

Minutes  
**PLANNING COMMISSION REGULAR DOCKET**  
**TUESDAY, July 11, 2017 – 5:30 P.M.**  
**CITY COUNCIL CHAMBERS**  
**NDS Conference Room**

**I. Commission Work Session (Agenda discussion(s))**

*Beginning:* 4:30 p.m.

*Location:* City Hall, 2nd Floor, NDS Conference

Members Present: Chairman Kurt Keesecker Vice-Chair; Lisa Green, Commissioners Genevieve Keller, Jody Lahendro, and Taneaia Dowell

Members Absent: Corey Clayborne; John Santoski

1. Comprehensive Plan Process Preparation

Chair Keesecker called the meeting to order at 5:00pm and provided a review of the agenda. Staff presented the materials to be used at the second round of community outreach for the Comprehensive Plan and gathered feedback.

**II. Commission Regular Meeting**

*Beginning:* 5:30 p.m.

*Location:* City Hall, 2nd Floor, Council Chambers

Members Present: Chairman Kurt Keesecker Vice-Chair; Lisa Green, Commissioners Genevieve Keller, Jody Lahendro, and Taneaia Dowell

Members Absent: Corey Clayborne; John Santoski

Staff: Missy Creasy, Carolyn McCray, Lisa Robertson, Alex Ikefuna

Call to Order: The meeting was called to order by Chairman Keesecker at 5:30 pm

**A. COMMISSIONERS' REPORTS**

Commissioner Lahendro: reported no Housing Advisory Committee meeting this month and the Tree Commission meeting was postponed from a week ago because of the holiday and it is going on right now.

Commissioner Keller: TJPDC does not meet in July, but will meet in August and we have re-instituted a process where we try to visit some of the other jurisdictions and try not to just meet in Charlottesville, so we will be meeting in Greene County next month and get some information about their streetscape project. It is a different scale than ours but she thinks it will be interesting. This week the PLACE task force meets on Thursday and Chairman Keesecker has been invited to come and give an update to the task force on the Comp Plan; and he has some activities planned.

Commissioner Dowell: no report

Commissioner Green: reported there was no meeting last month with the Citizens Transportation Advisory Commission and they will meet in August.

**.B. CHAIR'S REPORT:** Kurt Keesecker reported he sits on the Hydraulic/29 Advisory Committee, and it has been an active summer. The design team that was put together by VDOT, Kimly Horn and Michael Baker Associates are doing land planning and transitioning into transportation. It is an incredibly interesting process because it is a complicated environment. They have been doing some community outreach themselves as well which has been interesting to hear

how their efforts are going in light of what we have tried to do over the weeks and months. They have gotten back some strong feedback from the Meadows neighborhood that are affected by some of the preliminary plans and he thinks the concerns have been heard loud and clear from the design team. There is a charrett with the 12 member advisory committee this Thursday to talk about some scenarios that have been proposed by the design team to narrow down to a preferred scenario. They have kept these 3 or 4 ideas open and debated for quite some time and they are hoping to narrow in on one so they can do a study in detail on the transportation issues related to land uses proposed. He said it is fair to say nothing has been decided but definitely the issues concerning the Meadow's neighborhood and their traffic concerns and some of the opportunities for land use around that area have been considered and we will see how Thursday turns out and report more robustly next time. Ms. Dowell and Mr. Lahendro have done a good job on our community engagement workshops for their introductory explanation of what a Comp Plan is and what we are trying to do with our Comp Plan efforts.

Commissioner Dowell said she enjoyed the community workshops that she was able to attend and presented and felt they were nice and at the tables there was a nice diversity; and good input from the citizens. She wished more people were involved.

Commissioner Lahendro said things started off a little stiff because the commission was a little stiff and once we got the hang of it and met people coming through the door, we were able to talk with everyone, the participants, things went very smoothly, and the staff and the commissioners enjoyed the process. He hated to see it come to an end.

Chair Keesecker said he appreciated Ms. Creasy and her staff and all of the effort that went into making those evenings logistically smooth and useful in terms of information. He said the tables he was at were very robust, very civil, helpful and very positive moving forward.

Ms. Creasy said we had about 150 residents to sign in although we missed a few that didn't sign in so we can't quantify that.

Commissioner Lahendro said of the 150 people at these events, we have captured and documented everything people have told us and we are now compiling that into a spreadsheet so the data is readable by us and can inform our decisions when we get to the point of constructing scenarios for our Comp Plan.

