

**Planning Commission Comments and DPZ Staff Responses on Proposed Draft Amendments to the Maple Avenue Commercial (MAC) Zone, as Discussed at 2/27/19 and 3/13/19 Work Sessions\***

MAC Code Section	Planning Commission Comments	Staff Responses to Planning Commission Comments
<b>General</b>	- McCullough suggested adding references throughout the MAC to the applicable design guidelines sections and vice versa.	- Staff will provide section references and hyperlinks in the final versions of both documents.
<b>18-95.1 Statement of Purpose and Intent</b> (pg. 4)	<p>- <i>The proposed amendments to Sec. 18-95.1 were approved for recommendation to the Town Council by the Planning Commission at their 8/8/18 meeting, following a public hearing.</i></p> <p>- McCullough provided written comments on preliminary draft design guidelines; concern that term “abutting” in intro paragraph of MAC vision statement causes confusion. Suggests adding “adjacent” to “abutting.”</p>	
<b>18-95.2 - Applicability</b> (pg. 6)	- At 3/13/19 work session, Planning Commissioners indicated support for proposed amendment to replace map, removing “proposed” from figure.	
<b>18-95.3 - Procedure for MAC Zone Designation</b> (pg. 7)	<p>- At 3/13/19 work session, Planning Commissioners discussed public engagement plan and if MAC could require additional info (meeting summaries, etc.) from applicant.</p> <p>- At 3/13/19 work session, Commissioners indicated support for new subsection 18-95.3.b.26 as presented by staff along with other proposed amendments.</p>	<p>- Staff recommended describing in more detail the steps of the MAC review and approval process currently provided in subsections B through E, and reference Design Guidelines (ix).</p> <p>- Staff recommended adding new subsection 18-95.3.b.26. <b>“Narrative explaining how the proposed project meets Sec. 18-95.1 - Statement of purpose and intent, as enumerated.”</b></p>
<b>18-95.4 - Permitted Uses</b> (pg. 10)	<p>- At 3/13/19 work session, Planning Commissioners indicated support for proposed amendment re: required uses in the MAC Zone, i.e., no net loss of ground floor commercial space, but wanted to confirm that definition of “commercial” would not preclude non-profits.</p> <p>- At 3/13/19 work session, Commissioners discussed desire for small, independent and locally-owned businesses in MAC projects, but noted lack of zoning mechanism to incentivize.</p>	
<b>18-95.5 - Conditional Uses</b> (pg. 11)	N/A	No amendments proposed
<b>18-95.6 - Accessory Uses</b> (pg. 12)	- At 3/13/19 work session, Planning Commissioners indicated support for proposed amendment to delete A.2., as required parking for restaurants is based on number of seats.	

<p><b>18-95.7 - Area Requirements</b> (pg. 13)</p>	<ul style="list-style-type: none"> <li>- Baum - How are encroachments/cantilevered features addressed?</li> <li>- Meren - 11. When parcels are merged, large sites like Giant, 28 ft. does not seem like enough of a setback</li> <li>- Kenney - D. MAC serves first-come-first-serve, when it comes to windows and doors on side yards. Suggested increase from 8' to 10' in order to accommodate projections.</li> <li>- At 3/13/19 work session Planning Commissioners indicated support for proposed amendments to this section, along with the following change to 18-95.7.D. Minimum side yard: <b>ten (10) feet.</b></li> </ul>	
<p><b>18-95.8 - Encroachments into Required Yards</b> (pg. 15)</p>	<ul style="list-style-type: none"> <li>- At 3/13/19 work session, Planning Commissioners indicated support for proposed amendments to this section, including staff recommended change to 18-95.8.B.</li> </ul>	<ul style="list-style-type: none"> <li>- Staff recommended the following change to 18-95.8.B. <b>“Awnings and canopies may extend up to ten feet into a required yard on Maple Avenue, five feet into a required yard on a primary side street and three feet into a required yard on a secondary side street.”</b> Staff posted canopy figure on <i>Maple Avenue Vision</i> webpage.</li> </ul>
<p><b>18-95.9 - Height Limit</b> (pg. 17)</p>	<ul style="list-style-type: none"> <li>- Kenney - Building shall have an appearance of no more than 4-stories, why allow more stories to be "crammed" into the 54' feet, seems redundant - let them meet building code</li> <li>- Kenney - If we want to allow what will be 5 story buildings by building code we will need to have some public input - due to difference in definition between codes</li> <li>- Gelb - Would we allow roof-top structures for dining, etc., or would that be a 5th story? Neighbors concerned about privacy, are roof-top activities desired</li> <li>- Baum - Aren't grills not permitted by code?</li> <li>- McCullough - Struggled with retail depth because of lot sizing - variation</li> <li>- Maybe set a ratio of depth to lot depth</li> <li>- Kenny - 50 is pretty reasonable shallow retail - Don't go too shallow to create ridiculous retail - 40' is a good depth</li> <li>- Gelb - But, do we need 54' to attract the type of development we want??</li> <li>- McCullough - The ad hoc wanted to retain 54' without evidence that development will take place at lower heights - given that they are not now</li> <li>- Couchman - Good representation of scale - addresses comparison to Church Street. We have antidotal evidence that the 4th story is needed. Should reference other code changes that will impact the residential setback, lowering height down to 35' feet within 100' feet of residential</li> </ul>	<ul style="list-style-type: none"> <li>- Staff posted the building scale analysis on the <i>Maple Avenue Vision</i> webpage.</li> <li>- Staff recommended the following changes to Sec. 18-95.9.A. <b>“The maximum building height shall be the lesser of four stories or 54 feet, as shown in Figure 18-95.9.1, Determination of Height. Buildings shall have the appearance of, at most, four stories when viewed from every cardinal direction. Mezzanines shall comply with the applicable section(s) of the Virginia Uniform Statewide Building Code. Penthouses and other roof structures must adhere to the provisions of Sec. 18-164 of the Town Code.”</b></li> <li>- Staff recommended the following change to Sec. 18-95.9.B. <b>“The minimum height of the first story of a principal building shall be 15 feet, which shall be maintained for a minimum depth of 40 feet.”</b></li> </ul>

