

CITY OF CHARLOTTESVILLE

Department of Neighborhood Development Services

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Please Take Notice

The Charlottesville Planning Commission will hold a Work Session on **Tuesday September 26, 2023, at 5pm CitySpace Main Conference room (100 5th Street NE).**

AGENDA

1. Topics of Review in Association with Zoning Ordinance Update
 - a. Charlottesville Development Code and Zoning Map Deliberation

Materials for this meeting are available here:

<https://cvilleplanstogether.com/draft-zoning/>

Public comment will be accepted in writing at the meeting or by emailing comments to creasym@charlottesville.gov during the meeting.

Individuals with disabilities who require assistance or special arrangements to participate in the public meeting may call the ADA Coordinator at (434) 970-3182 or submit a request via email to ada@charlottesville.gov. The City of Charlottesville requests that you provide a 48 hour notice so that proper arrangements may be made.



CITY OF CHARLOTTESVILLE

"A Great Place to Live for All of Our Citizens"

Department of Neighborhood Development Services

Memorandum

To: Charlottesville Planning Commission
Charlottesville City Council
From: James Freas, Director, Neighborhood Development Services
Missy Creasy, Deputy Director
Date: September 25, 2023
Re: Materials for September 26, 2023 Planning Commission Deliberation

The attached materials are available for review prior to the Planning Commission Work Session on September 26, 2023. This is a brief overview of each part of the materials to assist in your review.

Development Code Text Comments - Commissioners provided a number of areas for review of the text within the document and feedback on those is provided in many areas. In addition, a number of questions were asked and there is a document that provides responses.

Zoning Map Comments – This document contains proposed map changes provided by commissioners. In most cases there is a visual as well as comments about the item from the Commissioner.

Special Exception Process – Commissioners noted support of the idea of a special exception process to modify physical dimensional standards. The attached proposal is staff's recommendation for this item.

Charlottesville Development Code – Proposed Text Changes

Article 2. Zoning Districts

Sec. 2.2.2.A.1

- Minimum lot size of 2,500 square feet in R-A, rather than 6,000.
- **Staff Recommendation** – No change.

Sec. 2.2.4.A.2

- Add preservation bonus to R-C district.
- Dwellings per lot (max)

Base	8
<u>Bonus:</u>	
<u>Existing Structure Preservation</u>	<u>10</u>
Bonus:	
Affordable Dwelling Unit	12
- **Staff Recommendation** –

Sec. 2.2.4.A.4

- Allow use of existing range for front setback in R-C.
- Primary street lot line (min/max) 10'/20' or Existing Range
- **Staff Recommendation** -

Sec. 2.2.4.B.1

- Allow for bonus height of 4 stories in the R-C district with affordable units.
- Building height (max stories/feet)

Base	3/35'
<u>Bonus:</u>	
<u>Affordable Dwelling Unit</u>	<u>4/45'</u>
- **Staff Recommendation** – Concern that this moves the scale of allowed buildings in a Residential District beyond the “house-scale” objective.

Sec. 2.2.4.B.1

- Allow up to 4 stories of height in order to accommodate 2 over 2 townhouses in the R-C district.
- **Staff Recommendation** - Concern that this moves the scale of allowed buildings in a Residential District beyond the “house-scale” objective.

Sec. 2.2.2.B.1 & 2.2.3.B.1

- Allow up to 3 stories as the base height allowance in the R-A and R-B districts.
- **Staff Recommendation** – No change.

Sec. 2.2.2.B.1 & 2.2.3.B.1

- Allow greater height in the R-A and R-B for building with more than 1 unit rather than more than 2.
- Building height (max stories/feet)

Up to 2 <u>1</u> units	2.5/32'
More than 2 <u>1</u> units	3/35'

Side wall height (max)

Up to 2 <u>1</u> units	25'
More than 2 <u>1</u> units	35'
- **Staff Recommendation** –

Sec. 2.2.2.B.1 & 2.2.3.B.1

- Remove the maximum side wall height limit in the R-A and R-B Districts (is not in R-C).
- **Staff Recommendation** – No change. Side wall height is intended to eliminate tall, looming walls adjacent to neighbors. And it doesn't eliminate flat roofs – the side wall height for 2 units is 25 feet (2 stories easily), and for 3+ units, it is 35 feet (3 stories).

Sec. 2.2.2.A.5; 2.2.3.A.5; & 2.2.4.A.5

- Remove Build-To requirements in the Residential Districts.
- **Staff Recommendation** - The intent is to keep from having wide lots with nominal buildings on them. Doesn't affect existing buildings and lots unless new development is proposed.

Sec. 2.2.2.B.1; 2.2.3.B.1; & 2.2.4.B.1

- Increase the allowed height for 2.5 stories to xx' and for 3 stories to 40'.
- **Staff Recommendation** - Rules in 2.10.9 Height help respond to this. A pitched roof is measured halfway up the pitch. The finished floor elevation for the ground story has been eliminated as a minimum (0' at average grade line) and is 6 feet maximum. Only corner lots are measured along the side street. Interior lots need only relate to the primary street.

Sec. 2.2.2.B.4; 2.2.3.B.4; & 2.2.4.B.4

- Reduce or eliminate transparency requirements in the R-A, R-B, and R-C Districts.
- **Staff Recommendation** – Staff does not support removal. The transparency requirement for street facing facades is important for supporting “eyes on the street” – a public safety and community supportive idea. As more units are allowed on a lot, the

issue of ensuring that visual connection between the home and the public space becomes more important.

Sec. 2.5.6.B.1

- Restore the bonus height for Affordable Housing in the Downtown Mixed-Use District.
- **Staff Recommendation** -

Sec. 2.8.5

- Allow more flexibility with the Shopfront House alternate form by allowing to match existing setbacks, have 2.5 stories, have front yard fences, and a lower ground story height.
- **Staff Recommendation** – The shopfront house is a optional set of standards to support building a commercial use in an otherwise residential district. One would have the option of this or the base district standards. While the suggested height change and allowance for fences are reasonable changes, staff recommends otherwise no changes. Change in building location and transparency signal non-residential use. Allows for a building closer to the street in a more traditional shopfront or storefront pattern that wouldn't be allowed under the base zoning requirements.

