

MINUTES
PLANNING COMMISSION WORK SESSION
Tuesday, May 24, 2016
5:00 – 7:00 p.m.

I. PLANNING COMMISSION WORK SESSION

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

Members Present: Chair Santoski; Commissioners Kurt Keesecker, Genevieve Keller, Corey Clayborne, Jody Lahendro, Lisa Green and Alice Raucher;

Staff Present: Missy Creasy, Lisa Robertson, Brian Haluska, Alex Ikefuna

Call to Order: by Chairman Santoski at 5:00 p.m.

1. West Main and Water Street Code Proposals

Brian Haluska stated the Planning Commission will be taking a short tour of the Woolen Mills Neighborhood following the first half of this meeting. This is the first tour of the 3 Small Area Plan areas requested by the Commission.

Brian Haluska said Council passed most of the West Main Street regulations zoning changes already but referred one item back to the Commission concerning density regulations in the code. Currently the density by right is 43 units or 200 dwelling units by SUP. Council asked the Planning Commission to look at an increase in density by right and will hold a public hearing on this to look at the impact to potentially making the 200 units by right. We will broaden that topic a bit to talk about density and how that factors into the regulation of buildings.

Staff did some back ground research and the first table in front of you details the maximum number of units. One chart includes the Monticello Hotel which you can't build today as it exceeds the maximum of the code. It is fully sold and it is all condominiums and they were all sold in the seventies.

Commissioner Lahendro said no matter the small size, there was a market for condos in the Monticello Hotel.

Mr. Haluska said yes, there is another floor on it that you couldn't build today under zoning because it is taller than the maximum height allowable in the city. He noted the commercial use does not factor into this and lot size plays a large role in this particularly when you get to the lower density developments, the provision of open space will lead to lower density calculations but still a tighter feel of the actual development, the develop portion of the lot versus the ones that are spread out. This topic came up last meeting about the theoretical massing and density so he spoke with Tom Elliot, our building official and got the code section of the Virginia Property Maintenance Code which lists unit numbers, sizes and you can see the actual minimum densities. (A disclaimer) He said we have only used this for enforcement when someone tries to take a single family home and break it up into four apartments which uses the lack of common space and is a provision to go after those violating the Property Maintenance Code versus the zoning ordinance. He said if you just remove all density regulations (this is on a one acre lot) you go to 2.0 FAR you would get really huge numbers that were built to this

minimum size. Staff recommends maintaining the density regulations from the original West Main proposed draft.

Mr. Haluska said he likes to put in the number of beds and the density because you see that there's no correlation between those two. This is going to be the downtown apartment against the University area apartment where a 4 bedroom unit versus a studio efficiency both one residential unit has potentially 4 occupancy versus one maybe two at the most. This gives you an idea why dwelling unit per acre is not a perfect measure of the intensity of use.

Commissioner Keller noted that with this chart is it assuming that it would be a single use building. To get to that density would it be all efficiencies or all four bedrooms? Is that what the last column shows?

Mr. Haluska said he used an acre and asked Kurt Keesecker how much space for hallways and stairwells, 43,560 sq. ft. minus 20% for those common spaces and these numbers are probably a little high but that could be sitting on top of two floors of commercial or one floor of commercial. It is merely one point of the FAR.

Commissioner Keller said it is a build out of a one acre floor ratio. She said like the FLATS which we know is a combination of unit sizes, it's everything from efficiencies to 4 bedrooms that's how they get to 97 because if they were all one person efficiencies they would have much greater density.

Mr. Haluska said if you add all of the beds in there, the DUA would be much higher.

Commissioner Keller said we would rarely see that single development. We have had a couple proposed to us, but we rarely see.

Mr. Haluska said the FLATS are a mix from one to four bedroom units what you do see in the University area; 3's and 4's tend to be rare as you get to the east side of the tracks. The Blue Moon development is proposed to be a maximum of two bedrooms now; per the conditions they can't do it anything more. York Place he can speak on there is only one or two beds there are no 3's or 4's in there. He doesn't think it is an attractive unit size. The FLATS rent by the bedroom; he was speaking to them about another matter; you can see that out in the County with the Eagle's Nest and it all worked out for them and that was probably the location and that is a student model not a market rate downtown urban style model.

