

Agenda

PLANNING COMMISSION REGULAR DOCKET TUESDAY, October 11, 2011 – 5:30 P.M. CITY COUNCIL CHAMBERS

- I. **PLANNING COMMISSION GATHERING** -- 4:30 P.M. (Held in the NDS Conference Room) Commissioners gather to communicate with staff. (4:30-5:30 P.M.)
- II. **REGULAR MEETING** -- 5:30 P.M.
- A. COMMISSIONERS' REPORTS
 - B. UNIVERSITY REPORT
 - C. CHAIR'S REPORT
 - D. DEPARTMENT OF NDS
 - E. MATTERS TO BE PRESENTED BY THE PUBLIC NOT ON THE FORMAL AGENDA
 - F. CONSENT AGENDA
(Items removed from the consent agenda will be considered at the end of the regular agenda)
 - 1. Site Plan and Subdivision approval list
 - 2. Minutes - August 9, 2011 – Regular meeting
 - 3. Minutes - September 13, 2011 – Regular meeting
 - 4. Minutes - September 13, 2011 – Pre meeting
 - 5. Minutes - September 20, 2011 – Work Session
- III. **JOINT PUBLIC HEARINGS (Beginning at 6:00 P.M.)**
- G. JOINT PUBLIC HEARINGS
 - 1. SP-11-08-11(600 Preston Place) - An application for a special use permit for expansion of approximately 2,690 sq. ft. for a fraternity house to add 5 additional bedrooms (for a total of 11 bedrooms on site). The property is further identified on City Real Property Tax Map 5 Parcel 109 having frontage on Preston Place and Grady Avenue. The site is zoned R-3 Residential with Historic District Overlay and is approximately 0.38 acres or 15, 555 square feet. The Land Use Plan generally calls for Multi-Family. **Report prepared by Ebony Walden, Neighborhood Planner.**
 - 2. ZT-11-08-12 (Housekeeping code changes) - An ordinance to amend and reordain Section 34-86, Schedule of civil penalties, and Section 34-352, Uses, of the Zoning Ordinance of the Code of the City of Charlottesville, 1990, as amended, to update civil penalties and to provide a correct code reference. **Report prepared by Missy Creasy, Planning Manager.**
 - 3. ZT-11-09-13 (Planned Unit Development) - An ordinance to amend and reordain Chapter 34, Article V, Planned Unit Development Districts (PUD) and Section 34-1200, Definitions, of the Zoning Ordinance of the Code of the City of Charlottesville, 1990, as amended, to revise application requirements and approval procedures concerning critical slope disturbances in Planned Unit Development rezoning applications. **Report prepared by Brian Haluska, Neighborhood Planner.**

IV. REGULAR MEETING ITEMS (Cont.) – 7:00 P.M.

H. FUTURE MEETING SCHEDULE

Date and Time	Type	Items
Tuesday October 25, 2011 – 5:00 PM	Work Session	Critical Slopes & Comprehensive Plan
Thursday October 27, 2011 – 4:00 PM	Community Meeting	Comprehensive Plan – Land Use and Transportation
Tuesday, November 8, 2011 – 4:30 PM	Pre-Meeting	
Tuesday, November 8, 2011 – 5:30 PM	Regular Meeting	Rezoning – The Woods PUD - Burnet Street and Elliot Avenue

Anticipated Items on Future Agendas

- Entrance Corridor – Belmont Cottages PUD
- Preliminary Site Plan and Critical Slopes – Willoughby Place
- SUP – Sigma Chi Expansion request on Old Preston

PLEASE NOTE: THIS AGENDA IS SUBJECT TO CHANGE PRIOR TO THE MEETING.

PLEASE NOTE: We are including suggested time frames on Agenda items. These times are subject to change at any time during the meeting.