Sec. 2.9.2.B

- Simplify and standardize the language describing each ADC district.
- B. Established Architectural Design Control Districts

The following areas have been determined by City Council to be of unique architectural or historic value, and are hereby designated as Architectural Design Control (ADC) Districts, the limits of which are shown on the City's zoning map. City Council has designated only certain buildings within these district as "contributing structures." Those contributing structures are identified on a map included within the design guidelines for each district:

1. Downtown Architectural Design Control District (DADC)

~~All buildings within this overlay district are deemed by City Council to be "contributing structures," except that, with respect to certain properties added to this district on or after January 17, 2006, City Council has designated only certain buildings as "contributing structures," as specifically identified on a map included within the design guidelines for this district.~~

2. North Downtown Architectural Design Control District

~~All buildings within this overlay district are deemed by City Council to be “contributing structures,” except that, with respect to certain properties added to this district on or after January 17, 2006, City Council has designated only certain buildings as “contributing structures,” as specifically identified on a map included within the design guidelines for this district.~~

3. Ridge Street Architectural Design Control District

~~All buildings within this overlay district are deemed by City Council to be “contributing structures.”~~

4. West Main Street Architectural Design Control District

~~City Council has designated only certain buildings within this overlay district as “contributing structures.” Those contributing structures are identified on a map included within the design guidelines.~~

5. Wertland Street Architectural Design Control District

~~All buildings within this overlay district are deemed to be “contributing structures.”~~

6. Corner Architectural Design Control District

~~City Council has designated only certain buildings within this overlay district as contributing structures. Those contributing structures are identified on a map included within the design guidelines.~~

7. Oakhurst-Gildersleeve Neighborhood Architectural Design Control District

~~City Council has designated only certain buildings within this overlay district as contributing structures. Those contributing structures are identified on a map included within the design guidelines.~~

8. Rugby Road, University Circle, Venable Neighborhood Architectural Design Control

~~City Council has designated only certain buildings within this overlay district as contributing structures. Those contributing structures are identified on a map included within the design guidelines.~~

Sec. 2.10.4.C

- Don't Require Outdoor Amenity Space.

- **Staff Recommendation** – No change. The outdoor amenity space is a modest requirement with benefits towards breaking up building mass and providing on-site space for residents/tenants. As a percentage of the lot, it comes into play more significantly for larger lots where it will be most needed.

Sec. 2.10.4.C.3.c

- Planting 20% of the total area of a pedestrian amenity space seems like too much. Allow tree grates and trees.
- **Staff Recommendation** – Given the code's tree planting requirements, projects are already incentivized to provide trees. It appears that the Administrator could approve tree grates.

Sec. 2.10.5.E

- Allow all encroachments to 0' of an Alley lot line.

	Primary St. /Side St.	Side/Rear	Alley
Architectural Details Sec. 7.1.2.A.2.			
Encroachment (max)	2'	2'	2' 0'
Distance from lot line (min)	0'	2'	1.5' 0'
Roof Projections Sec. 7.1.2.A.2.			
Encroachment (max)	2.5'	2.5'	2.5' 0'
Distance from lot line (min)	0'	2'	1.5' 0'
Unenclosed Structures: Ground Story Sec. 7.1.2.A.2.			
Encroachment (max)	8'	3'	3' 0'
Distance from lot line (min)	0'	2'	0' 0'
Unenclosed Structures: Upper Story Sec. 7.1.2.A.2.			
Encroachment (max)	5'	3'	5' 0'
Distance from lot line (min)	0'	2'	1.5' 0'
Enclosed Structures Sec. 7.1.2.A.2.			
Encroachment (max)	2.5'	1.5'	2.5' 0'
Distance from lot line (min)	0'	2'	1.5' 0'
Mechanical and Electrical Equipment Sec. 7.1.2.A.2.			
Ground Mounted			
Encroachment (max)	Not allowed	2.5'	2.5' 0'
Distance from lot line (min)	--	2.5'	2' 0'
Wall Mounted			
Encroachment (max)	Not allowed	1.5'	1.5' 0'
Distance from lot line (min)	--	2.5'	2' 0'
Waste Enclosure			
Encroachment (max)	Not allowed	5'	5' 0'
Distance from lot line (min)	Not allowed	5'	5' 0'
Signs	see Div. 4.11. Signs		

- **Staff Recommendation** – Some setback is warranted to avoid obstructing the alley.

Sec. 2.10.5.E.2

- Add footings to below grade unlimited encroachments.
- b. Covered structures located entirely below grade. Examples include footings, cellars, basements, storm water storage, and cisterns;
- **Staff Recommendation** -

Sec. 2.10.6.A.2

- Apply the through lot exception to all districts.
- d. For through lots ~~in Residential (R-) All Zoning Districts~~, the Administrator may waive or vary the build-to width requirement for one of the street lot lines. The Administrator will consider the following standards when making the decision to waive or vary the requirement for one street lot line:
- **Staff Recommendation** -

Sec. 2.10.6.A.5

- Expand the exception for heritage trees to all trees over 15".
- Where the preservation of a ~~designated heritage~~ tree of 15" diameter or greater prevents a building from meeting the build-to width requirement, a reduced build-to width may be allowed by the Administrator.
- **Staff Recommendation** -

Sec. 2.10.8.C

- There appear to be conflicting requirements here with regard to parking in side street yards.
- **Staff Recommendation** -

Sec. 2.10.9.A.3

- Add new section a.ii that reads:
ii. Where the allowed height is based on the number of units, it is based on the number of units in the individual building.
- **Staff Recommendation** – There is sufficient context in the text and this change is not necessary.

Sec. 2.10.9.A.4

- Clarify
- b) The top of the structural roof deck, for a building with a roof having a pitch of 4:12 or less; and
- **Staff Recommendation** -

Sec. 2.10.9.A.5

- Increase allowed height limit encroachment for vertical circulation to 14'.

Vertical Circulation	<i>Sec. 7.1.2.A.3.</i>		
Encroachment (max)		10 14'	10 14'
Setback from roof edge (min)		5'	5'

- **Staff Recommendation** -

Sec. 2.10.9.A.5

- Increase allowed height limit encroachment for unenclosed structures.

Unenclosed Structures	<i>Sec. 7.1.2.A.3.</i>		
Encroachment (max)		8'	8'
Setback from roof edge (min)		5'	5'

- **Staff Recommendation** – No change.

Sec. 2.10.10.B.2

- Allow a single unit residential building to not meet active depth requirements.
- New section B.2.d:
d. Single unit residential buildings do not have to meet active depth requirements.
- **Staff Recommendation** – No change or limit to single unit. This rule relates to tuck-under or rear access parking. It is fairly important with small-scale multi-unit buildings and townhouses and eliminates the desire to push the ground floor up, as viewed from the street, to accommodate parking.

Sec. 2.10.12.B.3

- Public Art: add “and is sufficiently different from the building façade to meet the intent of this section.” (In case someone just wants to change the paint color of a segment of wall and call it a mural).
- A noncommercial image attached to the blank wall and is sufficiently different from the building facade to meet the intent of this section. Murals must be reviewed by the Administrator to confirm any mural or art display is not considered a sign.
- **Staff Recommendation** -

Sec. 2.10.12.B.3.c

- Delete Planter option.
- **Staff Recommendation** -

Sec. 2.10.13.A.2

- Allow a single unit residential building to not have a street facing entrance.
- New section A.2.c:

c. Single unit residential buildings do not have to provide street-facing entries.