- Baum - We need a study to show that 45' will not develop. Traffic will increase and sewer and water will need to be upgraded.
- Gelb - Clarified that he was not suggesting an arbitrary change, but some empirical evidence
- Basnight - Studies were done.
- Couchman - First comparison of apples to apples MAC development (building scale analysis)
- Kenny - Major issue we run into is concern over density, don't set density because the units get larger or town houses. Setbacks and step backs reduce density, like is proposed. More graphics we have at workshops the better. Including, development blocks broken up, variation on roof-lines/stories etc.
- At 3/13/19 work session, Planning Commissioners indicated support for proposed amendment to require minimum height of 15 feet for minimum depth of 40 feet along with deleting subsections 9.B and 9.D.
- At 3/13/19 work session, Commissioners indicated support for allowing second level of parking within the first story as proposed by staff as new subsection to 18-95.10, but were divided on need to keep the "lesser of four stories" phrase in building height description. They recommended two options be presented to Town Council with regards to Sec. 18-95.9.A.

**Option 1:** "The maximum building height shall be the lesser of four stories or 54 feet, as shown in Figure 18-95.9.1, Determination of Height. Buildings shall have the appearance of, at most, four stories when viewed from every cardinal direction. A fifth floor for a second level of parking within the first story, as provided for in Sec. 18-95.10.C, is permitted. Mezzanines shall comply with the applicable section(s) of the Virginia Uniform Statewide Building Code. Penthouses and other roof structures must adhere to the provisions of Sec. 18-164 of the Town Code."

**Option 2:** "The maximum building height shall be 54 feet, as shown in Figure 18-95.9.1, Determination of Height. Buildings shall have the appearance of, at most, four stories when viewed from every cardinal direction. A fifth floor for a second level of parking within the first story, as provided for in Sec. 18-95.10.C, is permitted. Mezzanines shall comply with the applicable section(s) of the Virginia Uniform Statewide Building Code. Penthouses and other roof structures must adhere to the provisions of Sec. 18-164 of the Town Code."

<p><b>18-95.10 - Off-Street Parking and Loading Requirements</b> (pg. 18)</p>	<p>- At 3/13/19 work session and, after much discussion, Planning Commissioners indicated support for parking incentives, as presented, with the following recommended changes to 18-95.10.A.2.a, along with additional information on the definition of bicycle repair station, of which staff has provided language for below. “A five percent reduction for providing publicly accessible, sheltered bicycle and <b>other multimodal transportation alternatives, and a bicycle repair station. A bicycle repair station is a standalone, permanently fastened bicycle facility, which includes a set of tools that enables bicyclists to perform minor repairs on their bicycles. A bicycle repair station shall include an air compressor, either integrated with the repair station or as a standalone facility, to allow bicyclists to fill their tires with air.</b>”</p> <p>- At 3/13/19 work session, Commissioners discussed and requested a new subsection requiring a minimum number of electric charging stations and asked staff to research other jurisdictions on their requirements.</p> <p>- At 3/13/19 work session, Commissioners indicated support for new subsection re: allowance for second level of parking within first story. Based on the discussion, staff offers the following change to the proposed amendment (underlined): <b>“Parking structures: A second level of parking within the first story, located to the rear of the commercial space fronting on Maple Avenue, is permitted.”</b></p>	<p>- Staff recommended adding a new subsection to Sec. 18-95.10. <b>“A second level of parking within the first story will not be considered a story for the purposes of determining height.”</b></p>
<p><b>18-95.11 - Mobility and Circulation</b> (pg. 26)</p>	<p>- At 3/13/19 work session, Planning Commissioners indicated support for proposed amendments to this section, including staff recommended change to 18-95.11.A.1.</p>	<p>- Staff posted proposed streetscape zones, primary and secondary side streets map and analysis on the <i>Maple Avenue Vision</i> webpage.</p> <p>- Staff recommended adding the following language to Sec. 18-95.11.A.1., “The area between the edge of the front building wall and the face of the curb adjacent to Maple Avenue <del>East and West</del> <b>and the primary and secondary side streets, as defined in Section 18-95.7.C., shall be considered the streetscape area.”</b></p>
<p><b>18-95.12 - Landscaping Standards</b> (pg. 29)</p>	<p>- At 3/13/19 work session, Planning Commissioners indicated support for proposed amendments to this section.</p>	

