

CITY OF CHARLOTTESVILLE

Department of Neighborhood Development Services

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June 18, 2019

TO: Charlottesville Planning Commission, Neighborhood Associations & News Media

Please Take Notice

A Work Session of the Charlottesville Planning Commission will be held on **Tuesday, June 25, 2019 at 5pm in the NDS Conference Room (610 East Market Street)**

AGENDA

1. Zoning Discussion - Access Management
2. Public Comment

cc: City Council
Mike Murphy
Alexander Ikefuna
Planners
Jeff Werner
Lisa Robertson

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

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MEMO

To: Charlottesville Planning Commission
From: Missy Creasy, Assistant Director NDS
Date: June 17, 2019

RE: Planning Commission Work Session June 25, 2019 - Access Management

At the May Planning Commission Meeting, Mr. Trey Steigman requested that the Commission consider the initiation of a Zoning Text Amendment to change access requirements in the zoning ordinance (City Code Section 34-896) currently requires at least two vehicular points of entry if a development contains 50 or more units). Mr. Steigman is undertaking a development that will have more than 50 dwelling units, but he believes that having to satisfy a requirement for two points of vehicular access is not reasonable and does not allow for flexibility in site design. The Commission scheduled to discuss this item at the June Work Session and to make a determination on the initiation following.

Mr. Steigman provided the following information:

1. Background information in a series of emails dated May 10-15, 2019
2. Proposed code revision
3. Land Use Analysis charts for R-3, RUHD and for his proposed site 1114 John Street.

Staff has not provided a detailed analysis at this time but generally supports the concept of changes to this section of code. Vehicular ingress and egress for a particular development site ("Access Management") should be a site-specific public safety and design decision that takes into account multiple factors. Staff agrees with Mr. Steigman that the number of dwelling units in a development is not the only criteria that must be considered.

As the Planning Commission reviews Mr. Steigman's request at this point, Staff believes that the following are considerations to keep in mind:

1. The Standards and Design Manual (SADM) should provide guidance on access management. The current manual does not speak to the issue of access management; however, the topic is discussed in the draft manual, which contains language that would allow flexibility for site-specific decision making. We hope that the proposed SADM will be ready to be re-presented to Council and the Planning Commission in July 2019, as

staff has met with various stakeholders and has worked through more than 900 comments and suggestions received.

2. Fire Code requirements will also play a role in the determination of how many vehicular access points will be necessary for a specific development. Staff would support removing criteria within the zoning ordinance that are based on irrelevant considerations (such as DUA), in favor of deferring to provisions within the updated SADM and existing provisions of the Fire Code. However, this does not necessarily guarantee that a single entrance would be approved for any specific development proposed by Mr. Steigman.
3. Once the SADM is updated, our goal will be to eliminate conflicts between the SADM and City Ordinances (this will likely require us to bring forward various text amendments—including amendments of the section involved in Mr. Steigman’s proposal). While staff would not object if the Commission were to initiate an amendment in the interim, it’s possible that additional modifications might be necessary to this section in the near future. As part of your Work Session discussion, we should consider the timing of any changes in the context of the progress of the conclusion of the SADM Update process.
4. The City Attorney’s Office does not favor an amendment intended to facilitate any one particular development proposal (*so, for example, if “DUA” is not a pertinent factor on which to base a decision, the City Attorney’s Office would not favor a text amendment that simply increases the DUA to favor one site or landowner, but would favor an amendment that makes the ordinance better, more logical*). Further, the City Attorney’s Office agrees with Staff that specific design and safety specifications or standards should be in the Manual instead of the zoning ordinance.

Following this work session, the Planning Commission can provide the following guidance:

1. Direct staff to add an initiation of a proposed text amendment to a future regular Planning Commission agenda with any specific guidance as to wording—either the wording proposed by Mr. Steigman or other wording as may be considered at the Work Session
2. Alternatively, consider initiating a zoning text amendment that would proceed with other text amendments necessary in connection with the adoption of the updated SADM.
3. Take no action at this time.

Attachments: Mr. Steigman’s materials

Draft Standard and Design Language on Access Management - Chapter 3 Traffic Labeled page 42 of the document - page 62 of the PDF

<https://www.charlottesville.org/home/showdocument?id=63189>

Management Services Corporation (MSC) Proposed Code Revisions May 10, 2019:

Sec. 34-896. - Access.