**LIST OF SITE PLANS APPROVED ADMINISTRATIVELY
9/1/2011 TO 9/30/2011**

1. Amendment 1205 Long Street (Bank of America)
Signed by: Mike Smith
2. Final Rialto Beach PUD
Signed by: Brian Haluska

**LIST OF SUBDIVISIONS APPROVED ADMINISTRATIVELY
9/1/2011 TO 9/30/2011**

1. TMP 40-46 Plat of Correction
Wayne Ave. & Ricky Road Dominion Engineering
File No. 1486 Final
Final Signed: 9/13/2011
Signed by: Michael Smith & Genevieve Keller
2. TMP 40 – 9, 9.1, 10 & 10.1 Boundary line adjustment
Rugby Road Lincoln Surveying
File No. 1487 Final
Final Signed: 8/29/2011
Signed by: Michael Smith & Genevieve Keller
3. TMP 9- 108 &109 Consolidation Plat
Chancellor Street Lincoln Surveying
File No. 1488 Final
Final Signed: 9/19/2011
Signed by: Ebony Walden & Genevieve Keller
3. TMP 56 – 42 &42.2 Boundary line adjustment
Burgess Ln & Leake Ln Residential Surveying Services
File No. 1489 Final
Final Signed: 9/20/2011
Signed by: Brian Haluska & Genevieve Keller

MINUTES
CITY OF CHARLOTTESVILLE
PLANNING COMMISSION
TUESDAY, August 9, 2011 -- 5:30 P.M.
CITY COUNCIL CHAMBERS

Commissioners Present:

Ms. Genevieve Keller (Chairperson)
Ms. Lisa Green
Ms. Sienitsky
Mr. Michael Osteen
Mr. Kurt Keesecker

Mr. David Neuman, Ex-officio, UVA Office of the Architect

Staff Present:

Mr. Jim Tolbert, AICP, Director NDS
Ms. Missy Creasy, AICP, Planning Manager
Mr. Willy Thompson, AICP, Neighborhood Planner

Also Present

Mr. Richard Harris, Deputy City Attorney

II. REGULAR MEETING

Ms. Keller convened the meeting.

A. COMMISSIONERS' REPORT

- Ms. Sienitsky is looking forward to the opportunity to serve on the Planning Commission.
- Mr. Osteen attended the BAR regular and the annual BAR retreat. He felt a lot of important issues were discussed and a lot was accomplished.
- Mr. Keesecker attended the PACC-TECH meeting on 8/4.

B. UNIVERSITY REPORT

Mr. Neuman informed the Commission that classes at UVA will be resuming August 23rd. He also informed the Commission that UVA has 6 projects they are in the process of completing and he gave a description of each.

C. CHAIR'S REPORT

Ms. Keller had no report, but she recognized Jason Pearson for his time spent on the Commission and serving as Chair. She presented him with a gift, a certificate and read a proclamation by the Mayor.

Mr. Pearson thanked his colleagues for their hard work during the time he served on the Commission.

D. DEPARTMENT OF NDS/STAFF REPORTS/WORK PLAN

Ms. Creasy gave the dates of the joint work session with the county. She also gave the date of the IPAD training. She informed the Commissioners that City Council raised some questions on Critical Slopes.

E. ANNUAL MEETING

1. Report of Nominating Committee

The Committee announced that they have nominated Ms. Genevieve Keller for Chairperson to replace Jason Pearson and Mr. Dan Rosensweig for Vice Chair.

2. Election of Officers

Mr. Osteen made a motion to approve the nominating committee's recommendations.

Mr. Keesecker seconded the motion

All in favor.

Motion passed.

3. Review of Annual Report.

Ms. Creasy presented the Planning Commission with a list of items that the Commission was involved in over the past year.

F. MATTERS TO BE PRESENTED BY THE PUBLIC NOT ON THE FORMAL AGENDA

Ellen Wagner, 841 Locust Avenue, noted she was concerned that the CFA application was not going to the BAR since the south side of the site is historic. She feels that the Planning Commission should pay attention to the scale, size and impact the project will have on the neighborhood.

G. CONSENT AGENDA

(Items removed from the consent agenda will be considered at the end of the regular agenda)

1. Site Plan and Subdivision approval list
2. Minutes - March 8, 2010 – Regular meeting
3. Minutes - June 14, 2010 – Regular meeting
4. Minutes - June 14, 2011 – Pre meeting
5. Minutes- June 28, 2011 - Work Session

Mr. Osteen made a motion for approval of the Consent Agenda

Mr. Green seconded the motion.