The matter referred to you by Council is what to do about residential density in the West Main corridor and this brings in the question of City Code Section 34:12; if the building foot print and envelope is no longer subject for a Special Use Permit and residential density is no longer subject to a Special Use Permit then anybody that is coming into this corridor is doing everything by right and is not subject to the regulations of the Section 34-12 which allows for affordable housing contributions. We have received \$800,000 just from the FLATS and the Uncommon. That does not include The Standard which is contributing also; they have to pay into it as well so that number will rise way above a million dollars just for those 3 developments because of the Special Use Permits. That is the only way we have gotten towards affordable housing benefit from this corridor, there are not a lot of large sites left other than the train station parking lot.

Commissioner Keller asked do you see any value beyond the affordable housing contributions in the past from the SUP process.

Ms. Creasy said applicants are currently able to ask for variations for setbacks and giving up something that is key that they want to move to this way or that way, it's another tool and so if there is no SUP they won't have that option, so that tool is gone it doesn't allow for that added flexibility.

Commissioner Keller said the economic consultants; at the last meeting said they felt the SUP added to the speculative nature of development in that corridor making it more expensive to develop after acknowledging that it is an already expensive corridor in which to try to do a project.

Mr. Haluska said he has seen that when property has changed hands and people do due diligence in advance of a sale and say okay what is the maximum by SUP and let me factor that in, but none of that is a guarantee and we know the price tag of some of those pieces of property when they were transferred and they are really high.

Mr. Keesecker asked is there any inclination to think that a higher by-right density would tend toward or encourage smaller unit developmental like efficiencies? He would expect that on smaller foot print lot on the east, that we would see people maximizing density by minimizing the size of the units and getting as many in the building as they can.

Mr. Haluska said that is why he tried to call out that bedroom versus density relationship because if your density is capped at 20 units and an applicant does all 4 bedroom units, he can do 80 beds if he has more flexibility on the high end of density then there could be a little more variation. There is still some cap and no one has said let's dismiss all limits so people can cram as much as they can. The current regulations do tend to that and the market does have a controlling factor and we have had people presented with that opportunity

Commissioner Keesecker said parking controls bedrooms.

Mr. Haluska said West Mains Street is a parking modified zone and is one space per unit so it is tied to the number of units in the building not to the number of bedrooms where you get away from that out from the parking modified zone, then it's a three or four bedroom units requires two spaces.

Chairman Santoski said what if you had all one bedroom units and each bedroom would have one parking spot then they would have to account for that under the modified parking zone.

Mr. Haluska said there is a disincentive to maximize unit count. The bedroom density will increase per unit.

Ms. Creasy said you would not be able to ask for a variation on that because there wouldn't be a SUP allowance any more.

Commissioner Keller said with no SUP you have no ability to comment on the configuration of the building. You exclude yourself from the conversation because they are all efficiencies or they are all 4 bedrooms. If we started to see a lot of 4 bedroom units or a lot of single efficiencies and we see that

there many other indirect effects of that and with the population concerned there would be nothing we could do about it without revising the limit.

Commissioner Clayborne said could you share a bit about the Housing Fund and who advises that.

Director of NDS, Alex Ikefuna said the NDS runs that program; we have a Housing Specialist, Kathy McHugh, she is the coordinator for the program; the rezoning, the SUP and she is responsible for presenting that to the City Council for appropriation into the Affordable Housing Fund.

Lisa Robertson, City Attorney said in the Virginia Law, there are few ways to try to get affordable housing, most of those ways allow for your ability to offer incentives such as density bonuses and reductions in parking requirements. In a parking modified zone, if you are offering an affordable unit, that unit doesn't count in your parking calculation so most of the ways you are allowed to promote affordable housing through zoning regulations involve incentives. Several years ago the city got special legislation from the General Assembly allowing us to use this mechanism in Section 34-12 through the SUP and rezoning procedures. The whole idea was even that in locations where you don't expect that the market is going to give you affordable rates it allows the people building the density in those locations to make a contribution so the city can turn around and hopefully use that to promote affordable units in other places. So just because you don't expect to get affordable units on West Main street doesn't mean that you necessarily want to give up your Special Use Permit if there is still more possibility that there could be some larger development there. Maybe there is not, but if you are looking city wide; if this is a trend look for other ways to control residential development, if you give up the density you are giving up the benefits to this specific legislation that you have that a lot of localities don't have and have in fact been providing a lot of resources over the last few years.

Ms. Creasy said there is a smaller development on Cedars Court that Kathy is working on right now, much smaller site but a good number of units and their contribution to the housing fund is somewhat small compared to what's going on there, but have allowed them to think about whether they should have the unit on site and there maybe one case where we get one on site because of the cost benefit and that could happen on some of the small lots here.