- (a) Each development shall provide for safe and convenient ingress from and egress to one (1) or more public roads, designed to: reduce or prevent congestion in the public streets; minimize conflict and friction with vehicular traffic on the public street, and on-site; minimize conflict with pedestrian traffic; and provide continuous and unobstructed access for emergency purposes, such as police, fire and rescue vehicles. To these ends the director or the commission, in the review of a site plan, may specify the number, type, location and design of access points to a public street, together with such measures as may be deemed appropriate to insure adequate functioning of such access points.
- (b) Each entrance onto any public road for vehicular traffic to and from a development shall be subject to approval of the director or commission. All such entrances shall be designed and constructed in accordance with the requirements and specifications set forth within the most recent version of the City of Charlottesville Standards and Design Manual. For a **single-family residential zoning district** development of fifty (50) or more dwelling units, reasonably direct vehicular access shall be provided from all residential units to two (2) public street connections. For other residential developments, the commission may require two (2) points of access to a public street where such access is deemed warranted due to the character of the residents of such development, including but not limited to: the elderly, handicapped and developmentally disabled.
- (c) Where discharge waters of the one hundred-year storm could reasonably be anticipated to inundate, block, destroy or otherwise obstruct the principal means of access to a residential development, or a portion thereof: the principal means of access shall be designed and constructed so as to provide unobstructed access at time of flooding, subject to requirements of the flood hazard overlay district; and/or alternative vehicular access available to all dwellings and not subject to flooding shall be provided.
- (d) The commission or director may require provision for, and/or construction of, travel lanes or driveways to serve adjoining properties.
- (e) On-site parking and circulation shall be designed and constructed in accordance with off-street parking and loading requirements, subject to city engineer approval in accordance with sound engineering practices, including but not limited to grade, drainage and paving specifications and subject to the director's determination that the vehicular circulation patterns provided are safe and convenient.
- (f) Multifamily developments **in multifamily residential zoning districts** having a density greater than **64** ~~43~~ DUA must have access on a public collector or arterial street, or have access to a collector or arterial street within two hundred (200) feet along a fifty-six-foot right-of-way developed to city street standards.

(9-15-03(3); 4-20-09)

City of Charlottesville, Virginia

Zoning District - Multifamily Residential - R-UHD

Use Matrix - Section 34-896(b)(f) - Two (2) Points Public Street Access & Public Collector/Arterial Street - Access Requirements (AR)

Land Use Analysis - Multifamily Residential Project - R-UHD Parcel Size 1.0 Acre and 2.0 Acres Examples - MSC 5/10/2019

Use Types	R-UHD - Zoning District - Multifamily Residential								
	R-UHD	R-UHD	R-UHD	Density Loss	Density Loss	R-UHD	Density Loss	Density Loss	
Density DUA	By-Right	SUP	Access Points (b)	Dwelling Units	Capacity Limit	Street Class (f)	Dwelling Units	Capacity Limit	
1.0 Acre Parcel									
1-21 DUA	21								
22-43 DUA	43								
44-64 DUA	64		49	(15)	77%	43	(21)	67%	
65-87 DUA		87	49	(38)	56%	43	(44)	49%	
2.0 Acres Parcel									
1-21 DUA	42								
22-43 DUA	86		49	(37)	57%	43	(43)	50%	
44-64 DUA	128		49	(79)	38%	43	(85)	34%	
65-87 DUA		174	49	(125)	28%	43	(131)	25%	

City of Charlottesville, Virginia

Zoning District - Multifamily Residential - R-3

Use Matrix - Section 34-896(b)(f) - Two (2) Points Public Street Access & Public Collector/Arterial Street - Access Requirements (AR)

Land Use Analysis - Multifamily Residential Project - R-3 Parcel Size 1.0 Acre and 2.0 Acres Examples - MSC 5/10/2019

Use Types	R-3 - Zoning District - Multifamily Residential								
Density DUA	R-3	R-3	R-3	Density Loss	Density Loss	R-3	Density Loss	Density Loss	Density Loss
1.0 Acre Parcel	By-Right	SUP	Access Points (b)	Dwelling Units	Capacity Limit	Street Class (f)	Dwelling Units	Capacity Limit	Capacity Limit
1-21 DUA	21								
22-43 DUA		43							
44-64 DUA		64	49	(15)	77%	43	(21)	67%	67%
65-87 DUA		87	49	(38)	56%	43	(44)	49%	49%
Density DUA	R-3	R-3	R-3	Density Loss	Density Loss	R-3	Density Loss	Density Loss	Density Loss
2.0 Acres Parcel	By-Right	SUP	Access Points (b)	Dwelling Units	Capacity Limit	Street Class (f)	Dwelling Units	Capacity Limit	Capacity Limit
1-21 DUA	42								
22-43 DUA		86	49	(37)	57%	43	(43)	50%	50%
44-64 DUA		128	49	(79)	38%	43	(85)	34%	34%
65-87 DUA		174	49	(125)	28%	43	(131)	25%	25%

City of Charlottesville, Virginia

Zoning Districts - Multifamily Residential

Use Matrix - Section 34-896(b)(f) - Two (2) Points Public Street Access & Public Collector/Arterial Street - Access Requirements (AR)

Land Use Analysis - The Wellington - Proposed Multifamily Residential Redevelopment Project - MSC 5/10/2019