**C. DEPARTMENT OF NDS** - Missy Creasy said we have finished phase one and on to phase two. Tomorrow evening we will be at the farmers market at Meade Park and our 2<sup>nd</sup> event is Friday after Five with a tent and activities which will allow us to get the next level of feedback from the community. We asked where do you want housing and commercial to go and now we will try to dig a little deeper to see what kinds of housing and commercial people have interest in and in what location. We will also have the survey from our first activity as well as a survey that digs a little deeper question wise with candy available for participants. We will have the appropriate treat for the appropriate event. Next week the events will be posted on line. Potential date for the joint meeting between HAC and the Planning Commission is August 16<sup>th</sup>.

Commissioner Dowell gave special thanks to Allison Linney, our moderator, for doing a great job in seeing everything ran smoothly and no one person over-took the event.

Ms. Creasy said we are in the process of getting this information on line, updating our software and we will have the maps that were created at the events online. We have had some interest from those

in the community that do their own data processing and volunteered to do some analysis of that data. We will welcome any feedback that occurs on that level which will make the process even better.

Ms. Creasy said she needs the commissioners to let her know about the potential date for the Housing Advisory Committee joint work session. It is a lunchtime work session and August 16<sup>th</sup> is the date we are floating right now. If we can get our critical mass that folks are generally okay with, she will ink that in.

## **MATTERS TO BE PRESENTED BY THE PUBLIC NOT ON THE FORMAL AGENDA**

### **CONSENT AGENDA**

(Items removed from the consent agenda will be considered at the end of the regular agenda)

1. Minutes - June 13, 2017 – Pre meeting and Regular meeting
2. Minutes - April 25, 2017 – Work Session

Motion by Commissioner Keller Seconded by Commissioner Dowell to approve the Consent Agenda, motion passes 5-0.

- 1. City Attorney Review of Zoning Ordinance - <http://www.charlottesville.org/departments-and-services/departments-h-z/neighborhood-development-services/zoning/legal-review-2017>**

Ms. Robertson gave out a chart offering information about some problematic Mixed Use issues, and the second document was a chart (“commercial district mixed use discussion guide”) that is set up as an attachment and supplement to the first document. The charts give you references to existing Code provisions; to the location within the Legal Review where the proposed revised language can be found and incorporated. She said the zoning ordinance provisions relating to “mixed use” were not well executed when introduced in 2003, and were not well integrated with other parts of the ordinance (definitions, general regulations, etc.). The City removed some definitions and requirements, because it was felt they were too constraining upon development; however, in doing so, the City failed to replace the removed provisions with alternative language sufficient to guide administrative decisions, coordinate with other ordinance provisions, or effectively promote whatever type of development the City was intending to promote at the time of those amendments.

Ms. Robertson provided the commission with a list of questions to answer because she felt they are the ones that warrant serious consideration sooner rather than later.

Ms. Robertson said the definition of mixed used is residential combined with any other use

Commissioner Keller said the public needs a graphic to understand.

Commissioner Dowell asked about height and the need to make the pictures the Commission asked for.

Chairman Keesecker received an email from CADRe who are working on some diagrams to aid in that analysis.

Ms. Robertson said by August we will need to advertise for a public hearing. Our ordinance needs work and it will be helpful to address some issues in the short term.

Commissioner Keller said in reference to the Corner District density, do we really want to encourage mixed use by the commercial areas up to 14<sup>th</sup> street? Until we have that kind of information, we may inadvertently do something we do not want.

Ms. Robertson said for the next meeting on July 25<sup>th</sup> we will focus on developing an interim way to measure height and then spend time with the rest of the proposed questions. An effort will take place later to modify the use matrixes. It does not appear the PUD discussion will need to occur until after the Comprehensive Plan update.

(1) In the Corner Mixed Used Corridor District, regarding the current lack of criteria specifying when a Mixed Used Building or Development may qualify for a density bonus:

Item #1 - use can be less than gross areas for instance the university high rise; corner districts, use category residential, commercial components.

(2) In the Downtown Extended Mixed Use District, regarding the lack of criteria specifying when a Mixed Used Building may qualify for a height bonus:

Item #2 - one apartment in a residential building, allow bonus height only by SUP; Height will be answered by the form base code discussion.

(3) In the Downtown Extended Mixed Use District, is a “mixed use building” that contains 3+ dwelling units subject to the same minimum density (21 DUA) as a “multifamily dwelling”?

#3 Commissioner Keller said #2 and #3 makes sense. We have a consensus.

Chairman Keesecker said a mixed use building with extra density is like the corner focusing on the building from the ground floor.

Commissioner Lahendro said he is interested in playing with the percentages for the mix of the building required in order to get a bonus.

Commissioner Keller said why do we want to encourage density in the Corner area?