Commissioner Keesecker said do you think there will be another version of the West Main ordinance changes and would you characterized the provisions that are put in for heights and setbacks as moving toward a formed based code or functioning like a formed based code or not.

Ms. Creasy said they are elements and one of the reasons to recap just why we moved away from that because we had the ADC district tool which is much more robust in being able to address these types of issues. The other facts are in the materials Ms. Galvin sent out, although a lot of it has changed. If you look on page 11 it does denote that if you have an ADC or historic district, this is not a tool you want to use in that area so the literature has continued to support our inclination that yes the ADC is a much more robust tool than the form based code but does have some elements of creating the box, but noting what could be the box, and giving some perimeters that the community seems to be okay with and we will see what happens.

Chairman Santoski asked what would be the reasons for adopting a higher density and doing away with the SUP's.

Ms. Creasy said the developer would definitely gain and would have more flexibility in the number of residential units that they could have in their development.

Mr. Haluska said one of the main reason we hear of people getting a little discretionary is certainty if someone is approaching the development site they can speak to somebody in City Hall these are my maximum, these are not subject to debate, not subject to public hearings rules or discretionary actions by Council, and the rules are written in stone and I can bank on those. The uncertainty in the process is costly and that is the argument that is being made.

Commissioner Green said there is a certainty in the by-right use we just don't like the by-right?

Lisa Robertson said when was the last time the city turned one down?

Ms. Creasy said not all of them come your way. We have a lot of preapplications that do not result in developments.

Commissioner Green said we all went to a joint meeting with the Planning Commission and City Council with a formed base code on West Main, you deserve the development we have.

Ms. Creasy said we put together a draft and in going through the draft we found concerns and conflicts between the ADC so we had phone calls with the consultant. He did note that there is literature out there and that is why we moved West Main to a hybrid of sorts and reserved the right to use the form base code in another area.

Mr. Haluska said one of the things missing out of our form base code is there is some of that fine grain detail architectural features like overheads and awnings that start to come in and we hint at here and there but didn't really get to the implementation of that and part of the reason for that is because if you have the ADC district you can go further. Form based code notes the rule is the rule and as long as one meets them, it is approved.

Commissioner Keesecker said in terms of things that max out everything there is density, parking, and height. He said we reduced the height on West Main East to help with its context and stay closer to the character of which they built over time. He said the Blue Moon guys said at the 50 ft. height we can't put enough units in to fill it up. He said on West Main West the throttle might be more parking. He said it would seem right if they could pick numbers for the each of the three that worked and the height gives the character or reduce parking, density finds itself in a sweet spot. He said he is generally not in favor of this, if nobody can achieve it because of the height or the parking.

Ms. Creasy said that is going to vary by your lot size as to how much density you could put per site.

Commissioner Keller said there was a lot of sentiment at one time to remove all density requirements and just let it be, but people are starting to think a little more realistically about density. She said does it make sense to have the same density requirements east and west if we have made this transition to a new way of looking at West Main Street. Should we take that attitude with us for density and what will that translate into. Should the West end be a higher density than the East end?

Commissioner Green said and still have reduced parking?

Commissioner Keesecker said the parking concept needs to be by district and it seems kind of cruel to make every applicant who wants to do something on West Main tip the windmill to get through the parking requirements, if there was a district plan for parking which has maybe been discussed.

Mr. Haluska said the parking modified zone does contemplate that because it mentions the ability to pay into a parking or transit fund or transportation improvements to pay into the parking or transit fund.

Commissioner Keller said we used to say if the buildings are occupied by students, we housed the student and the University parks their cars. But now we are finding that not all occupants are students.

Commissioner Keesecker said if you consider that West Main East is generally confined by the tracks and some parallel streets (Commerce) and then ultimately the limit to the depth of the blocks isn't unlimited within a few 10's of feet all the way to the tracks. West Main West is a little bit different. If we considered a 60 foot module would offer a center stair and apartments on either sides and we know the height is 70 feet, you could almost in theory generate what is the practical density. Is there something we could come up with to balance the density and the parking and the height to some reasonable anticipation to the way it was going to get at built out? He does not have a good sense of what the potential is there. He does not think it would be healthy to have all of West Main East built out with 3200 sq. ft. apartments that sell for \$1.5 million each and if we leave the density artificially low because it is lower than what the market will allow the people to pay for land, they will sell the units or rent the units, but if we can adjust our density in a place that allows for the smaller units to come in we would have the potential for more modest living.