All in Favor

Motion passed with Ms. Sienitsky abstaining.

III. JOINT PUBLIC HEARINGS

H. JOINT PUBLIC HEARINGS

1. **ZT-11-07-07 - Public Infrastructure Maintenance Bonds** - An ordinance to amend and reordain Section 34-1104, Compliance with Building Code, of the Zoning Ordinance of the Code of the City of Charlottesville, 1990, as amended, to include a provision which allows for small public infrastructure maintenance bonds associated with construction of low density residential structures on publically owned streets. **Report prepared by Jim Tolbert, Director.**

Mr. Tolbert presented the Staff Report.

Questions or Comments from the Commission

- Will \$5000 be enough to cover the expenses that may be left over?

- What do you feel that average cost will be?
- Will the contractor or the home owner be responsible for the cost?

Mr. Tolbert stated that the average cost would likely be around \$1500 and the contractor would be providing the bond.

Questions or Comments from City Council

There were none.

Ms. Keller called for a motion.

Mr. Osteen said, I move to recommend approval of Zoning Tax amendment 34-1104, to amend and reordain the zoning ordinance of the Code of the City of Charlottesville 1990 as amended to include a provision that will allow city staff to require a small construction maintenance bonds for one and two family dwellings on the basis that the changes will serve the interest of the general public, necessity and general welfare and good zoning practice.

Ms. Green seconded. All voted in Favor. Motion passed

2. **ZT-11-07-08** - An ordinance to amend and reordain Section 34-273(b) of the Code of the City of Charlottesville, 1990, as amended (Zoning Ordinance) relating to Individually Protected properties by creating an “overlay” zoning restriction without affecting the underlying zoning district designation. This ordinance would create minor design control district status for the following:

The structure and property at 104 Stadium Road, Tax Map 16, Parcel 2.

ZM-11-07-09 - An ordinance to amend and reordain the Zoning District Map incorporated in Section 34-1 of the Zoning Ordinance of the Code of the City of Charlottesville, 1990, as amended, by adding minor Architectural Design Control District for the following:

The property located at 104 Stadium Road, further identified on City Real Property Tax Map #16 as parcel 2 having approximately 90 feet of frontage on Emmet Street containing approximately 9975 square feet of land (0.229 acres). The general uses called for in the Land Use Plan of the Comprehensive Plan are for Multifamily. The current underlying zoning, which will remain, is R-3 Multifamily. **Report prepared by Mary Joy Scala, Preservation and Design Planner.**

Ms. Scala gave the staff report.

There were no speakers for the public hearing.

Questions and Comments from the Commission

- Felt this was a very positive development.
- Commissioners would like to thank City Council for wanting to protect this property.

Ms. Keller called for a motion.

Ms. Green said, I move to recommend that City Council approve this petition on the basis that the rezoning would serve the interest of public necessity, convenience of general welfare and good zoning practice and would meet the historic criteria of Section 34-274B including, ZT-11-07-08 an ordinance to amend and reordain Section 34-273B of the Code of the City of Charlottesville 1990 as amended, zoning ordinance relating to Individual Protected Properties by creating an overlay zoning district

without affecting the underline zoning district destination. This ordinance would create minor design control and district status for the following construction and property, 104 Stadium Road the McLeod house. Tax map 16 Parcel 2 and number 2, ZM-11-07-09 and ordinance to amend and reordain the zoning district map incorporated section 34-1 of the zoning ordinance of the Code of the City of Charlottesville 1990 as amended. By adding a minor architectural design control district for the following; the property located at 104 Stadium Road further identified on city Real Property tax map 16 parcel 2 having approximately 90ft of frontage on Emmet Street and containing approximately 9975 sqft of land or .229 acres. The general use is called for the land use plan in the Comprehensive Plan are for mulit-family current underlying zoning remain R3.

Mr. Osteen seconded the motion.

Discussion:

Mr. Neuman wanted to know if this property would be eligible for a tax credits.