Ms. Robertson said you might decide not to use percentages down the road but beware of the day to day stuff that’s happening.

Commissioners Green and Dowell would like to see an SUP to allow extra height which would allow for a choice to deny it if it were not appropriate. With an SUP, Council can identify percentage and affordable housing provisions kick in.

It was clarified that a Multi-family dwelling includes three or more dwelling units. The Downtown Extended District has a minimum of 21 dwelling units per acre, as the minimum density in a mixed use building

(4) In the Downtown Extended Mixed Use Corridor District, is a “mixed use building” subject to the same minimum density (21 DUA) as other residential development?

#4 minimum density in any other residential development? But nobody knows if that is in a mixed use development.

Chairman Keesecker said this will allow people to do discount building and allow people to park on the street.

(5) In the Cherry Avenue Mixed Used Corridor District, is a “mixed use building” subject to 21 DUA (max) or to 43 DUA (max)?

#5 Take out project and replace with development in the code language.

(6) In the Water Street Mixed Use Corridor District, are mixed use buildings” subject to the 21 DUA minimum applicable to “multifamily developments”?

#6 21 dwelling units per acre minimum 3 or more residential; 240 by SUP

(7) In the Downtown North Mixed Used Corridor District, regarding the lack of a maximum building height:

#7 Street walls of 50 feet; 3 stories or 5 stories.

(8) In the WMW and WME Mixed Use Corridor Districts, may “accessory parking” or other parking uses be located on the ground floor of a building, adjacent to a primary street?

#8 all parking uses are prohibited on the ground floor of a building adjacent to a primary street

(11) In the Industrial Corridor District (IC) does the “M” in the Use Matrix authorized:

#11. The M in the use matrix is for mixed use development; contemplated multi family dwelling; add M as mixed use building

(13) In the Emmet Street Corridor District (ES): what type(s) of residential buildings can be part of “mixed use development” within ES?

#13 Emmet Street Corridors – continue with current interpretation

(17) In seven (7) different mixed use corridor districts, courtyards and plazas are required when a development “covers an entire city block”. What does that mean?

#17 There is currently no definition of block – 200 feet and 1100 feet is a cul de sac.

Public Comments

Martha Smyth: what assumptions are being made about UVA housing? There were some concerns expressed about the proposals which would tend to move them into neighborhoods. Do students live mostly in single apartments by themselves or do they live with 3 or 4 other people in a larger apartment? Do we know what the spread is on that? She said it should not crowd out the need that we have for affordable housing in the city.

Chair Keesecker said yes to all of the above. For the second question he said tonight at this table we probably don't and we could find that out but tonight we are looking at all of those uses as part of the Comp Plan conversation and probably not trying to make those tweaks in the zoning ordinance in this work session. We are all thinking about university housing and its impact.

Ashley Davies with Williams-Mullens and CADRe, said as someone listening to the conversation tonight it seems ever clearer to her that there is a need to continue with the Comprehensive Plan process because she could feel the group struggling because there is no central vision guiding this conversation. It makes it very frustrating to listen to it because if you don't have that vision guiding you are making substantive decisions that are not based on any agreed upon vision in the city. She said with a lot of these questions she doesn't understand why the city doesn't have a cross-disciplinary team at the table discussing each of these with you so you could get all of the various prospective not just legal. You need planning and design and there are a lot of unintended consequences to any of these decisions that you make. She said she doesn't understand why a lot of the decisions talked about seem contrary to the form based code that we are supporting in the SIA. If we are going with the form based code she doesn't think we should be overly concerned with regulating minimum density in a lot of these mixed use districts. People are going to go for the maximum density anyways. If you are regulating minimum density look at the downtown areas. A lot of these building are smaller and they might have just one or two apartment units upstairs so why do we care whether they have 21 DUA or not. That is making a lot of non-conforming situations if you put that on.

She said we don't need to worry much about the mix of use in Charlottesville and she totally understands the issue with giving bonuses if you don't have a definition of mixed use and that does need to be defined. She doesn't think we need as much encouragement of mixed use as we did when the 2003 ordinance was written. We need encouragement of affordable housing for sure, so maybe so think more about what carrots you want to offer for heights and density. She is disappointed that we are adding more reasons for special use permits. I think we need to decide what we want in districts and make as much of it by right after that point. Do your community engagement process; decided what the vision is; write the code to match the vision and do away with as many of the special use permits as you can.