- **Staff Recommendation -**

Sec. 2.10.13.B

- Replace the entry feature standards with general entry requirements. Such requirements should provide for cover and visually mark the building entry points. If kept, remove the finished floor elevation requirements.
- **Staff Recommendation -**

Sec. 2.10.14

- Wrong link.
- For requirements see 2.10.14. 4.8.1. Fences and Walls
- **Staff Recommendation -** Fix

Article 3. Use Regulations

Sec. 3.2.2

- Consider the following changes to the Permitted Use Table
 - Update the links in the Use Standards column to link to the Use Standards section – 3.4.x. – on pages 3-4 through 3-7.
 - Allow mobile food units in residential districts. This use is temporary and only applies to private property – an ice cream truck or similar on the street is not subject to this ordinance.
 - Day Care Center 12+ persons – allow by SUP in the R- districts.
 - Put Homestays back in as a P* use in the R- Districts. Use existing standards and approval processes.
 - Customer serving bakery is included in general food and beverage.
 - General outdoor entertainment – allow by SUP in R- Districts.
 - Remote parking – allow by SUP in RX- districts. Is currently proposed as P*.
- **Staff Recommendation -**

Sec. 3.4.4.A.2

- Allow neighborhood scale commercial in R-C by right at corners to permit a test case.
- Add section c.
 - Commercial uses otherwise allowed by Special Use Permit in the R-C district are allowed by-right on corner lots in the R-C district, subject to the above standards.
- **Staff Recommendation -**

Sec. 3.5.2.B

- Specify that walk-up windows or dining rooms must be available to customers at all times the drive-through is operating.
- 3. A dining room or walk-up window must also be provided with any drive-through facility and must be available to customers at all times the drive-through is operating.
- **Staff Recommendation -**

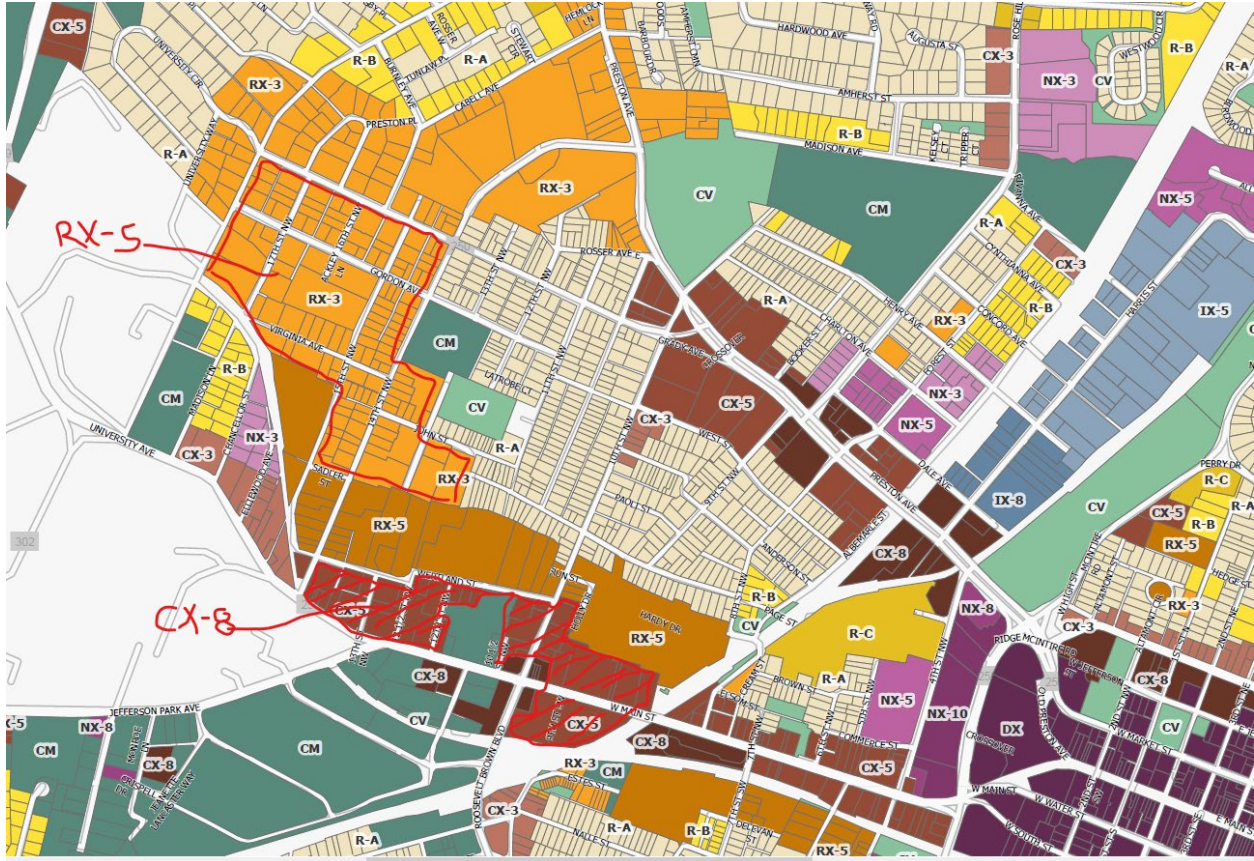
Sec. 3.5.2.E & F

- Cyclists cannot use sidewalks per § 15-246. Remove “or cyclists” from these two sections (sections on outdoor dining and outdoor display).
- **Staff Recommendation -**

Commissioner Questions

1. In the Residential Districts, is it intended that there is a choice between the prescribed setbacks or the existing range?
Yes
2. Is there a requirement for residential uses in the Residential Mixed Use Districts?
Yes. In section 3.4.4 it says, "In a RX- District, commercial uses must not exceed 25% of the floor area on a lot." In the use table, all commercial uses in the RX- districts are identified as P* indicating permitted with standards, which directs you to the quoted standard.
3. Should the Corridor Mixed Use Districts have a minimum residential requirement?
No. These are also appropriate locations for office, hotel, and other commercial uses. The market should be relied on to determine the appropriate use.
4. Can a project qualify for the affordable housing height bonus by providing only 1 unit at 50% of AMI?
No, unless that project is only required to provide 1 ADU. Section 4.2.2.C.3.b clearly requires all required ADUs to be set at 50% of AMI.
5. You can have a walk-out basement as long as it's not facing the street – correct?"
Yes
6. Why does the code allow a setback to be measured from either an access easement or a lot line at the discretion of the administrator?
There are many different possible configurations of where an access easement might exist where measuring the setback from that line rather than the lot line makes sense. One example is the streetscape access easement required in certain circumstances by this code. Given the variety of possible situations, it would be difficult to set standards or guidelines however, the Administrator is always guided by the purpose and intent of the code, which provides sufficient guidance on when to apply this discretion or not.
7. The definition of waste enclosure implies a standard fenced enclosure for a residential trashcan and recycling bin – along with a big dumpster enclosure. Is there a reason that a residential trashcan - or even a compost pile - can't be stored against a property line?
The intent is not to require a trash storage structure. Only those with structures will be subject to this requirement. We will clarify the language.
8. Can a church build a full-blown school in a residential district but a secular group cannot?"
No. A religious assembly use can have educational uses within it, but if the predominant use is a school, it's a school.
9. Is a church use allowed to have a columbarium? Does there need to be some distinction between small uses accessory to a church and what we think of as a cemetery?
Cemetery is a defined use and allows a columbarium. Religious institutions could be allowed to have a columbarium by modifying the definition to add.
10. Do we need a B&B definition?
No. ALL short-term stays (except Homestay, which will be added back to the draft) are subject to the under 10 and over 10 guest rooms. Homestay will be added to the draft based on the existing code. Homestay is an accessory use, not a principal use.

