

**City of Charlottesville
Planning Commission and
Board of Architectural Review
June 28, 2005
Joint Work Session**

Minutes

Planning Commission Members Present:

Cheri Lewis, Chair
Kevin O'Halloran, Vice-Chair
Craig Barton
William Lucy

Board of Architectural Review Members Present:

Joseph Atkins, Chair
Fred Wolf, Vice-Chair
Wade Tremblay
Preston Coiner
Amy Gardner
Lynne Heetderks
Syd Knight

Staff Present:

Mary Joy Scala
Lisa Kelley
Ron Higgins

Members of the public:

Jeanne Hiatt
Karen Dougald
Jason Eckford
Daniel Bluestone

Ms. Lewis and Mr. Atkins convened the meeting at 5:35 p.m. in the Neighborhood Development Services Conference Room.

Mr. O'Halloran established that there were no quorum issues because no votes would be taken.

Ms. Lewis noted that the proposed Rugby Road-University Circle-Venable Neighborhood ADC District is currently on the Planning Commission's July 12th agenda, but that she reserves the right to postpone it. She asked Ms. Scala to provide a summary of the district and the BAR's actions to date.

Ms. Scala noted the proposed district maps, including the existing zoning, the existing National Register District boundaries, and the contributing properties map. The BAR held a public

meeting on May 17th, deferred action to walk through the district on June 6th, and recommended approval of the district at its regular public meeting on June 21 using 1945 as the amended date of significance for contributing structures, rather than 1955 that was originally proposed. The BAR also held a work session on June 22nd at which they discussed the district and related zoning issues.

Ms. Lewis confirmed the new and previous dates of significance. She noted Mr. Lucy's recent emailed letter.

Mr. Atkins said the BAR discussed the question of whether the guidelines are sometimes more restrictive than the zoning.

Mr. O'Halloran said, so the historic overlay district would "trump" regular zoning?

Ms. Kelley said the guidelines guide the BAR's decision making process. (She noted the BAR cannot allow what zoning does not.) She said we talked about the fact of the underlying zoning being directly in conflict with the design guidelines. The City Council approves the design guidelines. Therefore, they need to give better direction in the design guidelines dealing with a particular district like the R-UHD, or they should amend the zoning ordinance to reconcile the issue.

Mr. Atkins paraphrased questions raised in Mr. Lucy's letter:

1. Do the guidelines trump the zoning ordinance regulations? Yes, the most restrictive would apply.
2. We should address the guidelines issues.
3. Should the Planning Commission reconsider where the R-UHD zoning lies? Mr. Tremblay explained that taller buildings may not be economical now – would be a function of the economics at the moment.
4. In review of the district and boundaries, contributing and non-contributing, should the Planning Commission recommend adjustment to the boundaries? The majority of the BAR said the boundary was solid. Two of the three dissenting votes had significant questions about 15th Street and particular properties.

Ms. Scala noted the BAR's recommendation passed by 6-3 vote.

Mr. Knight said he did not have those questions; he thought the vote was premature and things needed to be worked out.

Mr. Atkins said Mr. Lucy questioned whether there had been enough public input. The BAR did not feel that was the case.

Ms. Lewis asked if the BAR had sufficient public input?

Mr. Atkins noted the June 6th neighborhood walk through, the June 22nd work session, and the May 17th meeting with public comments. Ms. Scala said there was also a Venable neighborhood meeting that the public attended.

Mr. Tremblay said he did not think there was understanding or certainty among investment property owners.

Mr. Eckford, a long time property owner in the district, interjected that the public does not know what they are in for.

Mr. Coiner asked if the Planning Commission discussed the historic overlay district when they considered the new zoning map.

Mr. O'Halloran said yes, but they were more interested in design control than protection of historic properties.

Ms. Lewis and Mr. Coiner were on the historic preservation subcommittee. She said this district was never discussed vis a vis the new zoning.

Mr. O'Halloran said they were particularly concerned about historic properties in the R-UMD district. They made a distinction due to the built environment and the topography. There was a strong desire to see design control in return for giving extra development rights. In retrospect it was a mistake not to do both at once. We would have given it more thought if we had realized the conflicts.