Mark Renaldi from James City County said he has 33 years in planning and zoning experience, and he saw a lot of struggling with zoning and what it hopes to accomplish, and what the expectations are for zoning. Before there was zoning, all cities evolved organically. They evolved in response to need, initiative and ability. If there was a need and somebody had the initiative to tackle that need and they had the ability or it didn't get done. There were conflicts, and to avoid conflicts, sort incompatible uses. That is where you put in zoning started and now today we look to zoning to replicate what we thought was good in our cities and to avoid what we thought was bad. While zoning may have a logical basis which you guys struggled mightily tonight; emotion always overcomes logic because zoning is inherently political. Every zoning case is legislation. Zoning is local law, therefore it is legislative and therefore the discretionary is political. He said hoping that zoning can achieve all things among competing interests and goals and objectives is really a fool's errand; you can only do the best you can do. That doesn't mean you don't do but you are doing the

best you can do and satisfy yourself but you are not going to solve every aspect with zoning. He said he is alright with the SUP but he likes the by right certainty for sure. To echo what Lisa and Ashley said, you are to seeking to achieve or avoid something in a specific location you've got to express your vision, and do it clearly, concisely and it be something that can be operationalized but not a lot of glowing goals and objectives nobody understands what they mean or like the one Lisa read earlier today. He said development, growth, tastes, and needs versus wants are dynamic - they change all the time and they are going to be constant but you have to be comfortable that what is seen as desirable today likely won't be in the future. A clear example is throughout the eastern states of America started with horses, narrow streets, and then we went to streetcars in some areas like Richmond, and then the automobile and we are moving to driver-less automobiles. What's next? We don't know. You can't accomplish every goal for the future and in fact, you look at the more timeless cities and they haven't tried to do that. If you have been to Rome, you go straight from modern Rome with horrible ugly facades, antennas and boom you pop out and there is the Parthenon and the Coliseum. Sometimes that contrast is more impressive than just the slow maintenance of the status quo. He is concerned and has only been paying attention to Charlottesville for about a year and a half and he is overwhelmed by the breathe and depth of what the city tries to take on, simultaneously, SIA, formed based code, code audit, Comp Plan, streets that works, West Main Street streetscape. A lot of these initiatives overlap each other. Long story short, focus on the Comp Plan first and let's get the zoning right after that. He is happy to contribute if he can. He said you are all citizen planners but having citizens on an ad hoc basis advising the Planning Commission in a formal structure way, will achieve multiple objectives. It is done all over Virginia with great affect and maybe you need to look at considering that. I am sure Council has to direct you but you could ask for that.

Emily Dreyfus: works with the Legal Aid Justice Center and this is the first Planning Commission meeting she has been too, and it feels like she jumped in the deep end and didn't know how to doggy paddle. This is an interesting discussion and one thing that strikes her is there is a lot of talk in the city about affordable housing and when people talk about that, she thinks they are talking about (as HUD would define it) for extremely low income people. Most of the time that is what people are talking about and sometimes they qualify by saying moderate or middle income people but usually the crisis is where people's heart is and that is with extremely low income people and she hopes that you as a group can be looking at what emergency recommendations you could make in the very near future to address these issues. She said we need more cooks in the kitchen looking at what other cities have done because we are not the only city going through this and we are certainly way behind the curve. As you were discussing the zoning in the area downtown that includes the SIA; one thing she wants you to mention in a context is she hopes you are looking at restoration for the people who have suffered for urban renewal. Their ancestors were the people who might have been directly affected, but Charlottesville has never helped people catch up the way we should have and we have a chance with some of the development that we could be helping to move things forward in a much more progressive way but what worries her is what is being discussed now that is going to impact peoples quality of life very negatively. She is not opposed to density but when you look at what is happening in Friendship Court the quality of life for people who now live in townhomes and have green space all around them will be dramatically different if they are put into these big box apartment buildings. She hopes to join you again in the future.

Nicole Scro: works with Ashley Davies at Williams-Mullen: She is agreeing with what Ashley said and reiterates what she said. She said we don't mean to be too critical, it was important to say that and this is a frustrating process because the code is so terrible as it is currently written and what you are currently doing and dealing with now is sort of the best you can do with a bad situation. She said we don't mean to be to critical and she knows we are trying to stop the dam from breaking in

the little cracks but she was so surprised just this situation was really trying not to tackle substantive issues the bare bones and it's impossible to detangle those two things. It showed itself so perfectly tonight and in order to make these decisions you need to know what people want to contribute to that vision and you need experts telling you how is this going to apply and you need to look at what other cities and you were just throwing numbers out there which was kind of insane. She said she understands that it is the best we can do but maybe our efforts would best be pointing towards doing that hard heavy lifting in a long term process because that is what was lacking originally.

