Town of Christiansburg, Virginia 24073

100 East Main Street ~ Telephone 540-382-6128 ~ Fax 540-382-7338

OFFICE OF: Planning Director/Planning Commission

ESTABLISHED NOVEMBER 10, 1792

INCORPORATED JANUARY 7, 1833

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GUYNN, MEMMER & DILLON, P.C.

October 12, 2010

Mayor and Council:

We are writing to provide you with information regarding Town Council's request to study sidewalk and open space requirements in Residential Districts. Town Council referred study of these items to the Planning Commission on February 2, 2010 asking that a recommendation be made within three months. Chairperson Moore came to the March 2, 2010 and made Council aware that the Planning Commission believed the issues involved would require additional time for study and Council has been very understanding of the need for more time.

On March 23, 2010, Town Council and the Planning Commission held a work session during which Planning Director Wingfield made a presentation regarding street sections and sidewalks. In the months following, there was much discussion regarding the issues at hand ranging from the economics of sidewalk requirements to more technical issues such as sidewalk and pavement widths. Each member of the Planning Commission clearly has their own individual opinions of many of the nuances and indeed the bigger picture of the requirements as a whole. Weighing the economic impact versus the quality of life enhancement is, of course, very subjective and opinions appear to range from "the housing market should dictate" to "now is not the time with the current economic situation" to "sidewalk requirements are past due."

On April 26, 2010, the Planning Commission asked Mr. Wingfield to draft an ordinance for them to review. Mr. Wingfield developed what is termed as a "compact development option" in the drafted ordinance, which provides density bonuses in the Residential Districts for the provision of sidewalks or trails and a dedication for open space for development providing new streets or new multi-family development. Mr. Wingfield viewed this as a compromise of what he heard as conflicting opinions on the Planning Commission regarding the requirements.

This original draft has been edited extensively at subsequent Planning Commission meetings with discussions involving items such as appropriate amount of open space (25% was decided upon), allowances to pay into funds rather than provide the sidewalks or trail (which was excluded), front yard tree requirements (which were included), setbacks (which were adjusted), requirement of carriage lights (which were excluded), stormwater management areas (which may be no more than 10% of the required open space if surface stormwater management is provided), allowance for parking for common uses in open space (which is included), and a wide variety of related "tweaking" and "fine tuning" type items. The Planning Commission heard from numerous people during these processes, often with divergent opinions of what would be appropriate.

On August 16, 2010, the Planning Commission held a public hearing on the drafted ordinance and received comments from two speakers. The Planning Commission met following the public hearing to discuss comments received and made minor changes prior to its current version.

In the draft ordinance's current version, a developer may continue to develop in the manner previously allowed in the Zoning Ordinance (with the exception that garages and carports would not be allowed to count as parking spaces under the drafted ordinance). A developer would be required to install curb and gutter when installing sidewalks utilizing the compact development option, which would mean either a roll top curb and gutter street section or a standard curb and gutter street section. A developer may also continue to request a planned housing development to develop in a similar manner without any of the provisions of the compact development option, but this would continue to require Town Council approval.

The Planning Commission has taken these issues seriously, realizing that decisions made may have long-term impacts on the local economy, housing affordability, stormwater management, future maintenance costs, pedestrian safety, citizen health and mobility, and overall quality of life. The Planning Commission has met on the issue a total of fifteen times since the matter was first referred by Town Council.

Town staff and the Planning Commission understand that it is Council's prerogative to accept, in part or in whole, the recommendations of the Planning Commission. Town staff and the Planning Commission understand that these decisions are often difficult and Town Council may have varied opinions on the best course of action. Council will likely also hear a variety of opinions from developers and citizens alike during the required public hearing. Regardless of the ultimate outcome, we desire that Council know we will respect and support your decision.