He added that many historic properties are already individually protected. It is very unfortunate that some buildings (like on Gordon Avenue) have already been constructed. He regrets not having the overly adopted at the same time.

Ms. Lewis said she was not aware of such a quid pro quo arrangement.

Mr. Coiner asked what do we do now?

Ms. Lewis asked what was the genesis of adding 14th and 15th Streets?

Mr. O'Halloran said Mr. Lynch and Mr. Cox were supportive.

Ms. Scala said the consultant recommended the boundaries. She prepared a Preliminary Information form (PIF) and the State Review Board concurred that this area is potentially eligible to be added to the National Register District.

Mr. Atkins said as a side note, that the conservation district concept was considered but set aside because this area was not similar to Valley Road, where such a concept was previously discussed.

Ms. Lewis asked if the BAR considered 14th and 15th Streets to be a mini-conservation district?

Mr. Atkins said they considered it but rejected the idea. He explained a conservation district would only require BAR review if 25% or more of the building mass was to be added or deleted, in order to exclude from review smaller changes.

The direction of the BAR was to look more closely at the contributing and non-contributing structures.

Mr. Barton asked what were the questions and comments that arose in discussion of the grading system?

Mr. Knight said it added needlessly to the complexity of our review to try to fit overly objective criteria onto a process that was inherently subjective.

Ms. Heetderks said our greatest concern is the demolition requests.

Mr. Tremblay said the real conflict with R-UHD comes into play. We have granted few demolition permits. Unless that changes, development won't occur here as the ordinance allows.

Ms. Lewis asked if the Council ever overturns demolition decisions.

Ms. Scala said the only one overturned was a small addition on the back of the Silk Mills.

Mr. Coiner said the BAR does not want to lose credibility by constant appeals.

Ms. Kelley explained that both R-UHD and R-UMD allow 5 stories (60 feet) by right. R-UMD allows 43 DUA by right and has no special use permit provision; R-UHD allows 64 DUA by right and up to 87 DUA and 7 stories (80 feet) by special use permit. R-3 allows 21 DUA by right and up to 87 DUA and 101 feet height by special use permit. R-3 and R-UMD require minimum 25 ft setback, or average of the street; R-UHD requires 15 ft setback or average of the street.

Mr. Tremblay noted that the desire was to encourage developers to build a mix, so there are limitations on the number of 4 bedroom units allowed. Also only ½ parking space per bedroom is required in R-UHD and R-UMD. The concept was to encourage less parking.

Ms. Lewis noted that approximately 60% of the historic district is zoned R-UHD or R-UMD.

Ms. Kelley said the difficulty is setting up a situation where the underlying zoning district conflicts with the guidelines if you apply standards that have been used successfully in the past. You then have to adjust the guidelines or the zoning district or both.

Mr. Atkins said at a previous meeting Mr. Bluestone mentioned the Preston Court Apartments as a good example.

Mr. O'Halloran said we envisioned R-UMD as less dense than R-UHD.

Mr. Knight asked if they could decide to not impose the guidelines in R-UHD and R-UMD, or would they need to change the guideline to a specific number ?

Mr. Coiner said he felt more comfortable having a guideline.

Ms Kelley gave the example of Queen Charlotte, that the height could be different if a whole block was developed that way.

She said you don't want to set up a situation where the guidelines never allow development.

Ms. Lewis said property owners have made plans based on the new zoning and at some point they would have vested rights.

Mr. Coiner said Ms. Lewis asked how the BAR would approach demolition requests. By adding these properties in a district we are saying they meet the criteria for being there; they do not meet the criteria to demolish.

Mr. Atkins said zoning questions get out of our depth.

Mr. Coiner said as things are going, there will be a lot constructed without design control.

Ms. Scala explained that to be vested, the property owners must obtain a demolition permit or preliminary site plan approval.

Mr. Atkins said he would like to see "pre-approved" demolitions.

Ms. Gardner said some houses could be moved; we need creative solutions.

Mr. Tremblay said it would have to be moved nearby; not realistic to move across town. He said the intent was to create high density here as opposed to spreading growth to the outer areas of the community.

Mr. O'Halloran said UVA only houses 1/3 of its students. The idea of the zoning was that students could walk to school; get out of their cars.