1.422 Acres

Use Types	Zoning Districts - Multifamily Residential								
				Section 34-896(b)			Section 34-896(f)		
Density DUA	R-UHD	R-UHD		R-UHD	Density Loss		R-UHD	Density Loss	
1.422 Acres Parcel	By-Right	SUP		Access Points (b)	Dwelling Units	Capacity Limit	Street Class (f)	Dwelling Units	Capacity Limit
1-21 DUA	29								
22-43 DUA	61			49	(12)	80%	43	(18)	70%
44-64 DUA	91			49	(42)	54%	43	(48)	47%
65-87 DUA		123		49	(74)	40%	43	(80)	35%

From: [Trey Steigman](#)
To: [Green, Lisa](#); [Creasy, Missy](#)
Cc: [Steve Houchens](#)
Subject: RE: Proposed ZTA - City Code Section 34-896 Access
Date: Wednesday, May 15, 2019 1:02:29 PM
Attachments: [image001.png](#)
[Charlottesville City Code Sec. 34-896 Access - MSC Proposed Minor ZTA 05102019.pdf](#)
[Charlottesville - R-3 Zoning District - Code Section 34-896 Access Requirements - MSC Land Use Analysis 05102019.pdf](#)
[Charlottesville - R-UHD Zoning District - Code Section 34-896 Access Requirements - MSC Land Use Analysis 05102019.pdf](#)
[Charlottesville - Proposed The Wellington - Code Section 34-896 Access Requirements - MSC Land Use Analysis 05102019.pdf](#)
[Precedent Projects - NonCompliance Charlottesville City Code Section 34-896 Access Requirements - 05102019.pdf](#)

Ms. Green – Thank you for your guidance on coordination of our communication.

Ms. Creasy – Please review the attachment files and this thread of email messages for all of the background information that MSC has prepared and provided to the Planning Commission in regards to this matter.

Please let me know if you have any questions.

Thank for your help!

Trey Steigman
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From: lgreen67@gmail.com <lgreen67@gmail.com> **On Behalf Of** Lisa Green
Sent: Wednesday, May 15, 2019 12:01 PM
To: Trey Steigman <tsteigman@msc-rents.com>
Cc: Steve Houchens <shouchens@msc-rents.com>; Creasy, Missy <CREASYM@charlottesville.org>

Subject: Re: Proposed ZTA - City Code Section 34-896 Access

Mr. Steigman - you need to coordinate any communication with Missy Creasy at the city and not individual commissioners. That was we are all getting the same information. I have copied her on this email so you have her contact information.

Thank you,

Lisa Green

On Wed, May 15, 2019 at 9:13 AM Trey Steigman <tsteigman@msc-rents.com> wrote:

Ms. Green – Thank you for initiating a Planning Commission work session yesterday to review our proposed zoning text amendment (ZTA).

MSC looks forward to participating in the discussion with the Planning Commission and City Staff and we will be available for either or both of the future work sessions you have scheduled for Tuesday, May 28th and Tuesday, June 25th. Please let us know when we should plan to be available?

In the meantime, we encourage you to visit the following precedent multi-family residential projects that are located throughout the City that MSC believes are non-compliant with one or more requirements of Code Section 34-896 Access, all of which have total units that by far exceed the 49 units limit of Code Section 34-896(a) and 43 DUA limit of 34-896(f):

**Grand Marc – 301 15th Street NW – One Way Street – Parking Garage - Left-Turn Only Exit
(224 Units, YOC 2006)**

**The Pavilions – Phase 1 & 2 – 2101 Arlington Boulevard – Parking Garage to Millmont Street
(300 Units, YOC 2013-2015)**

**City Walk – 4000 City Walk Way – Parking Garage to City Walk Way/East Water Street
(300 Units, YOC 2014)**

Upon visiting these precedent multi-family residential projects that have been occupied for more than five (5) years without any known concerns relative to non-compliance with Code Section 34-896 Access, we think that you will concur with us that this code error can and should be resolved most efficiently by a simple, straight-forward solution – minor code revisions via our proposed zoning text amendment (ZTA).

Please let us know if you have any questions.

Thanks for your help!

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From: Trey Steigman
Sent: Monday, May 13, 2019 12:25 PM
To: Lisa Green (lgreenville@gmail.com) <lgreenville@gmail.com>
Cc: Steve Houchens <shouchens@msc-rents.com>
Subject: RE: Proposed ZTA - City Code Section 34-896 Access

Ms. Green – I hope you had a nice weekend!

Given that we've received a few follow-up questions, we wanted to pass-along the attached list of several precedent projects that MSC believes were approved by City Staff that do not comply with one or more requirements of Code Section 34-896 Access.

There are more than 1,700 units of new construction multi-family residential identified on the attached list – obviously this was not a "one-time" mistake in regards to administrating this particular piece of City Code.

