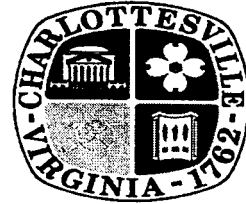


City of Charlottesville

MEMO



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TO: Planning Commission; City Council
FROM: James E. Tolbert, AICP, Director
DATE: July 10, 2006
SUBJECT: **July 13th Work Session Agenda**

At your Joint Planning Commission/City Council/BAR Work Session on July 13th, the meeting will be divided into two sections. The first hour and a half beginning at 5:00 p.m., is for a discussion of issues related to the land use and transportation section of the Comprehensive Plan. The second half of the meeting from 6:30 p.m. to 8:00 p.m. you will be joined by the Board of Architectural Review for a discussion of development issues related to the downtown area, in particular the Downtown Mall.

First Half of Meeting

There are several issues that have surfaced over the last several years since the adoption of the 2001 Comprehensive Plan related to Land Use. Many of our neighbors are concerned about zoning and land use issues in their neighborhoods and would like to see steps taken in most cases to down zone properties within the neighborhood. As you know, we believe that down zoning can only be done in the context of a comprehensive review of all community zoning. Attached are several issue papers for discussion at this meeting. These cover land use issues as follows:

- **Woolen Mills Neighborhood:** The concern for the Woolen Mills Neighborhood is with areas that continue to be zoned for manufacturing and heavy business as the Woolen Mills continues to evolve to a more residential community.

- **Martha Jefferson Neighborhood area:** The Martha Jefferson Neighborhood expressed a great deal of concern about impacts associated with the Martha Jefferson Hospital move to Pantops.
- **Cherry Avenue Corridor:** The transition zone has been in place for seven years now and it is the consensus of the Fifeville Neighborhood and our staff that changes are necessary, both in the areas zoned for transition zones and in the text of the ordinance itself.
- **Rose Hill Neighborhood:** Like Woolen Mills, the Rose Hill neighborhood contains a significant number of manufacturing and heavy commercial zoning. This neighborhood is also in transition to a more stable residential community and the neighborhood believes that the current zoning is incompatible with the direction the neighborhood is taking.
- **Fry's Spring Neighborhood:** Fry's Spring residents believe that there are significant areas that continue to be zoned R-2 that should not be at this time. Although there was a significant downzoning from R-2 to R-1A in the 1990's the neighborhood is concerned that the remaining R-2 is detrimental to the future stability of the neighborhood.

It is our goal at the meeting to have a brief discussion of each of these issues and determine if there is a consensus of the Planning Commission and Council to move forward with recommendations in the Comprehensive Plan to make changes in the Land Use Plan that would recommend the changes proposed by the neighborhood.

There are three other items that we would like to briefly discuss during this section of the meeting:

- Attached is a proposal from Fitzgerald and Haliday for assistance with the transportation element of the Comprehensive Plan. This has been discussed with many of you and we are ready to move forward on this so that we have a professional look at transportation issues facing the City of Charlottesville. Past Comprehensive Plans have simply restated the goals and projects of the regional plan without taking a look at the needs of the City. I hope with this plan to focus in on specific Charlottesville needs so that we can be better prepared as we go through the regional transportation planning process.

- Attached are several pages from the 2001 Comprehensive Plan Land Use section that make policy statements to guide our land use decisions. As conditions have change over the last five years, I would like to make sure that these policy statements still represent the direction that Planning Commission and City Council would like to see the City go. We will run through these very quickly, so please read them over and be prepared to talk about whether or not they are the consensus of both bodies.
- One item that I do not intend to get a decision on tonight, but would like to tee up for future discussion, is the issue of densities in our zoning ordinance. In 2001 when we were doing the Comprehensive Plan and in 2003 when we were preparing the zoning ordinance, there was a very specific desire on the part of the Planning Commission and City Council to increase the by-right development density in the community. In most cases, the ultimate build-out densities were not altered, but the number of units that could be built without going through a special use permit, were significantly changed. At that time, it was the belief of Planning Commission and City Council that this would create a development community that was more confident in its ability to get plans approved and would therefore stimulate development in a time when development was somewhat stagnant. Probably more from market conditions than our work on the ordinance, however, we have seen a recent spurt of growth that has taken advantage of these increased densities. What we have realized however, is that by giving up the special use permit ability for many of these projects, we have given up our ability to negotiate for things that will benefit the City. In past years, this was not an area of concern, but as we grow more interested in green building technology, low impact development, and affordable housing, as well as other means to mitigate development, there is little reason for developers to go after a special use permit. The question that I would like to address at this meeting, is whether or not the Planning Commission and City Council would be willing to consider changes in by-right densities without changing the overall density allowed by special use permit in zoning classifications so that it would enable us to be in a position to impose conditions on developments seeking those special use permits. I would suggest that if you were interested that you might drop back to previously allowed by-right densities in most of these areas and leave densities permitted by special use permit as they are currently in the ordinance.

Second Half of Meeting

The issue for discussion for this half of the meeting for BAR/Planning Commission/City Council is one that has been brought about by the recent proposal by Mr. Keith Woodard to develop a nine-story building at the corner of 1st and Main Streets. At conflict is the zoning ordinance allowance of nine-story buildings and a design guideline that speaks to buildings that do not exceed by more than 200 percent the height or mass of buildings in the area. I have attached copies of the appropriate zoning and design guidelines sections for your use.

I think this issue is much greater than a simple discussion of the merits of the Woodard Project. It just happens to be the first that has brought this issue to our attention. Instead it is a more fundamental issue of what we desire as the future of the Downtown Mall. Currently, our Downtown Mall zoning goes from the railroad tracks on the south to Market Street, areas of very different character. What is appropriate on one may very well not be appropriate on the other. And, while the zoning ordinance does not differentiate, the design guidelines do take some of these differences into account.

Our staff has prepared a power point presentation that will be very brief, but we hope will demonstrate some of the concerns that will be discussed at the meeting. As we see it, there are a series of questions that boil this issue down. They are:

- Is nine stories the appropriate limit on height on the Downtown Mall? If so, should it be a by-right limit as it is now, or should the by-right limit be lower and the higher story limits be allowed only by a special use permit with clearly articulated criteria for when those will be granted?
- Are properties fronting Market Street and Water Street the same as those fronting the Mall and should they be treated the same? It may be totally appropriate to have a nine-story building on a now vacant Water Street lot, but it may not be as appropriate to have that building on the Mall or on Market Street across from Lee Park or one of the other properties containing much smaller scale buildings.
- Is it appropriate to consider a height greater than nine stories through special use permit in order to allow builders to achieve the densities that

have been envisioned in the Comprehensive Plan and Zoning Ordinance if those buildings have the appropriate setbacks and stepbacks from the mall and other streets?

This has been a non issue in the past, even though our zoning ordinance has allowed buildings as high as 175 feet. The 2003 zoning ordinance did not increase the allowable heights in the downtown area and it is not the reason that we are seeing the current pressures. Only recently have land prices risen to the level that force development to greater heights in order to spread the land cost in reasonable amounts. Our staff is very much concerned that we craft regulations that will both allow the Mall to continue to grow and to flourish as it has in recent years, but at the same time, will not destroy the unique character that makes the Charlottesville Mall what it is. We believe that it will be tragic to create a canyon of nine story buildings along the Mall and feel that this is the proper time for you to guide those decisions that will affect us for the rest of this century.

Please let me know if you have any questions or need any additional information before our meeting on Thursday night.

JET:sdp

Attachment