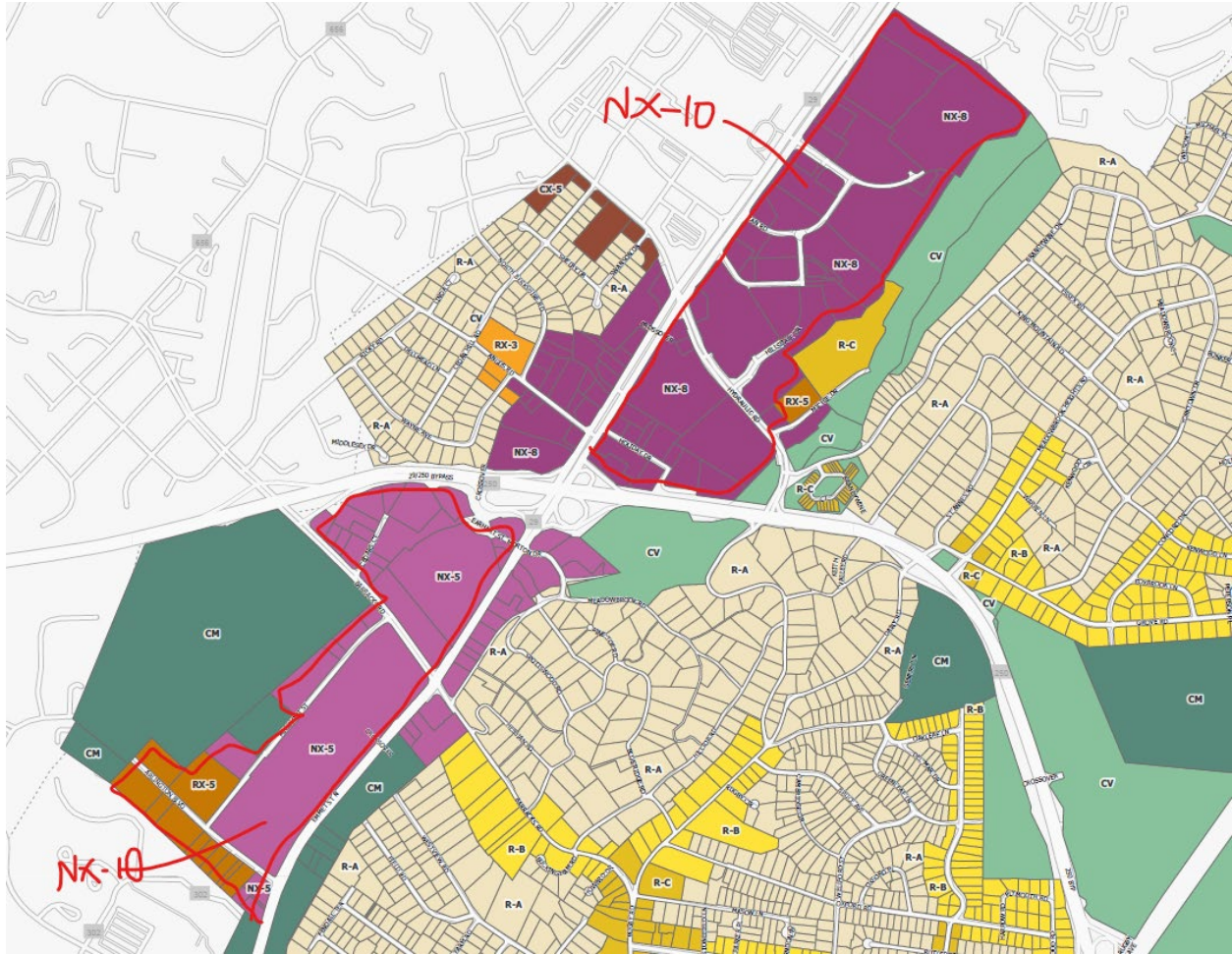
Charlottesville Development Code – Proposed Map Changes



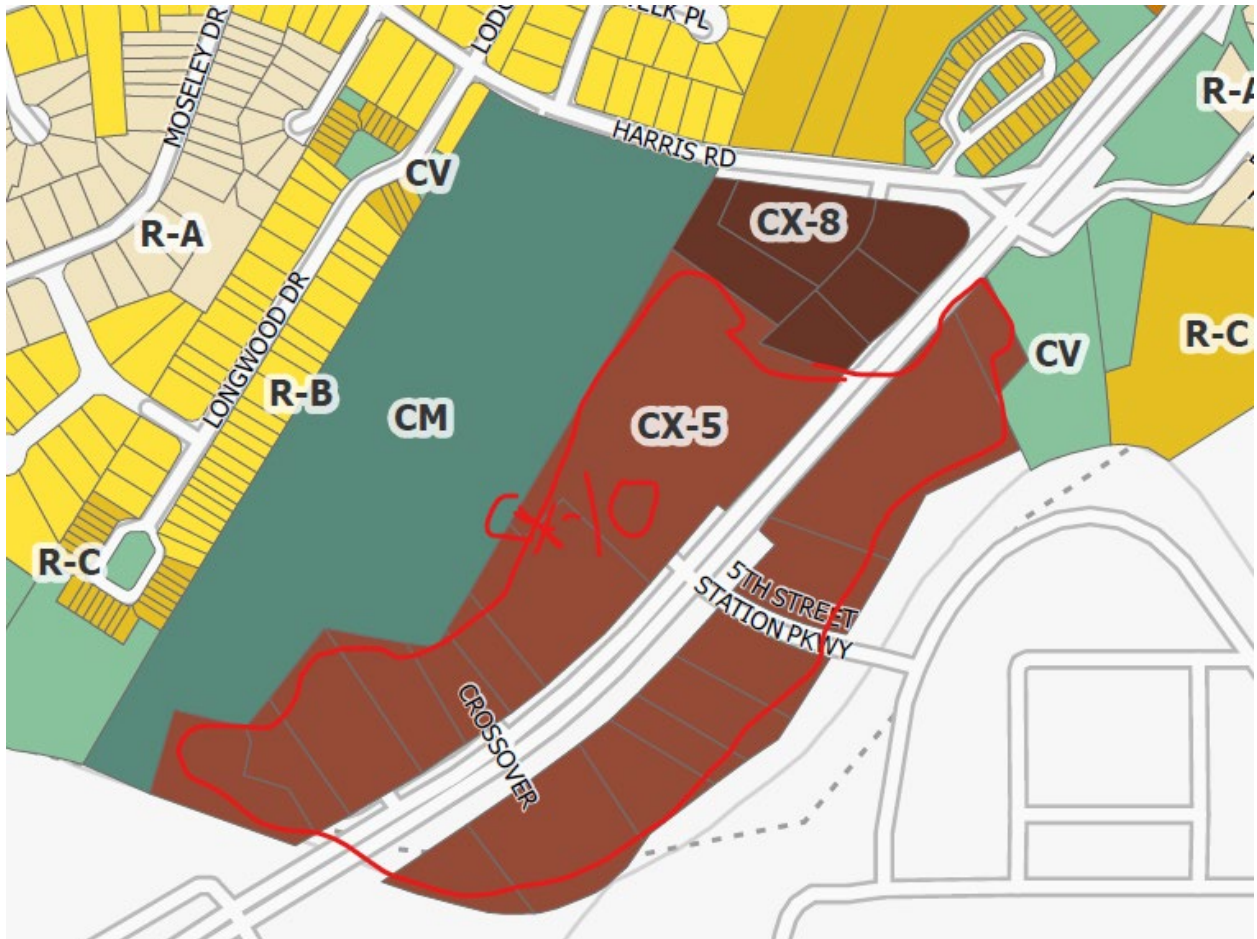
West Main west of the bridge should be CX-8 to match the existing conditions.