Morgan Butler: Southern Environmental Law Center, said he agrees with many things spoken from the prior speakers. He said in an ideal world we develop a vision for the different parts of the city and we then develop our zoning ordinances to implement and officiate that vision. He said Ms. Robertson has done a very good job and there are some significant holes in the zoning ordinance that need to be patched, and they need to be patched in the short term. He said you all are perfectionists and you want to dive into these issues and come up with the ideal solution and you have made clear tonight that that is what you plan to do with each of these different thorny issues with which you are wrestling. However, there are some issues on the table which you touched on tonight, including the building height definition from the last discussion. These things need to be patched up immediately in the short term and then we move on while that dam is shut up. We need to move on and come up with the ideal solution. He said tonight was a difficult and messy discussion but he commends the way you are going through it and thinking through it and being able to separate what we have to accomplish in the short term and what can be put off.

Commissioner Green: None of us want to do this ordinance right now. We all want to do the Comprehensive Plan first. This is a Council initiative that got brought upon us at the exact same time with a timeline. It is not something we decided to "fix the ordinance at the same time." Definitely we are seeing the weaknesses of our Comprehensive Plan that we want to get that resolved and then fix this ordinance but this is a definite patch for some areas that have had some problems so to speak.

Commissioner Lahendro: said he was not at the height work session last meeting and asked was any advancement made from the notes that came before that meeting. That is what we should be looking at for the next conversation about the height.

Ms. Robertson: said whoever mentions they had some drawings from CADRe that are forthcoming, if they could arrive in a week or so, that would be extremely helpful and very welcomed. We really have to take that up at your fourth Tuesday work session two weeks from now. We are probably past due on a delivery to Council but they are not fussing at us because you're making progress. She said she is not going to be here for the regular meeting in August so the next time we can go through something is going to be your work session meeting in August if we don't get progress going on the height at your next meeting on July 25<sup>th</sup>.

Commissioner Keller: would like to formally request at the next neighborhood representative meeting that is going to be held in relation to the Comp Plan that the height information be presented to them at the same time to at least let them be aware of it and be able to respond because we have a very organized development community and design community and that's good but it's the neighborhoods that have been pushing back against denser, taller development in the back yard, front yards and side yards and they deserve an opportunity to comment now and have input rather than showing up at Council at the last minute.

Ms. Robertson: we can certainly share those discussion materials that she gave to the Planning Commission.

Commissioner Dowell: said she will not be here on the 25<sup>th</sup>, as she will be taking Project Discovery students to visit the University of North Carolina

Adjourned 8:15 p.m.

City Code Ref.	Summary of Existing Provisions	Recommended Text Amendment(s)—cite to Audit Document location	Notes, and Comments Received to Date
<b>GOAL: amend (or delete) mixed-use development provisions that contain internal inconsistencies; that have become particularly problematic, due to lack of guidance for administration; or that are failing to generate desired outcomes.</b>			
<b>PROBLEM: NO DEFINITION OF MIXED USE IS AVAILABLE TO GUIDE ADMINISTRATION OF ORDINANCE PROVISIONS THAT ALLOW HEIGHT, DENSITY or BUILDING TYPES FOR “MIXED USE” BUILDINGS OR DEVELOPMENTS</b>			
34-773	<p>In the <b>Corner Mixed Use Corridor District</b>: residential density is generally limited to 21 DUA, but for a mixed use building or development a bonus density (up to 43 DUA) is offered.</p> <p><b>DENSITY BONUS Problem:</b> there is no definition of “mixed use” that specifies how substantial the non-residential component of the development must be in order to qualify for the density bonus.</p>	<p><b>Discussion draft:</b> see Art. III, Division 3.2 (Mixed Use Districts), p. 1. <b>DRAFT</b></p> <p><b>PROPOSAL:</b> For discussion purposes, it’s suggested that a default [minimum] standard should be established, to be utilized <u>only</u> whenever there’s no other definition of “mixed use”. The proposed default standard: no residential or non-residential use may occupy less than 12.5% of the GFA of a building or development, AND the 12.5% requirement may be modified by SUP.</p>	<p><b>Comment:</b> one commenter suggested the following simplification: modify paragraph (a)(1) to read as follows: “Residential and non-residential uses within a mixed use building shall each occupy at least twelve and one-half percent (12.5%) of the GFA of the building” and modifying (a)(2) to read: “Residential and non-residential uses within a mixed use development shall each occupy at least twelve and one-half percent (12.5%) of the GFA of the development”</p> <p><u>Comment/ question received from the CADRE of developers:</u> Percentages were intentionally removed from this code section. Revisit with Comp Plan update to determine what the City wants to accomplish with MU districts, buildings, projects. Why is (1) 12% and (2) 25%? <i>[Response: that’s a typo—they should each be 12.5%]</i></p> <p><i>Alternative short-term FIX: eliminate availability of extra density for MU buildings and developments in this district.</i></p>
34-457(b)(5)	<p>Within the <b>Industrial Corridor (commercial district)</b> the maximum permitted building height is generally 4 stories; however, up to 6 stories of height are allowed for a mixed use building or development by SUP.</p> <p><b>HEIGHT BONUS Problem:</b> no definition of “mixed use” specifies how substantial the residential or non-residential component of the development must be in order to qualify for an SUP authorizing 2 additional stories of HEIGHT. Neither does the ordinance authorize Council to determine the appropriate “mix” of uses as part of granting the SUP.</p>	<p><b>Discussion draft:</b> see Art. III, Division 3.2 (Mixed Use Districts), p. 1—same recommendation as above (i.e., provide a “default” definition of Mixed Use).</p> <p><b>Alternative:</b> allow additional height only by SUP, regardless of whether a building contains mixed uses</p>	<p><b>Note:</b> For purposes of DENSITY, the ordinance defines MU as being 25%-75% residential use (i.e., minimum 25% non-residential); UP to 240 DUA is allowed by SUP, only for MU buildings and developments. See 34-580(a).</p>
34-577(2)	<p><b>Downtown Extended Mixed Use Corridor District:</b> generally, the maximum permitted building height is 50 feet; however, <i>double</i> that height is allowed for a “mixed use building”.</p> <p><b>Problem:</b> there is no definition of “mixed use” on which to base the bonus</p>	<p><b>Discussion draft:</b> see Art. III, Division 3.2 (Mixed Use Districts), p. 1—same comment as above. <b>Alternative:</b> allow additional height only by SUP, regardless of whether a building contains mixed uses</p>	

