



**MEMORANDUM**

**TO:** Chairman Durham and Planning Commissioners  
**FROM:** Mike Craig, Senior Planner  
**DATE:** June 28, 2022 (for the July 13 meeting)  
**RE:** Modifications to the Planned Development – Mixed-Use (PD-MU) Zoning District.

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**ISSUE**

The Area 1 Celebrate Virginia / Central Park Small Area Plan identified key issues with the City's Planned Development Districts. Three of them are relevant to the PD-MU Zoning District. Amending the ordinance to address the following three issues in the PD-MU Zoning District is part of the implementation schedule on pages 11 (1)-27 through 11 (1)-28:

1. Add Form Based Elements;
2. Review the permitted uses within Planned Development districts to ensure that modern workplace uses are permitted as part of an appropriate land use mix; and
3. Review standards requiring mixed use in the Planned Development districts to ensure that mixed use standards are consistent and enforceable and that they will lead to balanced phasing of the residential and commercial components of projects.

**RECOMMENDATION**

Recommend approval of the modifications to the Planned Development – Mixed Use Zoning District to the City Council.

**BACKGROUND**

The Planned Development – Mixed Use Zoning District was adopted in 2009. Since its adoption, the District has been deployed in three areas of the City:

- Eagle Village Phase I, 1100 block of Emancipation Highway;  
(Student Housing / Parking Garage-Commercial & Office / Hyatt Hotel)
- Fredericksburg Park, west side of Lafayette Blvd. between Rt 3 and transmission lines;  
(Fredericksburg Park townhouses / vacant 1.2-acre commercial site; and
- The Mill District, 1700 block and 1821/1901 Princess Anne Street;  
(Silk Mill and proposed Germania Mills apartments [now BP gas station])

These projects have been somewhat successful in achieving the planned development goals. However, several issues have emerged over the last 13 years that need to be addressed:

- The PD-MU Zoning District was written in 2009 before the adoption of the Unified Development Ordinance (UDO) in 2013. The ordinance currently includes provisions that combine General Development Plans and Preliminary Plats. Additionally, development standard provisions written into the current PD-MU Zoning District duplicate or contradict Development Standards since adopted in the 2013 UDO.
- The City's Planned Development Districts represent a "Unique Challenge and Opportunity" (see Comprehensive Plan page 11 (1)-3), evolving a 20<sup>th</sup> century tool to for

21<sup>st</sup> century settings. The general development plan criteria are in need of an update. A more effective zoning tool is a blending of a traditional planned development zoning district, addressing the ‘what’ aspects of development (permitted uses and special uses), and a form based code, addressing the ‘how’ aspects through urban fabric, frontage, and building type standards.

- The Use Mix Standards in the existing PD-MU district produced inconsistent results. The City recently adopted a “mixed-use” regulatory format for the Commercial Downtown zoning district that is clearer in definition than and should replace the standards in the current PD-MU. Additionally, a basic use phasing regulation should be added to ensure that an appropriate mix of uses is maintained over the life cycle of the proposed development.
- The permitted uses in the existing PD-MU do not include “w”orkplace uses like flex tech and light industrial. The City’s vision for mixed-use development includes a strong focus on employment uses. Planned Employment Centers should include these types of uses where appropriate if they are to come to fruition.

The City’s Future Land Use Map includes several areas designated as “Planned Development – Mixed Use” where Area Plans have not been completed. Several of the transects including T-4 General Urban, T-4W Area-Core Workplace, T-5C Area-Core Corridor, and T-6 Modern Urban Core are often expressed through the PD-MU Zoning District. These areas coincide with areas of the City that are the subject of much development interest.

The proposed modifications to the PD-MU address these issues cited above. A summary of the proposed changes is included as an appendix to this report. The PD-MU Zoning District should be updated expediently so that the modifications are in place prior to the review of any future zoning map amendment applications.

### **CONCLUSION**

The attached ordinance includes proposed UDO Text Amendments that modify the PD - MU Zoning District. The proposed changes will address issues identified by the Celebrate Virginia / Central Park Small Area Plan. These amendments should be recommended for approval to the City Council.