<p><b>18-95.13 - Open Space Set-Asides</b> (pg. 33) (“Gathering Spaces”)</p>	<ul style="list-style-type: none"> <li>- Kenney - No minimum open to the sky and contiguous</li> <li>- Baum - Open space should be considered if at least 6' wide or other minimum width to prevent piecing small spaces together</li> <li>- Couchman - providing less prescribed minimums for gathering space is okay, because small spaces will not meet the use of gathering space</li> <li>- Baum - disagrees, wants more definition - define "gathering space"</li> <li>- At 3/3/19 work session, Planning Commissioners discussed need to require minimum percentage of contiguous gathering space. After much discussion, Commissioners indicated support for the following changes to 18-95.13.A. <b>“Gathering spaces, such as outdoor seating areas, sidewalk cafes, landscaped areas with pedestrian access, plazas, forecourts and covered atriiums, shall be located on the ground-level and be accessible from a public right-of-way. Gathering spaces, to the maximum extent possible, should be contiguous. Gathering spaces may include partially and fully-covered spaces that are open on at least one side. Partially and fully-covered spaces cannot be more than 25% of the required minimum gathering space.”</b></li> </ul>	<ul style="list-style-type: none"> <li>- Staff posted proposed gathering spaces analysis on the <i>Maple Avenue Vision</i> webpage</li> <li>- Staff offered the following language to Sec. 18-95.13.A. <b>“Gathering spaces may include partially and fully-covered spaces that are open on at least one side. Partially and fully-covered spaces cannot be more than 25% of the required minimum gathering space.”</b></li> </ul>
<p><b>18-95.14 - Site Development Standards</b> (pg. 35)</p>	<ul style="list-style-type: none"> <li>- Kenney - Create diagram showing block sizes and building setbacks for visualization</li> <li>- Meren - Make large sites have greater setbacks from the Maple Ave frontage</li> <li>- McCullough - Ordinance and design guidelines streets will match</li> <li>- Baum, Kenney &amp; McCullough - How will we require medical uses to have more loading space, more emergency vehicles or covered space? Should we require covered space?</li> <li>- Couchman - Should awning be included as a condition of the CUP? Where is the most appropriate place in code?</li> <li>- At 3/13/19 work session, Planning Commissioners discussed staff proposed amendment to 18-95.14.D.4.c. and indicated desire to apply the proposed step-back requirement to buildings fronting on primary and secondary side streets, in addition to Maple Avenue. Also requested staff provide additional analysis of other percentage requirements, i.e., 20%, 25% and 30%.</li> <li>- At 3/13/19 work session, Commissioners indicated support for other proposed amendments to this section, including staff recommended new subsection 14.K for ambulance areas and deleting subsection 14.C.</li> </ul>	<ul style="list-style-type: none"> <li>- Staff posted proposed building and façade break analysis on the <i>Maple Avenue Vision</i> webpage.</li> <li>- Staff posted proposed building and façade break analysis on the <i>Maple Avenue Vision</i> webpage.</li> <li>- Staff offered a new subsection 18-95.14.K. <b>“Ambulance areas. Nursing, assisted or independent living facilities for seniors must designate a covered area, on-site, for ambulances.”</b></li> <li>- Staff provided a map at 3/13/19 work session showing block lengths along Maple Avenue and posted on <i>Maple Avenue Vision</i> webpage.</li> <li>- Staff recommended the following changes to Sec. 18-95.14.B. Primary Commercial Entry Placement(s): <ul style="list-style-type: none"> <li>1. ... Primary Entry Placement(s)</li> <li>3. ... commercial entries face Maple Avenue <b>and primary side streets</b>, a commons</li> </ul> </li> <li>- Staff recommended deleting Sec. 18-95.14.C. <i>Entry Features</i> as these are addressed in Sections 1.1 and 1.3 of the Design Guidelines.</li> <li>- Staff recommends adding new subsection 18-95.14.D.4.c. <b>“A minimum of fifteen (15) percent of the top floor of a building(s) shall be stepped back at least ten</b></li> </ul>