The Town will likely fall under state-mandated urban development area requirements (Code of Virginia, § 15.2-2223.1) with the release of the 2010 Census (which would allow the Town two years to update its Comprehensive Plan to include the required provisions). With the urban development area requirements, localities are required to designate areas of expected growth (large enough to accommodate ten to twenty years of growth) and ensure provisions for high density development and "incorporate principles of traditional neighborhood design in the urban development area, which may include but need not be limited to (i) pedestrian-friendly road design, (ii) interconnection of new local streets with existing local streets and roads, (iii) connectivity of road and pedestrian networks, (iv) preservation of natural areas, (v) mixed-use neighborhoods, including mixed housing types, with affordable housing to meet the projected family income distributions of future residential growth, (vi) reduction of front and side yard building setbacks, and (vii) reduction of subdivision street widths and turning radii at subdivision street intersections" in the Comprehensive Plan. The Town is already scheduled to begin revision of the Comprehensive Plan in the upcoming year. During these processes, the Planning Commission and Town Council will no doubt hear many issues related to sidewalks and open space.

The Planning Commission is aware that the Bikeway - Walkway Master Plan is dated and believes updating the Master Plan would serve as an important tool in future decision making. Conducting survey(s) and receiving input during meetings and public hearings for both the Bikeway - Walkway Master Plan and the Comprehensive Plan can help get an idea of how the population as a whole feels about the larger picture of pedestrian accommodation and interconnectivity. The Planning Commission is receptive if Council desires any work sessions to discuss the drafted ordinance, sidewalks and open space in general, and/or to provide further direction on these or other issues.

Sincerely yours,

Craig Moore

Craig Moore
Planning Commission Chairperson

Randy Wingfield

Randy Wingfield
Planning Director/Zoning Administrator

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§ 15.2-2223.1. Comprehensive plan to include urban development areas.

A. For purposes of this section:

"Commercial" means property devoted to usual and customary business purposes for the sale of goods and services and includes, but is not limited to, retail operations, hotels, motels and offices. "Commercial" does not include residential dwelling units, including apartments and condominiums, or agricultural or forestal production, or manufacturing, processing, assembling, storing, warehousing, or distributing.

"Commission" means the Commission on Local Government.

"Developable acreage," solely for the purposes of calculating density within the urban development area, means land that is not included in (i) existing parks, rights-of-way of arterial and collector streets, railways, and public utilities and (ii) other existing public lands and facilities.

"Population growth" means the difference in population from the next-to-latest to the latest decennial census year, based on population reported by the United States Bureau of the Census. In computing its population growth, a locality may exclude the inmate population of any new or expanded correctional facility that opened within the time period between the two censuses.

"Urban development area" means an area designated by a locality that is (i) appropriate for higher density development due to its proximity to transportation facilities, the availability of a public or community water and sewer system, or a developed area and (ii) to the extent feasible, to be used for redevelopment or infill development.

B. Every locality that has adopted zoning pursuant to Article 7 (§ 15.2-2280 et seq.) of this chapter and that (i) has a population of at least 20,000 and population growth of at least five percent or (ii) has population growth of 15 percent or more, shall, and any locality may, amend its comprehensive plan to incorporate one or more urban development areas.

1. The comprehensive plan of a locality having a population of less than 130,000 persons shall provide for urban development areas that are appropriate for development at a density on the developable acreage of at least four single-family residences, six townhouses, or 12 apartments, condominium units, or cooperative units per acre, and an authorized floor area ratio of at least 0.4 per acre for commercial development, or any proportional combination thereof.

2. The comprehensive plan of a locality having a population of 130,000 or more persons shall provide for urban development areas that are appropriate for development at a density on the developable acreage of at least eight single-family residences, 12 townhouses, or 24 apartments, condominium units, or cooperative units per acre, and an authorized floor area ratio of at least 0.8 per acre for commercial development, or any proportional combination thereof.

3. The urban development areas designated by a locality shall be sufficient to meet projected residential and commercial growth in the locality for an ensuing period of at least 10 but not more than 20 years, which may include phasing of development within the urban development areas. Where an urban development area in a county with the urban county executive form of government includes planned or existing rail transit, the planning horizon may be for an ensuing period of at least 10 but not more than 40 years. Future residential and commercial growth shall be based on official estimates of the Weldon Cooper Center for Public Service of the University of Virginia or official projections of the Virginia Employment Commission or the United States Bureau of the Census.

