

Downtown Commission Meeting
Minutes of October 14, 2016
8:30 a.m.
1st Floor North Conference Room - City Hall

Present: Chairman Adrian Vassallo, Presiding; Vice-Chairman Michael McDonough; Mr. Dane Barrager, Mr. Brent Campbell, Ms. Franzi Charen, Mr. Byron Greiner, Mr. Jimi Rentz, Ms. Ruth Summers and Ms. Pamela Winkler

Absent: Mr. Jack Bebbler, Councilman Brian Haynes

Chairman Vassallo called the meeting to order at 8:30 p.m. and informed the audience of the public hearing process.

Administrative

- Mr. Greiner moved to approve the minutes of the September 9, 2016, meeting. This motion was seconded by Ms. Summers and carried unanimously.

Downtown Design Review

192 Haywood Street (Level III - Conditional Use Permit)

Urban Planner Sasha Vrtunski said that PHG LLC has submitted a request for a Level III review for the construction of a 8-story, 185 room, 178,412 square foot (sf) hotel with on-site parking located on 2.05 acres in the Central Business District (CBD). This project is considered a Level III (Conditional Use Permit) review pursuant to Section 7-5-9.1 of the Unified Development Ordinance (UDO).

At the September 9, 2016, the Commission discussed this project in depth and ultimately the item was continued to allow the applicant to address the maximum wall length of the 145 feet along the Haywood Street façade, and the length of the wall along Carter Street and other recommendations suggested by the Commission.

The project proposed to build a 9-story hotel building with 185 rooms and 200 parking spaces in an internal parking structure. The total commercial building square footage is 178,412 sf and approximately 1300 sf of patio space. Building height is 77 feet, to the floor of the top story. Overall height not including roof elements is approximately 87 feet.

She then explained that the following variances are required and will be decided by the Planning & Zoning Commission with recommendation from the Downtown Commission:

1. **Building Setback greater than 0'** is not permitted in the CBD per Section 7-8-18(f)(5).
2. **Maximum wall length over 145' for floors above 75 feet in elevation** is required per Section 7-8-18.
3. **Streetwall Stepback** - A streetwall stepback is required along the primary frontage (Haywood Street) based on the width of the right-of-way.

Ms. Vrtunski said that the architect went to the September Design Review Committee and discussed the three variances needed for this project. The applicant has submitted a revised set of drawings which was distributed to the Commission earlier this week. Changes have been

made to both the North French Broad frontage and the 7th and 8th floors where the building length exceeds 145 feet.

She said that regarding the setback on North French Broad, the North French Broad frontage has been redesigned to bring the building to the street. The design team elected to provide a small courtyard space in front of the stair tower, to enclose a space at the street, and there is a small landscaping area at the southern end of the building. Staff supports this redesign as a good alternative where the property line is at an awkward angle to the rest of the property. Staff supports the streetwall stepback variance. The UDO provides the option of getting a variance in 7-8-18 (f) 13e: *"Throughout the CBD, a variance may be sought as set forth in section 7-5-9.1 from the step-back requirements by meeting design guidelines that specify a clear visual demarcation provided between the base of the building and upper floors corresponding to the height of the street wall. The requested variance shall not result in conflict with building code requirements."* The design elements at the base of the building imply a 2-story building and provide a good amount of pedestrian interest. Staff feels good about that variance but is not totally clear on whether it needs a variance or not at this time.

She said that regarding the variance for the wall above 75 feet and longer than 145 feet, For the wall above 75 and longer than 145 feet, the design team has brought forward a proposal to drop out a room on the 7th and 8th floors creating the impression of two buildings. The corridor behind is fronted with glass, to continue the impression of separate buildings. At the Design Review Committee there was a discussion of this alternative with another alternative which would have created a longer wall along Carter Street, and this seemed to be the more preferred alternative. This alternative does meet the intent of the ordinance, but it is still not compliant. Staff feels compelled to stand behind the ordinance and cannot support this variance. Because of this, staff cannot support the project.

Mr. Mike Dale, landscape architect for the project, reviewed with the Commission the changes on the site and landscape plans since the September meeting. They have removed the vehicular drop-off on Haywood Street and made that a pedestrian-only plaza. The Transportation Department granted them a two-foot wider curb-cut on Carter Street. The parking deck shape changed a little so the landscaping around it has been adjusted. There are enough street trees, but they are short a couple trees around the parking deck. They will go to the Tree Commission with an alternative compliance request. He also noted that since they were not able to go all the way around the parking deck with the landscaping, a green screen is shown along the southern exposure in order to soften that building edge from that view. They also added some landscaping and hardscaping work on the northeast corner along French Broad where the pedestrian sidewalk is and the new stair location for the deck.

Mr. Bill Zehrung, architect with McMillan Pazdan Smith Architecture, touched briefly on the variance regarding the maximum wall length over 145 feet for floors above 75 feet in elevation. Using renderings, he showed they cut off a guest room in the middle and also created smaller guest rooms on either side to open that up. The top floor was the only one above 75 feet cut-off, but they reduced the guest room on the top floor and also one floor below. He said the back would be glass and would not be seen from Haywood Street. They did try to do all they could to minimize the mass.

In response to Ms. Summers, Mr. Dale said that glass area in the back will be a corridor. The area that was a guest room on both the top and second floor from the top will now be a potential amenity to the guests with rooms next to that area.

Mr. Brad Norvell provided some context to the renderings which included view ranges out and the addition of some surrounding buildings. They changed the stair location on the parking deck in order to be sensitive to the church. He said they planned some glazing and 800 square feet of habitable space on the ground floor (with no plans at this time for a restroom) on Haywood Street to activate the streetscape.

In response to Vice-Chairman McDonough, Mr. Dale explained how will the air be circulated for the parking deck and where will the venting will be located.

