

MINUTES
PLANNING COMMISSION WORK SESSION
Tuesday, September 27, 2016
5:00 – 7:00 p.m.

I. PLANNING COMMISSION WORK SESSION

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

Members Present: Chair Keesecker; Commissioners Taneaia Dowell, Genevieve Keller, Jody Lahendro, and John Santoski; UVA representative Brian Hogg

Members Absent: Lisa Green, Corey Clayborne

Staff: Alex Ikefuna, Brian Haluska, Carolyn McCray

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

AGENDA

West Main Corridor Density Proposals

The discussion proposal includes the following:

West Main West Corridor: No more than 64 dwelling units per acre by-right, and a maximum of 180 dwelling units per acre by special use permit.

West Main East Corridor: No more than 43 dwelling units per acre by-right and a maximum of 120 dwelling units per acre by special use permit.

Summary

Brian Haluska said these items were referred back to the Planning Commission from the July 18th City Council meeting to consider the West Main density and the recommendation from Councilor Galvin for a different interpretation. When it originally went to Council the density remained unchanged and Council expressed an interest in exploring going up to 200 units per acre by-right, and removing any SUP for density. That recommendation came back to the Planning Commission, and the Planning Commission recommended specifically not to change the density, recommending that the regulations remain 43 dwelling units per acre by-right with up to 200 du by SUP. That is what went to Council and Council returned back a proposal that splits the corridors based on the maximum heights in those corridors. The proposal is that West Main West -- which is the taller of the two corridors -- go to no more than 64 dwelling units per acre by-right which is an increase of 43 and then a maximum of 180 dwelling units per acre by SUP which that would lower from 200 the maximum permitted under Special Use Permit. For West Main East, it would remain 43 dwelling units per acre by-right and allow a maximum of 120 units per acre by SUP. He said that 120 du is already in our ordinance as the maximum density allowed by special use in the Downtown North Corridor. Councilor Galvin pulled 180 du from the Blue Moon project. The Blue Moon project is approved at 70 feet tall which is the maximum height for the West Main West Corridor. We are looking for

approval from the commission that you agree with Councilor Galvin's suggestions then we will schedule this for a public hearing in November.

Commission Keller said this is much more reasonable than what we had previously.

Chairman Keesecker said it seems logical to him.

Brian Haluska said it seems like the commission is supportive of this so we will move forward with the public hearing.

Chairman Keesecker said as the staff report comes together it would be helpful as the public hearing takes place to have some formal listing of the other precedents or examples that are not mentioned in the letter that we have today whether it's Blue Moon or other projects so that there is a feel for what that density means in reality to help people visualize. He said he didn't have any issues with it but could imagine it being hard to visualize for others.

Water Street Code Proposals

Summary

Brian Haluska said at the regular meeting on June 14, 2016, the Planning Commission initiated a review of potential changes to the Water Street Corridor zoning district to address the addition of the Midway Manor property into that district. The Commission forwarded recommended changes to Council for consideration, and requested that staff evaluate and review the setback regulations along Ridge Street and the setback regulations adjacent to the South Street Mixed-Use District that might be appropriate in light of the inclusion of 100 Ridge Street in the Water Street Corridor. Those items are:

- Setback regulations along Ridge Street
- Setback regulations adjacent to the South Street Mixed-Use District

Ridge Street Setback

Currently, the Ridge Street frontage of the property is governed by the primary street frontage setback, which requires at least 75 feet of the streetwall of a building be built on the property line, and the remaining streetwall be a maximum 5 feet from the property line. The code permits a reduction in the amount of the streetwall required to be on the property line to 50% and an increase in the maximum setback to 20 feet to accommodate street trees, or pursuant to a special use permit.

The Tree Commission expressed a desire to see the setback along Ridge Street set at 25 feet minimum to permit adequate space for street trees on private property.

Staff finds no justification for the 25 foot setback, because no other setback regulations in the vicinity of the property are subject to such a regulation. Staff instead recommends using the existing setback regulations that apply to the 200 block of Ridge Street south of the railroad, as well as the buildings across Ridge Street from the site – a required 10 foot minimum setback with a 20 foot maximum.

Commissioner Lahendro said concerning the experience of walking on this sidewalk, the trees provide a canopy between the sidewalk and the street which makes for a more pleasant experience.

Commissioner Keller we are dealing with a unique situation here and what we are looking for is to allow this property to re-develop as it is very likely to do at some point in the future but to do it in a way that you provide a visual terminus to West Main Street. At that point and you would also allow for street animation there it is an asset to the West Main Streetscape design that has not been resolved yet so that's why she would like to see an opportunity to have as generous a setback as we could and this rezoning while it was time consuming basically flowed through with a very straight forward process and some of these objections were raised but staff didn't advertise it that way so this is our opportunity to provide enough space to get it right.