### **ATTACHMENTS**

1. Analysis of proposed PD-MU Modifications.
2. Draft ordinance amendments to the Commercial Downtown Zoning District.

## **ATTACHMENT 1: ANALYSIS**

The following is a summary of the changes to the PD-MU ordinance:

1. Modifications to § 72-22 and 72-25 --- These changes eliminate language equating the General Development Plan to a Preliminary Plat.
2. Modifications to § 72-33.3 –
  - a. Changes to the Purpose and Intent section are twofold. First, they eliminate references to the JumpStart Plan. Second they add language about the suitability of “w”orkplace uses.
  - b. Changes to site size and bulk regulations consolidate these regulations into the Form Based Code Elements. There is no change in overall height permitted. References to the Princess Anne and Lafayette Corridors have been removed as they are no longer envisioned as appropriate locations for PD-MU.
  - c. **No change** in permitted residential density or maximum Floor Area Ratio is proposed.
  - d. Minimum Open Space standards (requiring a 15% minimum for general open space) have been retained and consolidated into the Form Based Code Elements.
  - e. The “additional regulations” and “use mixing” standards have been replaced by a new section “Minimum Use Mix”. The “additional regulations” and “use mixing” standards were some of the most difficult to interpret and apply. For example, the “commercial uses” standards required “at least 40% and no more than 65% of the gross land area of the district” to be used to “determine or compute the permitted floor area ratio”.  
 The Minimum Use Mix would replace these standards with a clearer set of standards that delineate “mixed-use”, set a minimum mix of no less than a 75% - 25% ratio of the total gross floor area of the development. A Phasing component is also added to ensure that no more than 75% of the total residential square footage may be developed prior to the construction of 25% of the total commercial square footage.  
 § 72-82.5.A(3) Mixed Use Ratio is proposed. This section outlines how to establish residential and commercial square footage to calculate use mix on the General Development Plan.
  - f. Form Based General Development Criteria are added. These criteria would require a General Development Plan to be comprised of Urban Fabric, Frontage, and Building Type Standards. The proposed language also gives the applicant the opportunity and provides standards for any proposed “Optional Forms of Development” they would like to include. The applicant could propose their own standards within certain parameters or could use the City’s established Form Based Code. The Form Based Elements make § 72-33.3.H General Development Plan Submittal Requirements redundant so they are proposed to be eliminated.
  - g. Elimination of the existing “additional regulations” (4) – (10). These standards relate to project components like parking, townhouse configuration, loading and refuse areas, and street trees. The UDO was adopted in 2013 with a set of development standards that are either redundant to or better calibrated than the set of standards adopted into the PD – MU in 2009.
  - h. Project Development Criteria are proposed. This section consolidates many of the “general standards” currently located in § 72-33.3.I. These standards provide concise guidance on

the underlying vision / values that are used to evaluate new proposed developments.

3. Modifications to §72-40 --- These changes make the following uses permitted by special use permit in the PD-MU District. The uses would be considered for approval in the areas of the City with a T-4W or T-5W Transect.

Use Category	Use Type	PD-MU	Additional Requirements
<b>Commercial Uses</b>			
Alcoholic Beverage Production	Regional Brewery	▲ S	
	Regional Winery	▲ S	
	Regional Distillery	▲ S	
<b>Industrial Uses</b>			
Industrial Services	Commercial Laundry	▲ S	§ 72-41.4A
	Contractor Office	▲ S	§ 72-41.4A
Manufacturing	Manufacturing, Light	▲ S	
Warehousing and Storage	Outdoor Storage	▲ S	§ 72-41.4D
	Warehouse	▲ S	§ 72-41.4E
Wholesale Sales	Wholesale Sales	▲ S	§ 72-41.4G

Some discussion occurred with the representatives of the Rappahannock HP property as part of the review of the proposed ordinance after the City Council initiated its review. One specific set of questions was how a “Special Use Permit” for potential future “w”orkplace uses would function. Traditionally, Special Use Permits are relatively detailed documents, are specific to a particular use, and expire if not utilized within a certain date.

Permitting “w”orkplace uses within the PD-MU is appropriate in larger developments identified in the future land use map by a “W” transect. There are two options to permitting these uses that should be considered:

1. A proposed Special Use Permit may be processed as part of a general development plan concurrent with the rezoning. In that instance, the Special Use Permit may allow any one or multiple “special” uses desired for the project on certain areas of the site defined on the GDP. A condition on the Special Use Permit would state that it was valid for as long as the GDP was in place. The Special Use review would be similar to and concurrent with the review of the GDP. Areas of the site where “w”orkplace uses are proposed should have urban fabric, frontage, and building type standards that are complimentary to and cohesive with the other uses planned for the development.
2. As the details usually associated with a proposed special use are not known when GDP is being reviewed, an alternative would be to leave these uses as subject to

Special Use Permit review if the General Development Plan was less than 75 acres, but allow them as permitted uses in larger GDPs. Such larger GDPs would be reviewed to ensure a proper context for such work place uses regardless of use specifics. The location of “w”orkplace uses on smaller sites could be more likely to be adjacent to property outside of the planned development making a more traditional Special Use Permit review appropriate.