<p>34-458(b) <b>B-1, B-2, B-3, M-I, ES, and IC</b></p>	<p>Except for ES, residential buildings are permitted to some extent within ALL commercial districts—at various densities: up to 21 DUA by right (all commercial/indus. districts); and, with an SUP, up to 200 DUA (B-1, B-2, B-3), up to 64 DUA (IC). <b>PROBLEMS:</b> (1) 34-458(a) states that mixed use development is allowed within ALL of the commercial districts. There is no definition of this term, or what building types would be included. Currently, according to the Use Matrix: residential building types are allowed <u>only</u> by SUP in the M-I district; NO residential building types are allowed in ES; and in IC, the Matrix is unclear: there’s an “M” in the column next to the “multifamily” building type, but no information as to what the “M” stands for! (MU? MF Development?) No other residential building type is allowed in IC.  (2) 34-458(b) states that in a mixed use development residential density in EXCESS of 21 DUA is allowed with an SUP. There is NO UPPER LIMIT on residential density—this conflicts with the Matrix that allows density of up to 87 DUA in B-1, B-2 and B-3 only.  (3) There is no definition of “mixed use” that specifies how substantial the residential or non-residential component of a development must be in order to qualify for an SUP for extra density under 34-458(b).</p>	<p>see Art. III, Division 3.2 (Mixed Use Districts) <b>Discussion draft recommendations:</b> ➤ Move list of residential building types and permitted densities into the regulations for individual zoning districts, and clarify exactly what’s allowed and what’s not relative to MU development in each district (i.e., remove these things from the Use Matrix). ➤ Establish a “default” definition of Mixed Use (12.5% of GFA) ➤ Indicate whether, or not, an upper limit of density is intended to apply (200 DUA?) ➤ If certain residential building types are not currently specified in ES or IC as being permitted, what type of building(s) are contemplated within a MU development?  ➤ If NO residential uses are allowed in ES, or IC, and residential uses are currently allowed only by SUP in M-I—do you intend for MU developments in these places?  [Redacted]</p>	<p><u>Comment/ question received from the CADRE of developers:</u> (1) “merging” the Commercial Districts into the Mixed-Use category of zoning districts is a “substantive change” and it merits discussion and careful consideration to avoid unintended consequences. [Response: as a result of [Redacted], all commercial districts are already “Mixed-Use” districts; there’s no substantive change]  (2) Also, requiring all residential in these districts to be Mixed Use when it is not currently required is a “substantive change” that merits discussion. [Response: the discussion draft does NOT propose this; however, as noted in the left-hand columns, there are currently some commercial districts in which NO residential uses are allowed]  (3) <u>Comment:</u> Regarding ES: the current Use Matrix does not permit residential uses in the ES district, except as part of a MU development per sec. 34-458. [Redacted]</p>
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**PROBLEM: a number of mixed-use provisions contain internal inconsistencies; or have become particularly problematic, due to lack of guidance**