In response to Ms. Winkler, Mr. Norvell said that they would be happy to study putting in a couple openings in the brick façade (over the car ramp in between the two sections) that is covering the parking deck in order to have some translucency introduced at those locations.

When Chairman Vassallo asked about on-going conversations with the church, Mr. Dale said that the applicant will be resurfacing the church's parking lot and re-working the pedestrian access from one site to another. Mr. Zehrung noted that the applicant is also providing the church with a number of spaces in the parking deck as well. He said that the one issue they are still working through with the church on the height of the retaining wall. The issue is that on the west side of the church parking lot there is a row of good size trees and by bringing the retaining wall up, there may be some impact to those trees.

In response to Ms. Summers, Mr. Dale said that there are 200 parking spaces and the room occupancy is 184. Mr. Dale also said that there will be some type of signage in the parking deck for church parking, noting that the church already has a parking lot in the back of the church, which the applicant will resurface for them.

Vice-Chairman McDonough briefly outlined some suggestions from the Design Review Committee meeting. Prior to going to City Council, they suggested that the applicant try to provide some public parking.

When Vice-Chairman McDonough said it was unfortunate that they are not getting a significant storefront presence, Mr. Dale said that they can adjust that to a higher percentage glazing and a lower percentage of louvers.

Mr. Campbell expressed concern that the wall longer than 145' would still be visible from the south, and that there was no attempt to alleviate the wall length on the south elevation, therefore, he felt that particular variance request was based purely on economics.

Since there considerable discussion regarding each variance, it was the ultimate consensus of the Commission to review each variance separately.

Several ideas were suggested to attempt compliance with the maximum wall length of the 145 feet along the Carter Street façade.

Regarding the streetwall [stepbacksetback](#) variance, all Commission members supported this variance.

Regarding the building setback greater than 0 variance, all Commission members (except Ms. Summers) supported this variance.

Regarding the maximum wall length over 145' for floors above 75 feet in elevation variance, all Commission members did not support this variance.

Vice-Chairman McDonough moved to recommend denial of 192 Haywood Street, as presented based on the requested variance exceeding the 145 foot width of the building above 75 feet. This motion was seconded by Mr. Barrager and carried unanimously.

Ms. Vrtunski explained that the project will continue to move onto the Planning & Zoning Commission with the denial recommendation.

Updates

Review of Bond Proposal and Council Priorities

Assistant City Manager Cathy Ball reviewed the bond proposal and responded to various questions from the Commission.

Median Improvements Project

Downtown Development Specialist Dana Frankel said that the Public Works Department recently launched a median maintenance program. They are working with Pinnacle Landscaping to beautify medians and blub-outs throughout the Central Business District. In addition to beautifying them, it's to improve visibility for pedestrians and for drivers. They are beginning with the College Street medians between the traffic circle and Spruce Street. The project will include removing much of the ground cover and replacing those plants. The majority of the work will be completed by December, with the exception of some grasses that will be planted in the spring. Staff will work with private property owners or businesses that currently maintain medians so that work will continue. Impacts to pedestrians, bicycles and vehicles should remain minimal. Following the median maintenance work in the Central Business District they plan to roll this program out city-wide.

Old Business

Rezoning of East Side of Asheland Avenue to Central Business District

Urban Planner Jessica Bernstein said that the City is proposing to rezone multiple parcels along the east side of Asheland Avenue from Office Business (OB), Regional Business (RB) and one split-zoned parcel with a section of Residential Multi-Family High Density (RM-16) to Central Business District (CBD).

The area proposed for rezoning consists of ten separate PINs on seven parcels along the east side of Asheland Avenue. The lots are developed with a variety of commercial and office uses and range in size from 0.37 acres to 1.57 acres in size.

The parcels are zoned Office Business, Regional Business and one has a split-zoned area zoned RM-16. There is CBD zoning to the east and north. The west side of Asheland Avenue (not under consideration for rezoning at this time) has Office Business and Regional Business zoning and the Office Business continues to the south.

Staff was originally pursuing rezoning both sides of Asheland Avenue; however after multiple meetings with the Commission, Design Review Committee and representatives from the South French Broad Neighborhood group, the west side of the corridor is not proposed for any zoning change at this time. From the discussions as well as analysis of the limitations to development potential on these parcels added to the potential impacts on the single-family neighborhood, it was agreed that more time is needed to evaluate the best zoning fit for this border area and that it does not seem to be CBD zoning under the current regulations.

Most recently, the property at 200 Asheland was rezoned from RB to CBD in 2015. Multiple other parcels in the vicinity have been similarly rezoned in 2013 and 2014.

The rezoning would place these parcels within the Intermediate Height Zone. Asheland Avenue is already considered a Key Pedestrian Street. Extension of the context transition edge is not applicable along the majority of the area as there is no adjacent residential zoning (exception: 88 Southside). Any future development would be required to comply with Central Business District design requirements and review standards.

Staff recommends approval of the proposed rezonings, as this effort has been discussed and supported by the Commission on multiple occasions and finds that the request to expand the CBD is consistent with City-adopted plans (including the Downtown Master Plan) and strategic goals for development in this area as well as following similar rezoning requests in the immediate vicinity.

Chairman Vassallo opened the public hearing at 9:49 a.m. and when no one spoke, he closed the public hearing at 9:49 a.m.

Ms. Summers moved to recommend approval of the zoning map amendment from Regional Business, Office Business and RM-16 to Central Business District as a standard rezoning and the amendment to the height zone map. This motion was seconded by Mr. Greiner and carried unanimously.

New Business

Public Comment

Adjournment

At 9:50 a.m., Mr. Greiner moved to adjourn the meeting. This motion was seconded by Ms. Summers and carried unanimously.