Commissioner Keller said one of the motivations for doing this re-zoning was to bring regulations more in line with the fact that we have the ADC district and that there wouldn't be as many threats to the historic low scale buildings that exist particularly in concentration with the eastern end of the street. She is concerned of us going to the density model that would kick us back into almost providing an incentive for demolition because we kind of reached the critical mass and we have had consultants tell us the character of eastern portion of West Main Street is a community asset that is a unique place in our city and we should use that as an asset. She is particularly concerned about having a density that would get us in trouble there.

Commissioner Green said are you suggesting higher density on West Main West and not on West Main East.

Commissioner Keller said she was just proposing that as a question.

Commissioner Keesecker said and leaving the SUP process in play on the East end?

Commissioner Keller said she would not.

Commissioner Santoski said so will this come back to us as a public hearing on June 14th.

Ms. Creasy said yes, we are advertising for 200 DUA by right as requested by Council.

Lisa Robertson said you have the ability not to recommend that particular numbers go to by right. You can recommend to city council if you want to that they shouldn't do what's been advertised but to recommend something different so the SUP remains. You have the flexibility to make the recommendation.

The discussion moved to the Water Street District changes.

Mr. Haluska said these are suggestions made by Valerie Long of Williams-Mullen, acting as representative for the owners of Midway Manor (100 Ridge Street) based on the fact that 100 Ridge Street has been added to the Water Street Corridor. He said this is fairly straight forward and these are good recommendations and they keep the corridor current with its current boundaries.

Commissioner Keller asked what would be the controlling setback on Ridge Street. She said there has never been a building built to the property line there and this site is different from most of any other site that there is and that is one of the characteristics of that site that still reflects its historic use as a city public school. She is concerned with a setback that lets you build to the sidewalk and creates a wall where there never was one. She said otherwise she is good with these and appreciates the owner and the owner's representative for suggesting these during the previous process. She is concerned about the character and we have always had that little bit of open space and the West Main Street plan. She said it would be a very tight intersection with the new hotel and someone could choose to build to the sidewalk on Ridge Street. It has even been a place where people have sat on the wall, we are talking about placemaking, and it is already a place.

Mr. Haluska said Ridge Street really needs a designation, it was assume as a primary, and the regulations for a primary are still in play with the consultant and they are talking about some green space in that areas and re-configuring. At least 75 percent of the street wall of a building must be built to the property line adjacent to a primary street and the remaining portion of the street wall, 25% of the maximum permitted setback is 5 feet. A Special Use Permit granted by City Council allows up to 50% of the street wall at 20 feet. There is a stand-alone section for the setback on Water Street and you could add an item 3 or item 4 that says setback on Ridge Street must be a minimum setback of 15 or 20.

Commissioner Keller said she would like to explore that.

Commissioner Keesecker said especially in light of all of the discussion we have had on West Main related to those setbacks. This is kind of in that arena. This is the only property that has rear exposure on South Street.

Mr. Haluska said in the setback section it speaks to the fact that it abuts the South Street District.

Commissioner Keesecker said the by right minimum height allowed is 40 feet with 70 maximum and up to 101 by special use permit. He said that was the concern that came up with this parcel with the West Main discussions and it basically runs into those old houses and they are the only ones on South Street and they may be 40 feet tall.

Commissioner Keller asked does anyone know what the current setback on each street is.

Mr. Haluska said the stepback rules were written specifically because Water Street was carved out of the old downtown corridor. There is a 45 feet and 25 foot stepback and that was done for the north

side of Water Street abutting South Street where these properties were going to abut the houses on South Street and 45 was the maximum height they wanted cut in so that it would respect the scale of South Street and the buildings in that corridor which is a tiny district.

Commissioner Keesecker said there is no street between this particular property and South Street.

Mr. Haluska said it abuts the district so you can use a similar site and the same language that you use in B3 abutting the South Street.

Commissioner Green said that the building might be closer than we think because it is an L shape and that one part of the L is on Ridge. The setback might be 20 feet right now.

Lisa Robertson said we might want to have the zoning administrator go and take a look before you pick another number for a setback on Ridge. You noted that you have this character of the building that has been there a long time so you want to know what the difference would be.

Commissioner Keller said this is why she opposed doing this because if we had done it as an application we would have had the ability to accept a proffer for this but now we are in this other realm so she thinks it is important because it is a spring point for West Main and what we want that to look like.