We hope that you agree that this code error can and should be resolved most efficiently by a simple, straight-forward solution – minor code revisions via our proposed zoning text amendment (ZTA).

Please let us know if you have any questions.

Thanks for your help!

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From: Trey Steigman
Sent: Friday, May 10, 2019 4:55 PM
To: Lisa Green (lgreenville@gmail.com) <lgreenville@gmail.com>
Cc: Steve Houchens <shouchens@msc-rents.com>
Subject: Proposed ZTA - City Code Section 34-896 Access

Ms. Green – Chair, Planning Commission, City of Charlottesville:

By way of introduction, Management Services Corporation (MSC) represents Wellington Court, LLC, property owner of 1114 John Street, Charlottesville, VA – Tax Map Parcel #040245000 Zoned R-UHD.

By way of background, MSC held a pre-application meeting with City Staff on February 19, 2019 to review a conceptual building schematic and site layout plan for “The Wellington”, a proposed 90-unit multifamily residential project. Subsequently, City Staff advised MSC that given the requirements of City Code Section 34-896 Access and the City Staff’s lack of authority for waiver or modification, the proposed project could not be approved. Further, City Staff advised MSC on April 11, 2019 that in order to resolve this matter the Planning Commission must initiate a zoning text amendment (ZTA).

When enforced, Code Section 34-896 Access (b) and (f) contain conflicted code requirements that cause unintended consequences that limit the number of residential dwelling units (DUA), particularly in multi-family residential zoning districts. Please review the attached example charts for R-3 and R-UHD zoned one-acre and two-acre parcels where the highlighted chart figures show “Density Loss Dwelling Units” and “Density Loss Capacity Limit”. Furthermore, please review the attached chart that shows specifically how the Access (b) and (f) code requirements limits the R-UHD by-right density use of “The Wellington”.

City Staff acknowledges that the requirements of Code Section 34-896 Access have not been applied to several projects in the planning process. In fact, MSC believes that there are at least nine (9) major new construction projects built within the last 10 years with site development plans that were approved by City Staff that do not comply with one or more requirements of Code Section 34-896 Access.

MSC submits that there are sound reasons for not applying certain requirements of Code Section 34-896 Access. In particular for multifamily residential projects, the vehicular traffic language is outdated

and a counter-point to encouraging pedestrian-oriented, vertical-design, in-fill re-development. Also, the “one-size fits-all” approach to these code requirements does not recognize the vehicular-use/daily trip count differences between low-density single-family residential and medium-high density multi-family residential. The vehicular use differences are so much greater when you also consider the university-area orientation and “walk/bike/bus” off-peak hours academic calendar.

In summary, MSC proposes a simple solution to correct the unintended consequences of the conflicted code requirements of Code Section 34-896 Access. Please review the minor text revisions shown on the attached proposed ZTA. MSC will make this request formally at the next Planning Commission Meeting on Tuesday, May 14, 2019. We hope that you will agree that this can and should be resolved in this manner. In the meantime, please let us know if you have any questions.

As always, thank you very much for your time and consideration and we appreciate your assistance with this matter.

PS Lisa you of course know more about code enforcement than anyone so I think it's interesting that many jurisdictions throughout the Commonwealth, including County of Albemarle, have eliminated the arbitrary restrictions of 50 units two (2) points of Access, particularly given administrative site plan oversight.

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Lisa Green
Chair, Planning Commission
City of Charlottesville

PRECEDENT PROJECTS – Non-Compliance - Section 34-896(b) and/or Section 34-896(f)

Grand Marc – 301 15th Street NW – One Way Street – Parking Garage - Left-Turn Only Exit
(224 Units, YOC 2006)

Wertland Campus – Phase 1 & 2 - 1029 & 1115 Wertland Street – Under-Building Parking
(80 Units, YOC 2008-2013)

The Pavilions – Phase 1 & 2 – 2101 Arlington Boulevard – Parking Garage to Millmont Street
(300 Units, YOC 2013-2015)

The Flats at West Village – 852 West Main Street – Parking Garage to 9th Street Alley
(240 Units, YOC 2014)

City Walk – 4000 City Walk Way – Parking Garage to City Walk Way/East Water Street
(300 Units, YOC 2014)

Beacon on Fifth Street – 100 Dalton Lane – Surface Parking to Fifth Street – Right-Turn Only Exit
(241 Units, YOC 2017)

The Standard – 853 West Main Street – Parking Garage to West Main Street
(189 Units, YOC 2018)

UVA Brandon Avenue – Upper-Class Student Residence Hall – Parking Garage to Brandon Ave
(80 Units (Est.), YOC 2019)

Blue Moon Diner Redevelopment – 600 West Main Street – Parking Garage to West Main Street
(56 Units (Est.), YOC 2020)