<p>34-580  34-659</p>	<p>➤ Technically, a “mixed use” building = a “multifamily dwelling” (if it contains more than 2 DUs). Need to clarify whether a MU building is subject to the 21 DUA minimum in certain districts: <b>Downtown Extended Mixed Use Corridor District:</b> generally, “multifamily” development is subject to a minimum density of 21 DUA, but no minimum is specified for MU. What about MU buildings? (3+ DUs)?</p>	<p><b>Discussion draft:</b> see Art. III, Division 3.2 (Mixed Use Districts), p. 4, p.11, 21 (recommend treating all residential development the same for purposes of density requirements, unless/ until a definition of “MU” desired in DE, CH and WS can be developed. This means, in DE and WS: 21 DUA, min/ 43 DUA max, and up to 240 DUA by SUP for any development) In CH, this would mean 7 DUA</p>	<p>Comments received from the CADRE of developers: <i>Substantive change to only allow the additional density up to 240 DUA</i> [Redacted] is is [Redacted] MU buildings and developments having 25%-75% residential GFA]</p>
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34-744	<p><b>Cherry Avenue Mixed Use Corridor District:</b> “multifamily [redacted] ?  <b>Water Street Mixed Use Corridor District:</b> <i>maximum</i> density is 43 DUA/ 240 with SUP. <i>Minimum</i> density required for multifamily developments is 21 DUA. Are MU buildings (3+ DUs) subject to the <i>minimum</i> required [residential] density?</p>	for SFDs, 21 DUA for developments containing ONLY TH or MFD (100% residential/ no commercial uses), and 43 DUA for everything else.	
34-597	<b>Downtown North Mixed Use Corridor District</b> —there is no maximum <b>building height</b> within this district, only a maximum <b>streetwall height</b> . Is that intentional? Desirable?	<b>Discussion draft:</b> see Art. III, Division 3.2 (Mixed Use Districts), p. 4	<b>Note:</b> the ZO defines “streetwall” as “the façade of a building fronting along a street”
34-620 (WMW) 34-640 (WME)	States that no “parking garage” may front on a primary street. Generally, the term “parking garage” is used in the ZO to refer to a commercial parking garage operation—not to accessory parking. <b>Is it intended that no parking uses may be located on the ground floor of a building, adjacent to a primary street?</b>	<b>Discussion draft:</b> see Art. III, Division 3.2 (Mixed Use Districts), pp. 17, 19	
34-583 34-603 34-622 34-642 34-662	When 20+ parking spaces are required for a development, there is a limitation that says that not more than 50% of those spaces can be within a surface lot. In some places the lot is referred to as “ <b>surface parking</b> ” and in other places the lot is referred to as “ <b>surface parking open to the sky</b> ”. Is there an intended distinction between these two terms, or can we pick one or the other and use it consistently?	<b>Recommendation:</b> pick one phrase or the other, and use it consistently throughout the ZO.	
34-562 34-583(a) 34-622(a) 34-642(a) 34-746(d) 34-766(d) 34-774  D DE WMW WME WSD SS Corner	<p><b>Courtyards or plazas</b> are required to be provided in developments that cover an entire city block. <b>Problem: nowhere does the ZO or the SO provide a definition of what’s a city block.</b></p> <p>It is believed that the courtyards/ plaza provisions were included in the ZO beginning in 2003, to provide a mechanism for lessening the impact of massive buildings, AND possibly to promote “walkability”</p> <p><b>If you’re interested in obtaining courtyards and plazas within developments occupying large sites:</b> the interim measure proposed for discussion is as follows: <b>When the gross area of a development site exceeds 87,000 SF (approx. 2 acres) the development site shall be deemed to constitute an entire city</b></p>	<b>Discussion draft:</b> see Art. III, Division 3.2 (Mixed Use Districts), p. 1. (“ <b>When the gross area of a development site exceeds X square feet, the development site shall be deemed to constitute an entire city block.</b> ”).	<p><b>Notes:</b> Traffic engineers assume a block to be 100,000 SF (approx.. 2.25 acres, or a 316 ft. linear block face). The Town of Charlottesville, as laid out in 1762, contained blocks of approximately 43,000 SF (200 ft. linear block face). See also attached Info Sheet (“How big is a City Block?”)</p> <p><b>Comments received from the CADRE of developers:</b> <i>Rewrite this section to encourage courtyards versus only requiring them when a development takes up an entire block. Allow courtyards as a means to vary the front setback requirement, as is demonstrated in Virginia Beach....the general regulations section attempt to refine the definition of City Block in the context of courtyards is “inappropriate”. The concept of a courtyard is primarily an expression of a streetscape objective, and so should be determined by a linear distance along a street frontage, not the area of a lot or assemblage of parcels. If the Traffic engineer’s basis is the standard</i></p>