Mr. Coiner said there was also conversation from at least one investment owner that he may save two-2's but tear down one - 1.

Mr. Knight said you could call that the "PUD approach" to demolition.

Mr. Tremblay noted many of these houses were non-conforming uses with ten students living there. The houses are not built for that use, have substandard wiring, etc.

Ms. Heetderks said the BAR considers the same criteria to move a building as to demolish it.

Ms. Lewis asked if there are special circumstances in this district?

Mr. Atkins said City Council should proactively describe what could be demolished. Perhaps allow a 3 to be demolished to meet zoning goals?

Ms. Lewis noted a lot of non-contributing south of Virginia Avenue. Perhaps we should end the district further south and individually designated the pinks (1's).

Mr. Atkins said then there would be no design control.

Mr. Knight said your questions parallels what Mr. Lucy was getting at – to pare the district down further. Mr. Knight said that as one of the minority nay votes, I am in agreement with the boundaries. But I objected to pass it along until the wrinkles are worked out, to have something specific to give Council.

Mr. Coiner said some wanted to move forward.

Ms. Heetderks said it rose to the level of study needed to form a district. The end. There is some urgency with extreme development planned.

Mr. Coiner disagreed that they felt under the gun. He said there are year long leases.

Ms. Heetderks said there is always urgency when a district is proposed.

Mr. Atkins reminded everyone that 6 of 9 BAR members put the district forward.

Mayor David Brown entered the meeting.

Ms. Lewis said it seems the BAR has made a recommendation to designate the district. There are larger vexing issues that ultimately go to density and height. I propose that we convene a subcommittee of 3 members of the BAR and 3 members of the PC and one member of Council.

Mr. O'Halloran added, to develop 2-3 options regarding guidelines, boundaries, grading of significance, design control with a special use permit, creative relocation within the district.

Mr. Higgins noted that he pulled the ad so that the joint public hearing would not be scheduled in July.

Subcommittee members would be Mr. Lucy, Mr. Barton, Mr. O'Halloran and Ms. Lewis from the PC (Ms. Lewis said she would chair the subcommittee and be ex-officio, non-voting member), and Mr. Atkins, Mr. Tremblay and Ms. Gardner from the BAR.

Mr. Brown offered to serve for the City Council. He said he wants meaningful design control. He wants to accomplish something in the spirit of the historic district – to preserve meaningful structures.

The purpose of the subcommittee is to get rid of conflicts. There may be some compromises.

Mr. Coiner asked if the subcommittee would come back before this joint group.

Ms. Lewis said a short report would be generated by email. The subcommittee would be advisory to the PC. The PC bears the responsibility. Ms. Lewis will prepare a list for email of possible remedies.

A meeting was scheduled on Thursday July 7 at 5:30 p.m. in NDS, and possibly July 14.

The Chair accepted public comments.

Ms. Dougald from University Circle said a lot of students prefer homes. In Madison WI around the University every rental is inspected every three years. They levy fines which pay for more inspectors. The City needs to make landlords more responsible. Wiring can be fixed.

Mr. Bluestone representing Preservation Piedmont said this is really an important discussion. You must feel torn by it. You want students within walking distance to UVA (which has been irresponsible in providing housing). This area has in place great models – medium density next to single family houses- such as Preston Court. Altamont Circle downtown is another good example.

He said this is about design review and historic preservation. Unfortunately the BAR cannot look at what is coming but the onus should be on the development community. No UVA faculty has been consulted to design buildings of enduring value in this area. It is out of place that an institution dedicated to density, sustainability, pedestrian connections, are not involved in the design of this site. City Council should be able to say, yes you can demolish this house if something good will be built in its place. Don't nibble at the boundaries. Where is the responsibility that we should be stewards of the historic landscape? You could do additions to older buildings that would go back to the alley. Where is the option of well-done additions to historic buildings that we can all benefit from?

Jeanne Hiatt analyzed the zoning ordinance as part of a volunteer group. She spoke to City Council about the conflict between the future historic district and the high density zoning. She asked City Council to stop the zoning but they ignored it. You may need to change the zoning ordinance slightly.

The meeting was adjourned 7:27 p.m.