4. The boundaries and size of each urban development area shall be reexamined and, if necessary, revised every five years in conjunction with the review of the comprehensive plan and in accordance with the most recent available population growth estimates and projections.

5. The boundaries of each urban development area shall be identified in the locality's comprehensive plan and shall

be shown on future land use maps contained in such comprehensive plan.

6. The comprehensive plan shall incorporate principles of traditional neighborhood design in the urban development area, which may include but need not be limited to (i) pedestrian-friendly road design, (ii) interconnection of new local streets with existing local streets and roads, (iii) connectivity of road and pedestrian networks, (iv) preservation of natural areas, (v) mixed-use neighborhoods, including mixed housing types, with affordable housing to meet the projected family income distributions of future residential growth, (vi) reduction of front and side yard building setbacks, and (vii) reduction of subdivision street widths and turning radii at subdivision street intersections.

7. The comprehensive plan shall describe any financial and other incentives for development in the urban development areas.

8. A portion of one or more urban development areas shall be designated as a receiving area for any transfer of development rights program established by the locality.

C. No locality that has amended its comprehensive plan in accordance with this section shall limit or prohibit development pursuant to existing zoning or shall refuse to consider any application for rezoning based solely on the fact that the property is located outside the urban development area.

D. Any locality that would be required to amend its plan pursuant to subsection B that determines that its plan accommodates growth in a manner consistent with subsection B, upon adoption of a resolution describing such accommodation and describing any financial and other incentives for development in the areas that accommodate such growth, shall not be required to further amend its plan pursuant to subsection B. Any locality that has adopted a resolution certifying compliance with subsection B prior to February 1, 2010, shall not be required to comply with this subsection until review of the locality's comprehensive plan as provided for in provision 4 of subsection B.

E. Localities shall consult with adjacent localities, as well as the relevant planning district commission and metropolitan planning organization, in establishing the appropriate size and location of urban development areas to promote orderly and efficient development of their region.

F. Any county that amends its comprehensive plan pursuant to subsection B may designate one or more urban development areas in any incorporated town within such county, if the council of the town has also amended its comprehensive plan to designate the same areas as urban development areas with at least the same density designated by the county. However, if a town has established an urban development area within its corporate boundaries, the county within which the town is located shall not include the town's projected population and commercial growth when initially determining or reexamining the size and boundary of any other urban development area within the county.

G. To the extent possible, federal, state and local transportation, housing, water and sewer facility, economic development, and other public infrastructure funding for new and expanded facilities shall be directed to the urban development area, or in the case of a locality that adopts a resolution pursuant to subsection D, to the area that accommodates growth in a manner consistent with this section.

H. Documents describing all urban development area designations, as well as any resolution adopted pursuant to subsection D, together with associated written policies, zoning provisions and other ordinances, and the capital improvement program shall be forwarded, electronically or by other means, to the Commission within 90 days of the adoption or amendment of comprehensive plans and other written policies, zoning provisions and other ordinances. The Commission shall annually report to the Governor and General Assembly the overall compliance with this section including densities achieved within each urban development area. Before preparing the initial report, the Commission shall develop an appropriate format in concert with the relevant planning district commission. Other than the documents, policies, zoning provisions and other ordinances, resolutions, and the capital improvement program forwarded by the locality, the Commission shall not impose an additional administrative burden on localities in preparing the annual report required by this subsection.

I. Any locality that becomes subject to provision 2 of subsection B shall have until July 1, 2012, to amend its comprehensive plan in accordance with this section.

J. Any locality that becomes subject to this section due to population growth shall have two years following the report of the United States Bureau of the Census made pursuant to P.L. 94-171 to amend its comprehensive plan in accordance with this section.

(2007, c. 896; 2009, c. 327; 2010, cc. 465, 528.)

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