		<p>(10) feet from the building wall below it. The step-back area must be open to the sky. Balconies and terraces are permitted within the step-back area.”</p> <p>- Staff recommends adding new subsection 18-95.14.D.4.c.1.</p> <p>“Incentive. For a building(s) in which at least fifteen (15) percent of the top floor is stepped back twenty-five (25) feet or more from the building wall below it, the building shall be allowed to encroach ten (10) feet into Streetscape Zone 3, i.e., frontage zone, for, at most, fifteen (15) percent of the length of the building fronting Maple Avenue. The height of the building in the encroachment area shall not exceed the height of the first story. The exterior of the building in the encroachment area shall be designed to be consistent with the architecture of the building and shall not be constructed of temporary materials. No entrances or access directly from Streetscape Zone 2, i.e., walkway zone, into portions of the building(s) located in the encroachment area shall be permitted. Balconies and terraces are not permitted on the roof of the encroachment area.”</p>
<p><b>18-95.15 - Exterior Lighting</b> (pg. 48)</p>	<p>At 3/13/19 work session, Planning Commissioners indicated support for proposed amendments to this section.</p>	
<p><b>18-95.16 - Neighborhood Compatibility</b> (pg. 50)</p>	<ul style="list-style-type: none"> <li>- Gelb - How does working from the "setback" create more distance than "property line"</li> <li>- Baum - Why are outdoor vending machines allowed?</li> <li>- McCullough - Need to think of other utilization of vending-type equipment for other uses, while not as prevalent currently</li> <li>- Staff will review language</li> <li>- At 3/13/19 work session, Planning Commissioners indicated support for proposed amendments to this section, including adding “townhouse development” to subsections 16.B.1, 16.D.1.b and 16.E, additional language to 16.D.1, deletion to 16.D.1.b, and new subsection 16.B.2 on measuring building height. Commissioners suggested some refinements to the accompanying figures.</li> </ul>	<ul style="list-style-type: none"> <li>- Staff indicated at the 2-27-19 work session that the proposed setback area increases the rear setback by 5 ft. and the side and corner setback by 5-7 ft. for single-family detached dwellings. Staff provided a map at 3/13/19 work session showing the existing setback area compared to the proposed setback area and posted it on the <i>Maple Avenue Vision</i> webpage.</li> <li>- Staff posted proposed setback area analysis on the <i>Maple Avenue Vision</i> webpage.</li> <li>- Staff recommended adding “<b>townhouse development</b>” to Sections 18-95.16.B.1., 18-95.16.D.1.b., and 18-95.16.E.</li> <li>- Staff recommended adding new subsection Sec. 18-95.16.B.2. “<b>Building height shall be measured from the</b></li> </ul>

	- At 3/13/19 work session, some Commissioners indicated the MAC should require a wall between buildings and residential areas to minimize noise.	<p>average finished lot grade along the property line, closest and most parallel to the single-family dwelling(s) and/or townhouse(s) adjacent to or across the street from the building, to the peak elevation of the building or portion of the building.” Staff provided figures illustrating building height measurement and posted on the <i>Maple Avenue Vision</i> webpage.</p> <p>- Staff recommended adding the following language to Sec. 18-95.16.D.1. <del>“General. Buildings</del> <b>within 100 feet of a property line of a single family dwelling, townhouse or townhouse development are</b> subject to these following standards <del>shall.”</del></p> <p>- Staff offered the following deletion to Sec. 18-95.16.D.1.b. “Orient porches, balconies, outdoor space, and other exterior site features <del>such as vending machines</del> away from adjacent single family dwellings, townhouses and townhouse developments.”</p>
<b>18-95.17 - Nameplates and Signs</b> (pg. 54)	N/A	No amendments proposed
<b>18-95.18 – Fences</b> (pg. 54)	At 3/13/19 work session, Planning Commissioners indicated support for proposed amendments to this section. Commissioner Kenney indicated that he wanted to confirm the section was not needed.	
<b>18-95.19 – Incentives</b> (pg. 55)	3/13/19 work session, Planning Commissioners indicated support for proposed amendments to this section.	
<b>18-95.20 - Nonconforming Site Features</b> (pg. 59)	N/A	No amendments proposed

\*Individual Planning Commissioner comments are provided for 2/27/19 work session; general discussion summary is provided for 3/13/19 work session.