Lisa Robertson said it could be depending on the shape of the building that the setback is already 10 feet in a particular location. The zoning administrator would measure it from Ridge Street to provide clarity.

Chair Santoski said it would be helpful to know that.

Mr. Haluska said that stretch of Ridge Street once you've passed this property is governed by the West Main East rules of 10 and 20 feet on the primary street frontage.

Valerie Long asked what the proposal was for the setback or where the building could be.

Mr. Haluska said he doesn't know if we have a number at this point, but we want to look at the Ridge Street rules and the rest of Ridge Street to make sure we're being cohesive with that. He thinks there was concern about not just the step back on Ridge Street. It may need to be called out like we called out Water Street but also using the stepback section to look at any buildings where they abut the South Street district out of concern for the maximum height in that district and the prevailing building form there. It may not necessarily be the height, right now it's 45 and 25 foot stepback on the North side of South Street in the Water Street district. This needs to be studied.

Commissioner Green said there is a parking buffer that will make a huge difference to the 70 feet over powering the little houses here so if this moves in closer and then goes up 70 feet you don't have the appearance that it is a problem because you've got that huge travel-way parking area that is buffering between the height and the houses.

Commissioner Keesecker said there is a limit to how many openings you can have in a wall up to 10 feet from the property line and it is not generous. It scales considerably back after 10 feet as if it was built to the 10 foot line nearly 25% of the wall. The character of the wall even in a by right situation and even in a design control district would be limited in the amount of openings according to the building code which is to be considered. Maybe there is a number that is a little bit more than 10 that would allow the wall to have more openings.

Valerie Long, Williams-Mullens –acting as representative for the owners of Midway Manor (100 Ridge Street) proposed the following changes:

1. Streetwall regulations – extend the current setback requirement of 25 feet after 45 feet in height for properties fronting on the north side of South Street to all properties fronting on South Street. Also, create a minimum setback of 10 feet after 45 feet in height for frontages on Ridge Street.
2. Setbacks – create a minimum setback of 10 feet with an S-2 buffer for property lines that abut properties in the South Street Mixed Use District.
3. Additional regulations – extended the prohibition on ground floor residential uses to frontages along Ridge Street.

She said she would coordinate with Brian on some options for the setbacks. She said one thing she looked at was based on the primary street because the road curves and it was not entirely clear to them whether it fronted on Ridge Street or Water Street. She said it may be a technical question based on the measurements of it.

Regarding the density along West Main Street and to react to Ms. Keller’s comment about whether SUPs are a hinder to development, do they make it harder or is there a benefit to developers as indicated by Mr. Santoski. She said the staff pointed out that doing away with the SUP you eliminate the opportunity to provide waivers and modifications to parking zone and setbacks which is a very legitimate concern; at the same time unless she is mistaken, she said the solution to that is you could amend the zoning ordinance so that you provide yourselves with options and the discretion to grant those same waivers and modifications even if a special use permit is not involved. She noted that small code changes could allow for this.

The special use permit process is intended to be a process that applies for those types of uses that require a special look and to make sure that they are not going to have an adverse impact on the adjacent parcels, the character of the zoning district, and the core purpose of the special use permit. It concerns her because of one of the main reasons you would keep it is solely to get affordable housing money. If that is the sole reason, she doesn’t think that is the appropriate use. If there are other reasons, she thinks they should be articulated. We have a large number of clients concerned about the process, and certainty is incredibly important.

Bill Emory said from the neighborhood point of view we would appreciate some certainty as well. The Woolen Mills neighborhood has been in touch with the city since 1988 about getting some neighborhood planning done and we are very excited about being good partners and to communicate with you as this process goes forward. He was extremely thrilled with the planning commission walking down to Woolen Mills but on the other hand he is not really clear that the small area plan is still including all of the things we had talked about like cooperative planning with Albemarle County, the long-range transportation plan to the Riverview park at Pantops, the total lack of stormwater infrastructure in Woolen Mills, environmental justice executive order came in in 1994 and there are a lot of other issues beyond this 28 acre area. He said we really need reassurance that this is still a small area planning thing or clarification that it is addressing the M-I and R1S adjacencies we are highly interested in getting addressed but it is looking like it is just a zoning piece of it or is the river corridor still in play here, we are not sure what is going on based on the area we are looking at today.

Adjourn 6:05 to take walking tour of Woolen Mills Neighborhood.