



Celebrate

MEMORANDUM

TO: Timothy J. Baroody, City Manager
FROM: Mike Craig, Senior Planner
DATE: January 22, 2020 (for the January 28 meeting)
RE: Residential Use in the Planned Development – Commercial zoning district

ISSUE

Should the City Council approve a resolution initiating the public hearing process for an ordinance permitting additional residential use in the Planned Development – Commercial zoning district (PD-C) by special use permit?

BACKGROUND

The PD-C zoning district permits 10% of the total acreage within the district to be used for residential land use at a density of 24 units per acre. Celebrate Virginia South, a single PD-C district, is a total of 541 acres. The entire 54 acres of that development available for residential use has now been developed into the Seasons / Havens (totaling 483) and the Silver Collection (totaling 576 multi-family units).

Over the last few months, property owners within Celebrate Virginia South have come forward to discuss two new land use proposals. One is for 100 additional senior housing units. The other is for 372 multi-family units in conjunction with the development of between 60,000 and 100,000 square feet of employment center uses.

The purpose of the PD-C zoning district is:

“to provide locations for a full range of retail commercial and service uses which are oriented to serve a regional market area. The district also provides for planned employment centers with offices and professional business uses. The district should be located adjacent to major transportation arteries, with development encouraged in centers planned as a unit.”

The Citywide market analysis prepared by Streetsense in December of 2018 indicates that the City’s land use market is in a state of evolution. Retail centers are set to contract and the market for employment centers and offices is limited. The market analysis also indicates that, while the City is digesting existing residential entitlement, additional future residential use may be appropriate within Area 1 Central Park / Celebrate Virginia overtime.

CONCEPTUAL TEXT AMENDMENT

A proposed text amendment is attached for referral to the Planning Commission and initiation of public hearings. The text amendment would permit up to an additional 10% of the land in a PD-C district to be allocated to residential land use by special use permit. This code change would permit the City Council to authorize the change in land use allocation within a PD-C district so that 20% of the district could be residential, a minimum of 25% would be open space, and up to 55% would be non-residential.

Additional residential acreage would also be limited in the total amount of additional units. The additional number of residential units so approved shall not exceed the number determined by multiplying 12 times the total additional acreage available for residential use by special use permit. For example, where a district consists of 500 acres, 50 acres may be developed for residential uses by right, at 24 units per acre. An additional 600 units (50 x 12) may be developed on an additional 50 acres by special use permit. After discussion with City Council at its January 14 meeting, an additional provision was added limiting the amount of non-age restricted multi-family units to 60% of the additional residential use.

The proposed amendment includes modifications to the purpose of the PD-C zoning district to add review criteria for applications for additional residential use. Those criteria would be:

- Retaining the primacy of commercial use in the district with respect to land area developed or reserved for commercial uses, visibility of uses, and the timing and phasing of development.
- a strong emphasis on pedestrian scale;
- providing urban development and amenities;
- incorporating high quality neighborhood design and innovative arrangement of building and open space uses;
- designing with a hierarchy of interconnected streets and blocks, walkable streets;
- provisions for transit, and a variety of housing types; and
- including opportunities for active recreational facilities or formal open spaces for residential segments of the development.

These criteria would be in addition to the existing special use review criteria in § 72-22.6 Special Use Permits, which include an evaluation of adverse impacts related to:

- Traffic or parking congestion;
- Noise, lights, dust, odor, fumes, vibration, and other factors which adversely affect the natural environment;
- Discouragement of economic development activities that may provide desirable employment or enlarge the tax base;
- Undue density of population or intensity of use in relation to the community facilities existing or available;
- Reduction in the availability of affordable housing in the neighborhood;
- Impact on school population and facilities;
- Destruction of or encroachment upon conservation or historic districts;
- Conformity with federal, state and local laws, as demonstrated and certified by the applicant; and
- Massing and scale of the project.

In addition, any proposed development within Celebrate Virginia South will have to comply with the Celebrate Virginia South agreement that contains covenants and restrictions to development within that project.

CONCLUSION

The attached UDO text amendment was proposed in response to new proposals that would include a substantial employment center. The Planning and Economic Development Departments and the City Attorney's Office structured the proposed amendment so that the City Council and Planning Commission could review any proposals to ensure they meet the City's vision for the future and that they have limited adverse impacts through the special use permit process. The UDO text amendment should be referred to the Planning Commission to commence formal review and public hearings.

ATTACHMENTS

1. Draft Ordinance



January 23, 2020
Regular Meeting
Resolution 20-__

MOTION:

SECOND:

RE: Initiating Amendments to the Unified Development Ordinance to Permit Additional Residential Development in the Planned Development-Commercial Zoning District by Special Use Permit

ACTION: APPROVED: Ayes: 0; Nays: 0

The purpose of the Planned Development –Commercial (PD-C) District is to provide locations for a full range of retail commercial and service uses which are oriented to serve a regional market area. The district also provides for planned employment centers with offices and professional business uses. The district is appropriate for land located adjacent to major transportation arteries, with development encouraged in centers planned as a unit. The PD-C District currently permits the development of 10% of the acreage of the district for residential uses, at a density of 24 units per acre. The purpose of this proposed amendment is to permit additional residential development in the district by special use permit, for an additional 10% of the district acreage, but limited as to the number of additional residential units.