The 14th ST neighborhood should be RX-5 to keep students near the university. This neighborhood is currently almost entirely student rentals, and increased height and intensity of uses will not negatively affect surrounding neighborhoods.

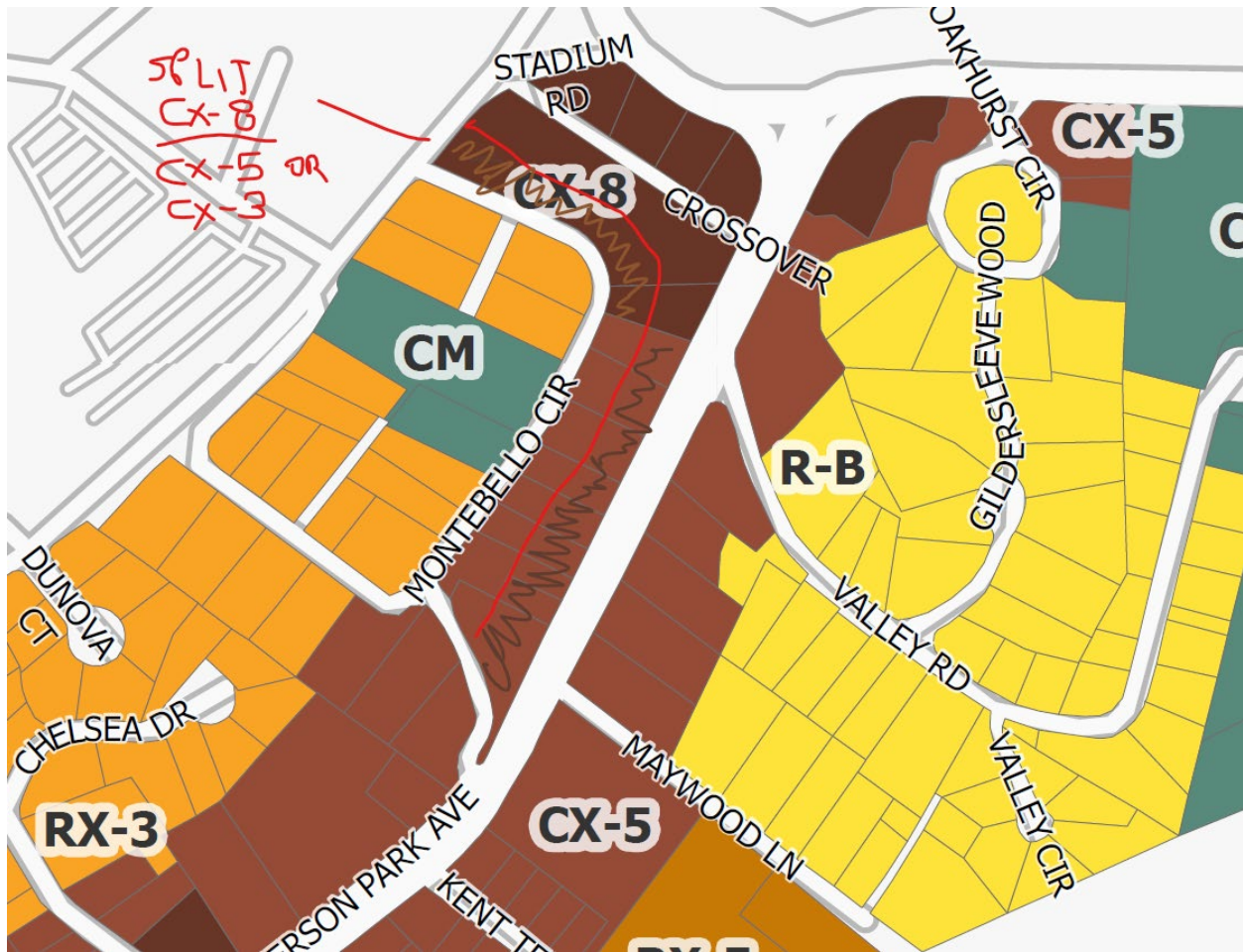
Note: No matter what is decided here, the transition requirements do not protect Westhaven because no transitions are required adjacent to RX-5. We should discuss that as part of the anti-displacement conversation. Right now only the BAR has any ability to create stepbacks, and because this is the back of the property, that ability is fuzzy.



Upzone the areas circled in red to maximum height. They have no/limited adjacencies that will be affected, the county is allowing similar heights, and to not do so would be a missed opportunity. These parcels have proximity to transit, the Rivanna trail, grocery stores (2 Krogers, a Harris Teeter, Whole Foods, Trader Joe's), and good vehicular access. Once developed, they could easily accommodate good internal bike/ped circulation.



Upzone the areas circled in red to maximum height. They have no/limited adjacencies that will be affected, the county is allowing similar heights, and to not do so would be a missed opportunity. These parcels have proximity to transit, the Rivanna trail, grocery stores (Food Lion and Wegmans), and good vehicular access. Once developed, they could easily accommodate good internal bike/ped circulation.



Split zone these parcels so that the low side is CX-8 and the high side along Montebello is either CX-3 or CX-5.

Staff Comment – Do the transition provisions address the issue here at all or could they with changes?

Downtown Stepback Map:

Convert the 25' stepback on Market Street to 5'. The stepback depth in all these cases should really be regulated by the BAR and not zoning.