Mr. Hogg said two significant historic houses on the other side of Garrett practically have a zero setback.

Commissioner Keller said she is not talking about a residential context there and that has not been a residential site for a very long time. She said she is not talking about buildings in relation to the street. Using the average front setback on a site scares the dickens out of her. She thinks this is a unique site, it's really a one of a kind site in the City of Charlottesville and obviously we need to do the equitable thing in terms of zoning. She thinks it behooves us as people thinking about the future plans of Charlottesville and the West Main Street Streetscape project to give us a generous area there, where we could have street trees that has been brought up by the Tree Commission or it would provide some sort of area for a plaza for a very significant building.

Commissioner Lahendro said it needs trees. It is a good pleasant pedestrian experience on the east side of Ridge Street. He said the problem is getting across the intersection of McIntire and West Main is so difficult, it is not pedestrian friendly at all and doing anything to improve that, getting street trees, giving people a pleasant pedestrian passage would be a big improvement.

Commissioner Santoski said he doesn't see the need for canopy trees on the corner. He said this is some place he can see not having a setback.

Mr. Hogg said he thinks what is set up on the west side of that intersection is a historic building and a hotel where each meet the sidewalk and have windows to look into as sort of a display and they are beginning to make a sense of enclosure around that statue and it is kind of an urban place. He thinks in a lot of ways the southeast corner isn't holding its own and it isn't providing any sense of enclosure there. While it might be one type of experience to open it up with trees in some ways it is more consistent with the design of the downtown mall (before the mall was made) it had buildings on the street and walking down there and this is the transition moment between downtown and West Main Street. When it came before the BAR, one good thing it did was close that corner much much better than the garage that proceeded it did. He said the deeper setback with big canopy trees makes a prominent corner on that site.

Chairman Keesecker said although it would be a unique condition, he can see a situation where we keep the larger setback and let plans unfold. When the design is on the table we can have some flexibility to do what it needs to do at the time the project comes forward. The setback potentially

allows for more to invade in this case. More height and density or something less and the setback would get smaller.

Chairman Keesecker he thought the South Street stepback is appropriate and some acknowledgement to the adjacent properties would be fine. Commissioner Dowell said she is torn because after being on the planning commission for a while now she sees the world differently when it comes to trees. She said she would be comfortable with finding a way to put in some trees but not necessarily have such a big setback.

South Street Stepback

In the Water Street Corridor, stepbacks are only required along street walls. The Commission expressed concern that even with a 10 foot setback adjacent to the South Street District, a building of 70 feet in height would not be in scale with the 45 foot maximum height in the South Street District, and that further regulations were needed to ensure a transition from the smaller scale South Street buildings to a potential development on the site at 100 Ridge Street.

Staff recommends a 15 foot stepback after 45 feet in building height. The maximum building height in the South Street District is 45 feet tall, and the 15 foot stepback coupled with the 10 foot setback would equal the 25 foot stepback currently required on streetwalls in the Water Street District.

Valerie Long, Williams-Mullen, representing the owners of Midway Manor, and Mark Rinaldi, we have been very involved in this process from the beginning. We are comfortable with what staff suggested, and a lot of what you all are discussing, that provides a nice range putting some borders on where that setback will go but also provides some flexibility that you talked about to design the building which hasn't been done yet; and it is probably five years away from the design. We would ask for that flexibility so we can figure out what is the best setback and design for that parcel. We agree that it is an important parcel. We have been saying that from the very beginning. We are glad to know you all agree, but we don't really think it warrants a special parcel specific setback just because it is important. Every parcel is unique and it is very important and in an important strategic location. We think it makes more sense to have flexibility with borders around it proposed by staff and so we will bring a proposal to you with a design for the commission to weigh in on if it's a special use permit type situation or the BAR regardless, so we would ask for your support on that. There is a good chance that a special use permit would be required with any type of building whether it's for additional density or additional building height, but it may not and so, if the theory is let's require a maximum of 25 feet because we know they are going to require a special use permit we will have a chance to reduce it at the time and that could back-fire. She said she could see a developer saying we are not willing to risk that process, the uncertainty of knowing whether we will be able to get the setback reduced what if we spend 100 thousands of dollars designing this building on this site based on a 15 feet setback and then they say no we want 25 feet setback maybe even more and then we have to go back to the drawing board. Having a range and some borders around the expectation for the setback is important that level of certainty is helpful. She also noted that originally before we were able to request the property be rezoned to water street district, it would have been zoned had we not requested it. It would have been West Main East which would have had the 10 foot minimum and a 20 foot setback. Everyone thought that was fine at the time or at least no one raised that as a concern