In adopting this resolution, City Council has considered the applicable factors in Virginia Code § 15.2-2284. The City Council has determined that public necessity, convenience, general welfare and good zoning practice favor the proposed amendment.

Therefore, the City Council hereby resolves that:

- The City Council hereby initiates amendments to City Code Chapter 72, the Unified Development Ordinance, to permit additional residential development in the Planned Development-Commercial zoning district by special use permit, substantially as set forth in the draft ordinance dated January 16, 2020, submitted for City Council review.
- The City Council refers this proposal to the Planning Commission for review, public hearing, and recommendation under the procedures set forth in City Code §72-22.1.

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

Clerk's Certificate

I certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Resolution No. 20-__, adopted at a meeting of the City Council held January 28, 2020, at which a quorum was present and voted.

Tonya B. Lacey, MMC
Clerk of Council



draft 2020 01 16
Regular Meeting
Ordinance No. 20-__

MOTION:

SECOND:

RE: Amending the Unified Development Ordinance to permit additional residential development in the Planned Development-Commercial zoning district by special use permit.

ACTION: APPROVED; Ayes:0; Nays: 0

First read: _____ **Second read:** _____

It is hereby ordained by the Fredericksburg City Council that City Code Chapter 72, "Unified Development Ordinance," is amended as follows.

I. Introduction.

The purpose of the Planned Development –Commercial (PD-C) District is to provide locations for a full range of retail commercial and service uses which are oriented to serve a regional market area. The district also provides for planned employment centers with offices and professional business uses. The district is appropriate for land located adjacent to major transportation arteries, with development encouraged in centers planned as a unit. The PD-C District currently permits the development of 10% of the acreage of the district for residential uses, at a density of 24 units per acre. The purpose of this amendment is to permit additional residential development in the district by special use permit, for an additional 10% of the district acreage, but limited as to the number of additional residential units.

The City Council adopted a resolution to initiate this text amendment at its meeting on _____. The Planning Commission held its public hearing on the amendment on _____, after which it voted to recommend the amendment to the City Council. The City Council held its public hearing on this amendment on _____.

In adopting this ordinance, City Council has considered the applicable factors in Virginia Code § 15.2-2284. The City Council has determined that public necessity, convenience, general welfare and good zoning practice favor the requested rezoning.

II. City Code Amendment.

City Code Chapter 72, "Unified Development Ordinance," is amended as follows:

1. **Section 72-33.2, "Planned Development-Commercial District,"** shall be amended as follows:

Sec. 72-33.2. Planned Development-Commercial District.

A. Purpose and intent.

- (1) The Planned Development-Commercial (PD-C) District is established to provide locations for a full range of retail commercial and service uses which are oriented to serve a regional market area. The district also provides for planned employment centers with offices and professional business uses. The district should be located adjacent to major transportation arteries, with development encouraged in centers planned as a unit.
- (2) The district should be reserved for development on contiguous land areas of at least 150 acres under single ownership or control capable of containing an aggregate gross floor area in excess of 500,000 square feet.
- (3) *The PD-C District is suitable for limited residential development, but the predominant character of the district shall remain commercial, through the primacy of this use category with respect to land area developed or reserved for commercial uses, visibility of uses, and the timing and phasing of development. Residential development in the PD-C District must be designed with special care and sensitivity to create truly livable spaces within an area otherwise characterized by commercial development. The criteria for successful integration of commercial and residential uses include, but are not limited to, a strong emphasis on pedestrian scale, urban development and amenities, high quality neighborhood design and innovative arrangement of building and open space uses, a hierarchy of interconnected streets and blocks, walkable streets, provisions for transit, and a variety of housing types; in addition to the provision of opportunities for active recreational facilities or formal open spaces for all segments of the development.*

[Subsections B and C are not amended.]

D. Bulk regulations. Bulk regulations for PD-C Districts are as follows:

- (1) Maximum building height. Building heights of up to 90 feet are permitted, and may be increased to 199 feet for telecommunication towers, subject to approval of a special use permit.
- (2) Minimum setback requirements.
 - (a) Front setback, no requirement.
 - (b) Side setback, no requirement.
 - (c) Rear setback, no requirement.
 - (d) From all residential uses outside the PDC District, 50 feet.
 - (e) From public street rights-of-way, 30 feet.
 - (f) From internal travel lanes and drives, 15 feet.
- (3) Maximum floor area ratio. The maximum floor area ratio shall be 1.00.

(4) Residential density use limitations. Residential uses shall not exceed 10% of the ~~overall~~ gross acreage of the specific PD-C District and 24 units per acre. *City Council may approve up to 20% of the gross acreage of the specific PD-C District for residential uses, by special use permit.*

a. *The additional number of residential units so approved shall not exceed the number determined by multiplying 12 times the total additional acreage available for residential use by special use permit.*

b. *No more than 60% of the additional residential units approved by special use permit may be multi-family residential units. This cap does not apply to "Housing for Older Persons," under the federal Fair Housing Act and federal regulations implementing the Act.*

SEC. III. Effective Date.

This ordinance is effective immediately.

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

Approved as to form:

Kathleen Dooley, City Attorney

Clerk's Certificate

I, the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Ordinance No. 20- duly adopted at a meeting of the City Council meeting held Date, 2020 at which a quorum was present and voted.

Tonya B. Lacey, CMC
Clerk of Council