- *NX-10 for Route 29 strip malls*

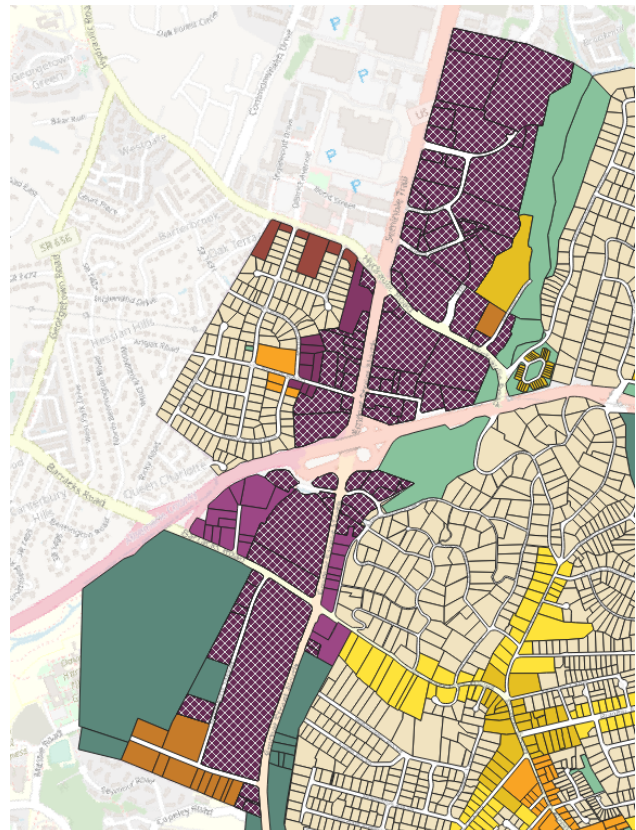
I think Mayor Snook [put it well](#) in our May work session: we “haven’t heard anybody who has expressed horror about the notion that Barracks Road Shopping Center might be too developed — most of the comments [we get are] along the lines of ‘go ahead and put as many people as you want on Seminole Square, Barracks Road, [etc.]”

We’re spending quite a lot of resources on retrofitting this currently auto-oriented area that nobody likes into a more walkable one — two streetscape projects on Emmet, one on Barracks (with more potentially on the way), trail projects along Meadow Creek and through McIntire Park, etc. Let’s make the most of that by allowing the maximum amount of housing here, where nobody objects anyway.

This proposal avoids Cedar Ct as well as parcels abutting residential in The Meadows, Meadowbrook Hills, and Venable. All parcels are Urban Mixed Use Node in the FLUM.

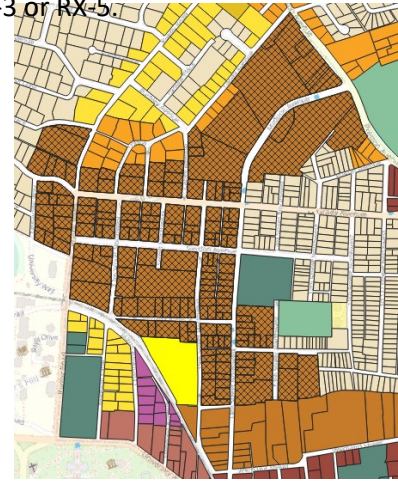
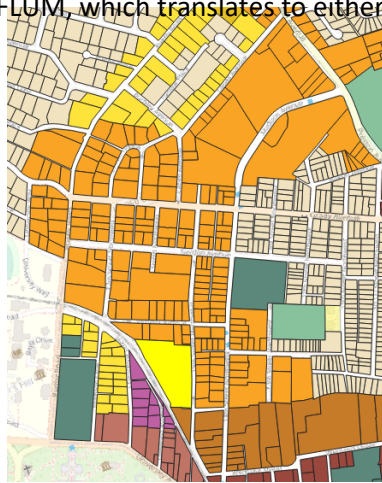
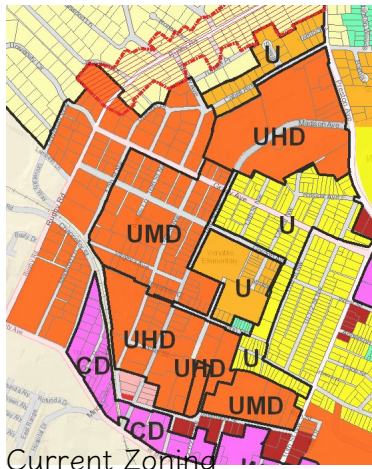
Parcels:

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- RX-5 for Lower Venable student area

The dense student area behind the Corner is currently zoned primarily R-UMD & R-UHD, both of which allow 50' (5 stories), with some R-3 (45' / 4 stories), but in the draft map is proposed to be downzoned to the three-story RX-3. The current pattern of development includes quite a few 4+ story buildings built in the last 20 years. I propose upping these areas to RX-5, because a downzoning in this area runs contrary to the comprehensive plan's goal to contain students within a smaller footprint. RX-5 matches the proposed zoning along Wertland St, which is also currently a mix of R-UHD and R-UMD. This map excludes areas on Cabell Ave and Preston Place adjacent to lower-scale districts, leaving those as RX-3. All parcels are High-Intensity Residential in the FLUM, which translates to either RX-3 or RX-5.



Parcels: 30118000, 30123000, 30124000, 30125000, 30125200, 0301252A0, 30126000, 30126100, 30127000, 30128000, 30130000, 40120000, 40122000, 40123000, 40125000, 40126000, 40127000, 40128000, 40129000, 40131000, 40245000, 40278000, 40280100, 40283000, 40287000, 40288000, 40289000, 40291000, 50035000, 50036000, 50039000, 50040000, 50041000, 50042000, 50043000, 50044000, 50045000, 50046000, 50046100, 50047000, 50047100, 50048000, 50049000, 50050000, 50051000, 50052000, 50053000, 50054000, 50055000, 50056000, 50057000, 50058000, 50059000, 50060000, 50061000, 50062000, 50063000, 50063100, 50064000, 50065000, 50066000, 50067000, 50068000, 50069000, 50069100, 50070000, 50071000, 50072000, 50073000, 50074000, 50075000, 50075100, 50076000, 50077000, 50078000, 50079000, 50080000, 50081000, 50082000, 50083000, 50084000, 50085000, 50087000, 50088000, 50088100, 50089000, 50090000, 50091000, 50092000, 50093000, 50094000, 50095000, 50096000, 50096100, 50100100, 50102000, 50103000, 50104000, 50108000, 50109000, 50110000, 50111000, 50124000, 50125000, 50126000, 50155000, 50156000, 90001000, 90002000, 90003000, 90004000, 90005000, 90006000, 90007000, 90008000, 90011000, 90012000, 90013000, 90015000, 90016000, 90017000, 90018000, 90019000, 90020000, 90021000, 90022000, 90023000, 90024000, 90025000, 90026000, 90027000, 90028000, 90029000, 90030000, 90031000, 90032000, 90033000, 90034000, 90035000, 90036000, 90037000, 90038000, 90039000, 90040000, 90040100, 90041000, 90042000, 90043000, 90044000, 90045000, 90046000, 90047000, 90048000, 90049000, 90050000, 90051000, 90052000, 90053000, 90054000, 90056000, 90058000, 90058100, 90059000, 90060000, 90061000, 90062000, 90116000, 90117000, 90118000, 90119000, 90122000, 90123000

Other Changes

- *Lexington Avenue — partially restore R-B removed in consolidated draft*

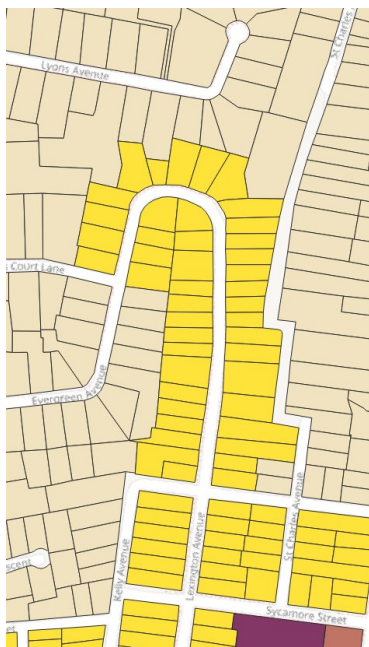
This street has been one of the most-discussed medium-intensity areas. Previous iterations in 2021 scaled back the medium-intensity designation along Evergreen due to concerns about the narrow street along that stretch, leading to the February draft showing R-B up Lexington and ending at Lyons Court Lane.