	<p><b>block.</b></p> <p><u>Otherwise; either delete, or ignore until later</u></p>		<p><i>then a figure equaling the 100 SF (2.25 ac) referenced should be the standard.</i> <u>[Note, re CADRE comment: as stated—the proposed change does <u>not</u> refine any existing definition of “City Block”, because there is no such definition].</u></p>
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**ATTACHMENT 1: CONFUSING AND CONFLICTING “MIXED USE” PROVISIONS  
IN THE CITY’S “COMMERCIAL” ZONING REGULATIONS**

**Within Article IV (Commercial Districts)**

**Current City Code §34-458. Mixed use development**

**(a) Mixed use developments shall be allowed within the zoning**

**districts that are the subject of this article.** For the purpose of this section, the term **mixed use development** shall mean a development project **containing residential uses in combination with commercial and/or institutional uses**, and the terms development site and mixed use development site shall mean and refer to all the lots or parcels of land containing, or proposed to contain, any component(s) of a mixed use development, where all such lots or parcels have been included within and are subject to the requirements of a single site plan. *[Note: need to clarify if MU development within a specific commercial district includes only the residential building type(s) allowed by the Use Matrix. NO residential buildings are allowed by the Use Matrix within ES or IC; in M-I all residential building types require an SUP]*

**(b) By application made and joined by all owners of property**

comprising a **mixed use development site**, residential **density in excess of twenty-one units per acre**, calculated with respect to the entire development site, may be **permitted with a special use permit**. *[These textual provisions are inconsistent with the contents of the Use Matrix, see §34-480. When two sections are in conflict, the more restrictive provision governs]*

Z.O. § 34-1200: “*multifamily dwelling*” means a **building, or portion thereof**, arranged or designed to contain three (3) or more dwelling units. Also, “*development*” is a tract of land used for any commercial purpose or containing 3 or more dwellings. There is no definition of “*multifamily development*”.

Thus: a “mixed use building” if it contains more than 3 dwelling units, is a “multifamily dwelling” Per the Use Matrix, multifamily dwellings are NOT “**B**” in: M-I, ES, or IC.

**Within Article IV (Commercial Districts)**

**Current City Code §34-480. Use matrix—Commercial districts**

[“B” = by-right use; “DUA” = dwelling units per acre; “S” = special use permit; “MFD” = *multifamily development*]

**Note 1: the Use Matrix does not indicate “MFD” in ANY district**

**Note 2: the Use Matrix has no definition for “M”!!**

**Residential building types currently allowed by §34-480\*\*\*:**

Single family detached dwelling	(“B”): B-1, B-2, B-3
Single-family detached dwelling	(“S”): M-I
Single-family attached dwelling	(“B”): B-1, B-2, B-3
Single-family attached dwelling	(“S”): M-I
Two-family dwelling	(“B”): B-1, B-2, B-3
Two-family dwelling	(“S”): M-I
Townhouse dwelling	(“B”): B-1, B-2, B-3
Townhouse dwelling	(“S”): M-I
Multifamily dwelling	(“B”): B-1, B-2, B-3
Multifamily dwelling	(“S”): M-I
<b>Multifamily dwelling</b>	<b>(“M”??): I</b>

**\*\*\*NO residential building type is allowed “ES”**

**Density currently allowed by §34-480:**

**\*\*Except for SF attached and Townhouse dwellings, these densities are inconsistent with the generally-applicable density limits of §34-1123 for certain building types!!**

1-21 DUA (“B”):	B-1, B-2, B-3
1-21 DUA (“S”):	M-I
<b>1-21 DUA (“M”??):</b>	<b>IC</b>
22-64 DUA (“S”):	B-1, B-2, B-3 and IC
65-87 DUA (“S”):	B-1, B-2, B-3
88-200 DUA:	NOT ALLOWED in any district, “B” or “S”

**Density limit imposed by §34-1123 (General Regulations)**

- 7.26 DUA for SF detached dwellings (6,000 SF min. lot size)
- 7.2 DUA/ 7.26 DUA for Two Family Dwellings (7,200 SF min. lot size/6,000 SF for pre-1964 lots)
- 21.78 DUA for Townhouses (2,000 SF min. lot size)
- 21.78/12.1 DUA (avg) for SF attached dwellings (2,000 SF min. lot size/ 3,600 SF, avg.)