



CITY OF CHARLOTTESVILLE

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

Department of Neighborhood Development Services

Memorandum

To: Sunshine Mathon, Executive Director, Piedmont Housing Alliance
From: James Freas, Director, Neighborhood Development Services & Zoning Administrator
Date: February 28, 2024
Re: Zoning Determination: Section 2.10.4 Outdoor Amenity Space
CC: Carrie Rainey, Senior Planner
Jay Stroman, City Attorney

Piedmont Housing Alliance (PHA) has requested a zoning determination that the proposed public park space to be included within the Friendship Court Phase 3 project meets the intent and requirements of the Outdoor Amenity Space provisions (Section 2.10.4.C) of the Charlottesville Development Code. This section is intended to ensure that there are adequate recreation and open space areas for occupants of a project and the code requirement is expressed as a minimum required percentage of a lot. For the reasons stated below, the Zoning Administrator finds that the proposed public park area meets the Outdoor Amenity Space requirements of the Charlottesville Development Code.

The Friendship Court site is zoned Corridor Mixed-Use 8 (CX-8), which requires that a minimum of 10% of the lot area be devoted to Outdoor Amenity Space, as described in Sec. 2.10.4.C. The relevant portions of the Intent, Application, and Standards sections of the Outdoor Amenity Space provisions are provided below.

C. Outdoor Amenity Space

An area on a lot designated to be used for active or passive recreation, calculated as a percentage of total lot area.

1. Intent

To facilitate the creation of a convenient, attractive, and harmonious community by:

- a. Ensuring adequate recreation and open space areas for occupants, and to ensure such spaces are accessible, usable and safe; and
- b. Encouraging projects to provide high-quality, pedestrian-oriented, and publicly accessible gathering spaces along streetscapes.

2. Application

- a. The outdoor amenity space requirements apply to all lots.
- b. Where the calculation of outdoor amenity space requires less than 400 square feet, no outdoor amenity space is required.

3. Standards

a. General Standards

- i. A lot must provide outdoor amenity spaces having a cumulative area no less than the minimum percentage of outdoor amenity space specified by the zoning district.
- ii. The required outdoor amenity space is classified as either Common Outdoor Amenity Space or Pedestrian Outdoor Amenity Space (see Sec. 2.10.4.C. Outdoor Amenity Space), and must meet the standards according to the classification.

c. Pedestrian Outdoor Amenity Space

Type of Outdoor Amenity Space that is publicly accessible and located in close proximity to the public sidewalk. Examples include patios and plazas.

Pedestrian outdoor amenity space must meet all of the general standards for outdoor amenity space in addition to the following requirements:

- i. Each square foot of pedestrian outdoor amenity space provided counts as 2 square feet of required outdoor amenity space.
- ii. A minimum of 25% of the pedestrian outdoor amenity space perimeter must abut and be directly accessible from the sidewalk along a primary or side street.
- iii. Pedestrian outdoor amenity space cannot be separated from this public sidewalk by any structure for more than 40% of the width of the amenity space, with the exception of a wall or fence 42 inches in height or the maximum height specified by the zoning district, whichever is less. The allowed wall or fence must provide openings for pedestrian access at least once every 35 feet.
- iv. The finished floor or ground surface of a pedestrian outdoor amenity space must be located either at the same grade as the sidewalk, or within the minimum and maximum finished floor elevations specified by the zoning district (see Sec. 2.10.9.B. Finished Floor Elevation).
- v. All building facades facing pedestrian outdoor amenity space must meet the transparency (2.10.12. Transparency) and entrances (2.10.13. Entrances) standards required by the zoning district for the applicable primary or side street frontage.
- vi. A minimum of 20% of the total area of each pedestrian outdoor amenity space must be planted area and meet the requirements of Div. 4.9. Landscaping.
- vii. Mechanical and utility equipment cannot be located within a pedestrian outdoor amenity space, or between a pedestrian outdoor amenity space and an adjacent building facade.

Details of the Request

PHA began the redevelopment of the Friendship Court property in 2018 with the submission of the first site plan for phase 1 of the project. Overall, the project has 4 phases, the first 2 of which were reviewed and approved under the previous zoning ordinance. Phase 3 is the first to be subject to the recently adopted Charlottesville Development Code. The entire project is an affordable housing project with financial subsidies. As part of the financing strategy for the project, the City will be taking over the new streets and the central park space of the project, making these publicly owned and accessible facilities.

The central park area of the Friendship Court project is approximately 39,200 feet and 8.7% of the overall project area. The portion included within phase 3 is approximately 19,700 square feet and 17.7% of the phase 3 land area. With the information furnished to date, the park area meets the requirements for a Pedestrian Outdoor Amenity Space.

Analysis

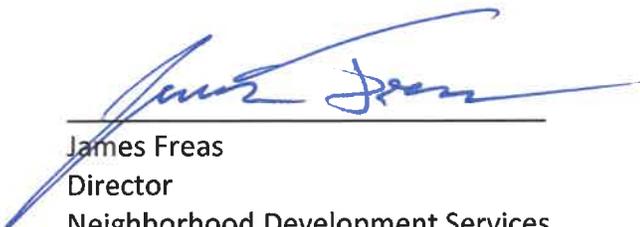
The key issue related to whether the public park area satisfies the Code’s requirement to have 10% of the area as designated Outdoor Amenity Space is in the question of whether, once a new lot is established for the transfer of the park to the City, the remaining lot will now be bereft of its required Outdoor Amenity Space, and therefore in violation of the Zoning Ordinance. Absent the subdivision, the park area clearly exceeds the Outdoor Amenity Space requirements. There are two factors to consider:

1. The intent of the Outdoor Amenity Space requirements is to promote and incentivize the creation of publicly accessible Outdoor Amenity Space. The intent section clearly states this and Sec. 2.10.4.C.3.c. provides a powerful incentive by cutting in half the size of the requirement where it is publicly accessible. Turning the space over to the City is the most effective way of ensuring permanent public access to this space. Further, the residents will fully retain access to this space so there is no loss of the outdoor amenity space to them.
2. While only phases 3 and 4 of the Friendship Court project are subject to the December 2023 adopted Charlottesville Development Code, the overall project was designed a number of years ago with a large, centralized public park. While the zoning requirements may have changed, consideration must be given to the larger project design that was conceptualized and locked in long before there was any draft of the current code.

Zoning Determination

The zoning administrator hereby determines that the centralized public park in the Friendship Court development project satisfies the Outdoor Amenity Space requirement for phase 3 of this project even after it has been subdivided and dedicated to the City as a public park.

Approved



James Freas
Director
Neighborhood Development Services
Zoning Administrator

2-28-24
Date