While Lexington isn't an arterial street, it is a wide street with a continuous sidewalk (except for four parcels on the inside of the U-bend) and quite a bit of existing off-site parking. Continuing concerns expressed tend to reference the danger of visibility going around the bend, but we have heard few reasons why additional housing couldn't be accommodated elsewhere along the street.

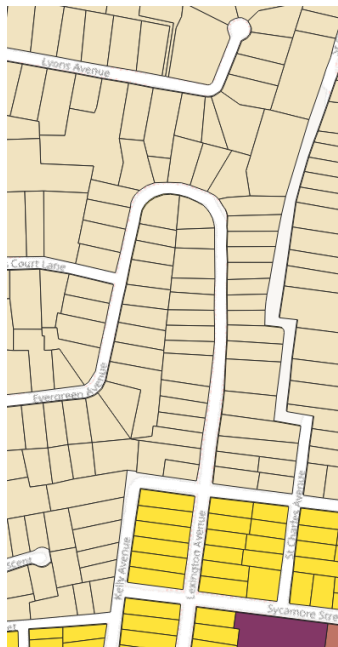
I have to *strenuously* object to the consolidated draft's removal of R-B along Lexington north of Poplar — one of the few places in the city where the Future Land Use Map envisioned medium-intensity outside of a busy, dangerous arterial, and a short walk from downtown amenities & jobs.

I propose the compromise below, a reasonable reduction in R-B around the bend where additional vehicular ins/outs may cause conflicts, but retaining R-B along the safe, wide, straight sections of the road. (Two extra parcels on the east are removed to avoid critical slopes. To encourage build-out of those remaining parts of the sidewalk network, and potentially a cross-block alley, R-B is retained on the four parcels on the inside of the bend.)

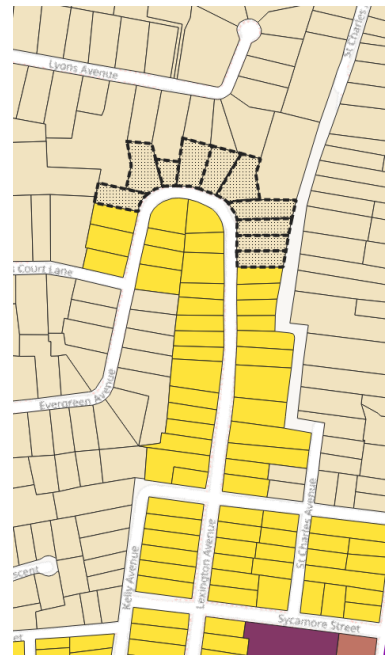
February Draft



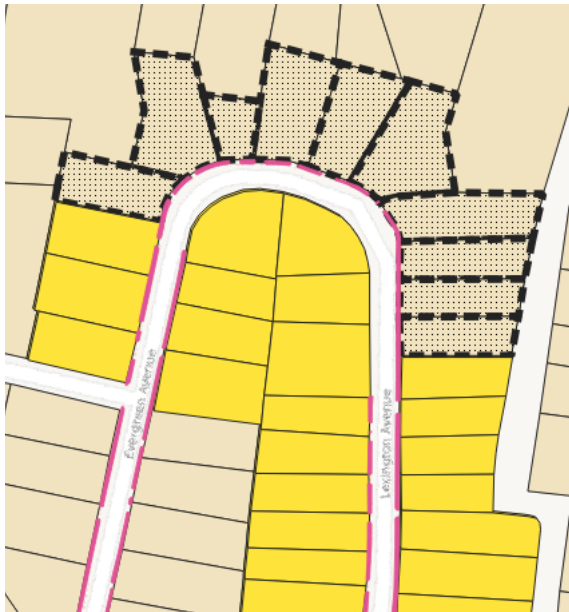
Consolidated Draft



Proposed



Close-up of Lexington bend, with sidewalks in red



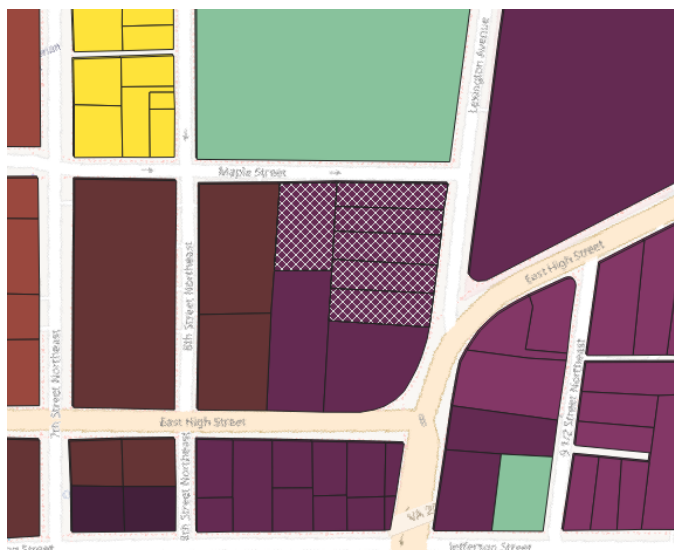
Parcels:

520089000, 520090000, 520091000,
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520136000, 520137000, 520139000,
520140000, 520145000, 520146000,
520147000, 520148000, 520149000,
520150000, 520151000, 520152000,
520154000, 520155000, 520156100,
520157000

▪ **NX-10 for Tarleton Oak**

Treating all the parcels of the Tarleton Oak development as a single entity per the applicant's request seems reasonable. This corner of downtown is adjacent to the upcoming East High Streetscape improvements, is not adjacent to any sensitive communities, and is a short walk from the Downtown Mall, making it an ideal place to maximize density.

All of these parcels are Urban Mixed Use Node in the Future Land Use Map, which permits either NX-8 or NX-10. (Note that the map below excludes the western two parcels on the block, as they are in a different FLUM category.)