at the time. So that is why we thought that was a particularly appropriate range because that's what it would've been. The parcels to the south as Brian mentioned are zoned West Main East, parcels to the west are zoned West Main East so it provides some certainty. The comments about the 25 foot minimum setback that came from the Tree Commission was when she first learned of the 25 foot setback at the Planning Commission meeting. She asked where is this 25 feet coming from. She did not know that was what Planning Commission members had talked about that being sort of the established setback in the end. We did our research and couldn't figure out where that was from. We spoke to Brian and he said I am not sure where that came from either, and so there wasn't any real precedent for the 25 foot and so she doesn't know if the decision for the commission to take this forward based on that mistaken promise, we think a 10 foot minimum 20 foot maximum is a great compromise, it addresses the concerns that you all have for street trees, good public spaces and doesn't artificially constrain the design flexibility so that we can design a building that will warrant such an important location in the city. With regard to the building setback, from the south street zoning district we ask that you think through again whether that is appropriate to make site specific setbacks and setbacks that will only affect one parcel. 1. Had the property not been rezoned, Water Street district as we had asked it would have been West Main Street East there would have been no setback, no building setback from Water Street district and no limitations on ground floor residential. We addressed all of those issues with the first zoning text amendment that you all recommended and Council approved. Those three issues that we felt appropriate for the midway manor parcel regulations to be consistent with all of the other Water Street district regulations and then it added the ground floor limitations on residential which is not in the other Water Street district but is important to carry that restriction as it was added for West Main Street. We are not sure there is a need to have a setback from South Street. We recognize that that is a special zoning district, those are important properties. We don't think there is a real risk or any harm from having a tall building next to a shorter one. There are a lot of examples in the city. Mark pointed out my own firm's building in the old Miller and Rhoads building is obviously taller than building around it. There are five floor buildings, and two floor buildings to the right and to the back. She said she is not an architecture person but thinks that variety of building heights provides lots of visual interest and variety on the downtown mall. She would not like it as much if everything was the same height. It is a three story difference there and she doesn't think it causes any harm. The concept of building setbacks has always been applied in the city from the streetscape and she is not aware of any other examples where it was applied and or opposed on the side of buildings, so she thinks that would be a big policy shift. So that appropriate given for this parcel that's a big change, she could be wrong, there could be others but she is not aware of any. Again had it been zoned West Main East there would have been no setback, no building requirements, it would have been a 70 foot building. The South Street buildings can redevelop, they are limited to 45 feet in height but they can still have maximum redevelopment potential and build right up next to the midway manor parcel without any setbacks or any building setbacks. We have already imposed a 10 foot setback of the entire building and a landscape buffer along that common boundary. We think that addresses the need to protect those properties and we don't think that this is necessary, so ask that you consider that. The Midway Manor property has been zoned for over 4 decades originally up to 101 feet by-right and then when the comprehensive zoning went through because before the West Main street south zoning district came into play it was zone B4, when the mixed use zoning districts were created and implemented in 2003, it was zoned West

Main South and those districts allowed 101 feet by-right. A few years later the regulations were amended to require a SUP go to that height. For many years it was allowed up to 101 feet by-right even with the South Street houses there. She said their contentions were by the time that South Street was created it was thought to be okay that the building at midway manor could be up to 101 feet by-right and even when the zoning district was modified to require an SUP to go from 70–101 there was no additional building setback that was put in place then. We are trying to figure out if it was okay when it was West Main South it wasn't going to be needed if it was going to be West Main East why all of a sudden it is needed when we rezoned it to Water Street district. She said their request is to doctor those issues into your consideration.

Commissioner Keller asked Brian to advertise these at their maximum. She said you don't have to endorse this in the staff report, if this gives you heartburn, but it would give us wiggle room with those who are not here today or if some new information becomes available. She said she recommends that the Planning Commission make a motion not to recommend approval or denial but make a motion that our comments be taken to Council.

Commissioner Santoski said or we can write them up ourselves.

Commissioner Keller said that is where things fall through the cracks. We go through all of the trouble to review something and particularly if we are not in concurrence with the staff report with Parks and Rec or NDS, our comments could just go into cyberspace.

Brian Haluska said the action taken memo reflects the Planning Commission's action. It is a separate document that we generate after the meeting, and is the front page of the item that goes to Council. In the memo is the Planning Commission's complete motion, a summary of the comments and the actual text of the recommendation, plus the motion and the vote. He said the staff recommendation is not in the memo. He will check with Parks and Rec to see how they do theirs.

Commissioner Lahendro said as he understands it, after additional study it is not going to go to a vote it simply is going to accumulate the comments from the Planning Commission be written up separately, and accompany the recommendation that goes to Council.

Brian Haluska said the question that staff will answer for them is what happens to comments that they provide to Parks and Rec staff at their meeting.

Commissioner Santoski said we can always make a motion and have something more formal put together.

Adjourn 6:10