and it makes sense to leave that part a study area but she doesn't think it is there yet.

Councilor Galvin said so phase one is south of the tracks and it is T4, T5, and T6; and phase two is north of the tracks and phase three is T3.

Ms. Creasy said that now we have a more focused area we will be able to look at it from that perspective.

Councilor Galvin said a lot of the T3 is simply acknowledging the existing form that is there so just don't get rid of it. Basically that is what that is.

Chair Santoski said just as long as they keep that in mind as they are looking at housing in the T4 area...the impact on that. The other part is clear.

Commissioner Clayborne asked if there is a plan to build a 3-D model of the areas that we are looking at. He said doesn't see how the neighborhoods would be able to take in the definition of a T3, T4 or even visualize what is there now.

Councilor Galvin said the PLACE Design Task Force is studying that right now and they are pulling together recommendations on how to get that done.

Ms. Creasy said question #2 has to do with building height which has been a topic of discussion for a while in other places; we would like your thoughts on that and any other information in making that determination as we move forward.

Mr. Haluska went over and pointed out the areas of 201 Monticello Event Center and Friendship Court to the Beck Cowen and basically north of IX and south of Garrett.

Councilor Galvin said this is the table that has the building heights from the SIA Plan and a mixed used building.

Mr. Haluska said these peak areas including T4 through here is downtown extended which goes north and allows for a 101 feet mixed use building (9 stories) and is by right in a mixed use building, no floor area ratio to qualify for a mixed use building except for residential use. T5 is 4-5 ½ stories, which is a pretty big change if you are doing a mixed use building. We have two that are above 6 stories in that T5 zone.

Councilor Galvin said on 2nd Street now there are basically 6 story buildings, a T5 would allow a Gleason type building to happen.

Mayor Signer asked what is the big deal with those 3 floors.

Councilor Szakos said if you allow 9 it will get built at 9.

Mayor Signer asked why we have a different argument for form base code for making buildings two or three stories shorter. Ms. Creasy said it is a discussion we have had for West Main and in other areas of the city to see what is appropriate.

Councilor Szakos said there has been a fair amount of public engagement in this area, what has come out of that.

Mayor Signer said on West Main that the conversation was about the historical nature of the streetscape and that was a specific argument and those would not apply to this area.

Councilor Szakos said she couldn't remember where height had come in and one reason she was thinking about 3-D models is kind of scary because it's all of these huge buildings.

Mayor Signer said understands the difference between a 6 story and a 20 story building is significant but a 6 and 8 is not.

Councilor Galvin said it is big and the Virginia National Bank building versus the rest of them and it's in its shadows and it breeds the canyon. That is where the 2nd Street idea of it being driven by what is already there due to context that is already there.

Councilor Galvin said the thing with Friendship Court is really pretty neat because that allows them to go taller on one end of their property but then rapidly down and to be shorter to be sympathetic to 6th Street without losing their entitlement. They get the density for their property but they can get up to 6 stories.

Mayor Signer said what he is hearing from the community is an interest in more and this seems to be the area strategically that is linked, so it would seem to him that if you are trading off an extreme concern about yes it is a taller building but against those two other things policy wise we would get a longer term future, so he thinks there could be a good debate about the marginal benefits of slightly taller buildings versus what we would get in terms of housing stock and more office space.

Commissioner Keller said the Flats has more parking than is required. She said she favored compact development but has reservations about the density and one reason is because if we do away with the SUP then we have no ability to influence on how that building is configured and in particular because we are an academic community, the 4 bedrooms and the micro units concern her because we are able to have a building with only 4 bedroom units that are primary rented to undergraduates (not so likely in this area) or an entire building of nothing but micro-units with no ability to say that that building needs to have any services for the inhabitants for that building that puts a stress on this area where we have facilities. She said she has seen this in the past and she's a historian and it's a little aggressive to her and the percentage is something she would make a request to take a look at. She said it is building it into the code because she doesn't think they have had a discussion about doing that yet and she wonder if it's a short term response to the market and a short term response to us wanting to be more urban than we necessary are.

The group agreed to focus the discussion of use changes only in the SIA area at this time.

Public Comment

Morgan Butler Southern Environmental Law Center said 1) in terms of public input let's recall that this strategic plan is the significant result of public input over a number of years to different committee and we don't want to go back and start over on that process when we have the embodiment of a tremendous amount of public input 2) the second is about phasing is not clear to him sitting in the public where the boundaries of that significant phase are and he said when you look at the current zoning and you compare that to the transient zone by far the biggest discrepancy between those two, is the area zoning downtown extended and so it may make sense to have the first phase be the downtown extended zoning area and because if you are trying to get this form of development as represented by the transient zone; everywhere outside of the downtown extended you are going to get that with the existing zoning within the downtown extended zoning where you could get development that is not compatible with what your transient area and map is suggesting the community wants there.

Mark Kavit with the Martha Jefferson neighborhood association, said you can use a SUP to empower neighborhood residents, so is this initiative of form based codes trying to get less of the cities time sorting through SUPs by having everything defined in advance and is the goal to simplified everything for the city or that fall up to empower the city to have more control over what happens on a case by case basis. He said the SUP empowers a neighborhood with a specific problem with a specific project. It is how the neighborhoods see their power.

Councilor Galvin said if the form is right, is the SUP still necessary because that is a big question.

Mark Kavit said he is trying to understand if you are planning to streamline or are you trying to empower our neighborhoods.

Susan Kristel said she works for the owners of the IX property and said it is important to engage the development community during the decision-making process. She said you're all in a way looking at us as being one of the major contributors to making the SIA work, so I certainly hope that you will talk to the developers as well about what makes economic sense to a developer.

7:12 Adjourned