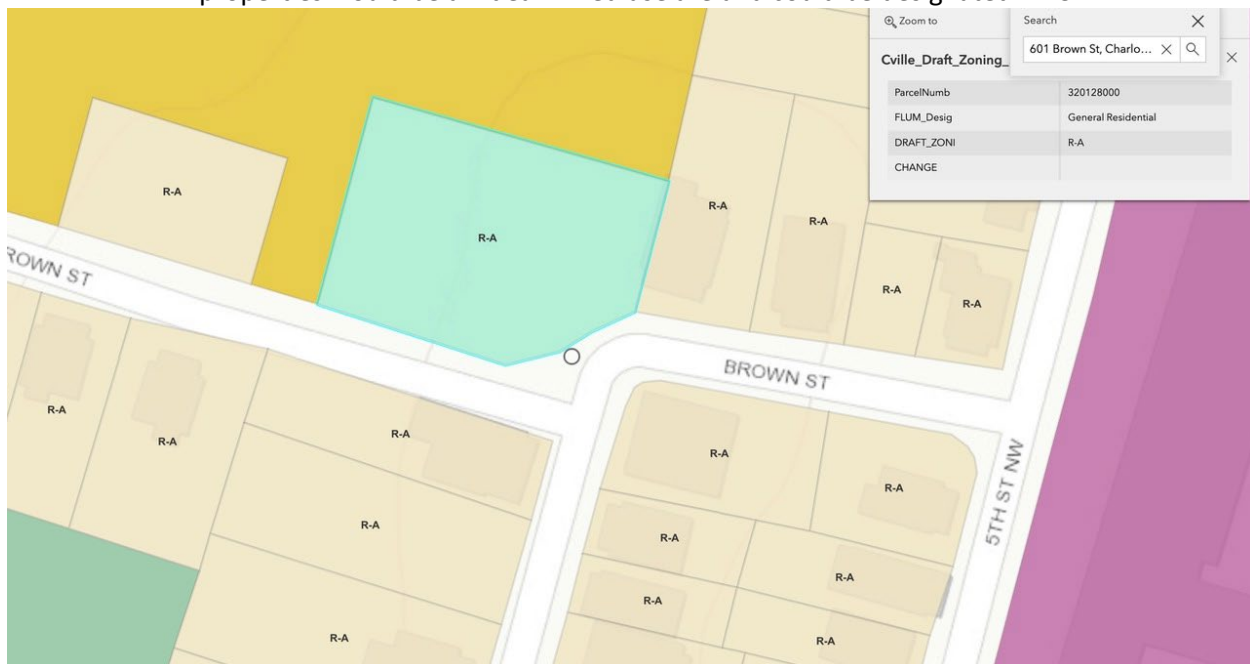


Parcels:

530195000, 530202000, 530201000,
530200000, 530199000, 530198000

Proposed (NX-10)

- Downtown setback map
 - 25' setback on Market Street is egregiously large. Reduce to 10' at most – or ideally reduce all 10' to 5'.
 - Remove or reduce setback on South Street between Midway Manor and Lewis & Clark. (Retain to the east of those lots.)
 - Remove along streets that do not have DX zoning. “Stories without step-back” is only specified in DX.
 - If denied:
 - Remove setbacks on West Main, which is already limited to CX-5.
 - Remove setback on Ridge-McIntire, an overly wide road that badly needs a sense of enclosure to slow cars.
 - Remove setback on 9th St NE south of Market. It’s a bridge, so street level is well above grade level.
 - Specify in other zones.
- Barracks shopping area upzoning already discussed
- FLUM work to get Starr Hill vision reflected in FLUM and then in zoning code
- In general, FLUM and therefore zoning should broadly allow similar built forms on both sides of the street. Several map issues have been pointed out by the public. Fontaine etc.
- Look again at Cedar Hill Road map changes given the public comment on that topic.
- Zoning Map Change Recommendation:
 - 601 Brown Street
 - The plan is to designate parcel R-A. It is currently vacant and adjacent to city yard. City yard will be designated R-C. At the very least 601 Brown Street should be designated R-C. However, if the environmental issues are ever addressed City yard and adjacent properties would be an ideal mixed use area and could be designated RX-3.



- JPA split zoning. Can we implement this? CX-8 facing JPA and CX-3 in rear of lot at the steep grade change location. (Similar to recent JPA SUP).
- 610 Harris Road (21B013000) & 612 Harris Road (25A047000) to RX-3

5.2.14. Special Exception Permit

A. Applicability

1. The City Council may grant a modification of any physical dimensional standard of this Development Code by Special Exception Permit.

2. A Special Exception Permit may be granted for physical dimensional standards described in the following sections:

- a. Div. 2.10
- b. Div. 4.3
- c. Div. 4.5
- d. Div. 4.7
- e. Div. 4.8

2. A Special Exception Permit cannot be granted to the following standards:

- a. Dwelling units per lot;
- b. Building height in stories; or
- c. Development bonuses.

B. Application Requirements

1. Pre-Application Conference

Before submitting an application for a Special Exception Permit, an applicant must schedule a pre-application conference with the Administrator to discuss the procedures, standards, and regulations required for approval. This requirement may be waived at the discretion of the Administrator.

2. Submitting an Application

Following the pre-application conference, an applicant may start the application process. To begin, a complete application form, required plans, and review fees must be filed the Administrator. Other general submittal requirements for all applications are listed in *5.2.1. Common Review Procedures*.

C. Review and Decision Process

1. Administrative Review

- a. The Administrator will review the application for a Special Exception Permit. Other City staff will be involved in the review on an as-needed basis, depending on the type of request.
- b. The Administrator will provide a staff report and recommendation to Planning Commission.
- c. When the property is within an ADC District, HC District, or an Individually Protected Property, the Administrator will refer the application to the BAR for review as to whether the proposed exception will have an adverse impact on the district, and for recommendation as to reasonable conditions which, if imposed, would mitigate any such impacts. The BAR must submit a written report of its findings in support of its recommendation to City Council.

2. Planning Commission Review

- a. The Planning Commission will review and make recommendations to City Council in accordance with the review criteria. If the Planning Commission recommends approval of the Special Exception Permit, the Commission may set forth any reasonable conditions which they recommend apply to the approval if granted.

4. City Council Decision

- a. If the City Council grants a Special Exception Permit, the Council may set forth any reasonable conditions which apply to the approval granted.

D. Criteria for Review and Decision

In considering an application for a Special Exception Permit, the City Council will consider the following factors:

1. Whether the proposed modifications to physical dimensional standards will be harmonious with existing and approved patterns of development on the same or an opposing block face or abutting property;
2. Whether the proposed modification supports the goals and strategies of the Comprehensive Plan;
3. Whether, with the conditions, the Special Exception Permit is consistent with public necessity, convenience, general welfare, and good zoning practice.

E. Action After the Decision

1. Amendments

A Special Exception Permit may be amended following the same procedures as for approval of an original Special Exception Permit application.

2. Applicability and Validity

- a. A Special Exception Permit, together with any amendments and modifications, apply to the property for which it was issued so long as such property is used for the purpose approved by such permit, and is not transferable to any other property.
- b. A Special Exception Permit will expire:
 - i. 18 months from the date of approval by City Council if no Development Review is required and a building permit to construct the authorized improvements has not been approved.
 - ii. 18 months from the date of approval by City Council in the case of proposed new construction if Development Plan approval has not been granted.
 - iii. Upon revocation of an approved Development Plan or expiration of an approved Site Plan.
- c. Prior to the expiration of a Special Exception Permit and upon written request by the applicant to the Administrator, the Administrator, if the Special Exception Permit remains in compliance with all applicable ordinances and policies, may grant an extension of up to one year. A request for an extension must be submitted prior to expiration of the Special Exception Permit. The Administrator will provide written notification of the decision on the extension request within 14 business days.