Ms. Scala suggested it would be a stronger candidate if it was added to the Oakhurst district.

Ms. Creasy called the question.

Sientisky	Yes
Green	Yes
Osteen	Yes
Keller	Yes

Motion passed

The Chair gaveled out of the Planning Commission meeting and gaveled into the Entrance Corridor Review Board meeting.

IV. REGULAR MEETING ITEMS

- I. Entrance Corridor**
 - a. Fontaine Fire Station

Ms. Scala provided the staff report and answered questions. The applicant was present and added that they are at their final overall design and ready for site plan approval. The applicant also stated that the railing would be glass.

Questions and Comments from the Commissioners

- What would be the overall increase in size of the building?
- What was the basis for the decision to place glass railings?
- Some commissioners feel a glass railing is inappropriate.

Mr. Keesecker move to approve the Entrance Corridor, Certificate of Appropriateness application for the Fontaine Fire Station as submitted.

Ms. Sientisky seconded the motion

Ms. Creasy called the question

Sientisky	Yes
Green	Yes
Osteen	Yes
Keesecker	Yes
Keller	Yes

Motion approved

b. CFA – Octagon Partners

Ms. Sienitsky recused herself and left the room.

Ms. Scala gave the staff report

Questions or Comments from Commissioners

- With the landscape change and existing vegetation to be removed, will the Rucker and Caldwell wings stay the same long term?
- Will parking increase?

Ms. Scala stated that the landscaping would change per the ordinance and the parking would increase. She also stated that the Caldwell wing would likely change in the future but it is not part of the current application.

The applicant, JP Williamson was present and outlined the current project proposal. He also provided some insight on what would be done with the Caldwell entrance.

Questions or Comments from the Commissioners

- Will there be an overabundance of parking with the new plan?
- Would only the interior of the Patterson wing change?
- Some commissioners would have liked to be able to see images of the old building and compare it to what is being proposed.
- Commissioners would like additional renderings of the proposal
- What is the massing and height of the building?
- What type of lighting will be used?

The applicant stated that only the interior of the Patterson wing would change. He also stated that parking would increase and landscaping would change to hide the parking on High Street.

Ms. Keller called for a motion

Mr. Keesecker moved to approve the Entrance Corridor, Certificate of Appropriateness for the CFA Headquarters with the following conditions; New submission of a detailed landscape plan, resubmission of a fascade/fenestration design as seen from the corner of Locust Avenue and East High Street as related to the Patterson Wing.

Ms. Keller called for a seconded on the motion

That motion died due to lack of a second.

Ms. Keller called for a new motion.

Mr. Keesecker wanted to know if there could be two COAs given for this application.

Mr. Harris clarified some options the Planning Commission had in granting the COA.

Ms. Green moved to approve the Entrance Corridor, Certificate of Appropriateness for the CFA Central Headquarters for; the demolition of the HVAC equipment area of the site, the Emergency room area of the south wing and new construction of the new business entrance of the building, including the general location, basic massing and height of the building improvement. The following items will be brought back for an additional Certificate of Appropriateness approval for the following: detailed landscaping plan including streetscape, materials and fenestration of the improvements in the context of the existing conditions, and lighting plan including existing and proposed lighting.

Mr. Osteen seconded the motion

Ms. Creasy called the question

Green	Yes
Osteen	Yes
Keesecker	Yes
Keller	Yes

Motion Approved.

The Chair gavelled out of Entrance Corridor and back into Planning Commission.

J. Preliminary Discussion

a. The Woods-Elliott Avenue

Mr. Thompson gave the staff report.

Charlie Armstrong, applicant from Southern Development, gave a brief presentation on the proposal and how the community on Lankford Avenue is in favor the development.

The Planning Commission felt Mr. Armstrong and the Lankford Avenue community has some very good ideas and would like to see the development move forward. They would like to see more affordable housing. The Commission supported that the wooded area will be preserved.

Meeting adjourned at 8:31 pm.

MINUTES
CITY OF CHARLOTTESVILLE
PLANNING COMMISSION
TUESDAY, September 13, 2011 -- 5:30 P.M.
CITY COUNCIL CHAMBERS

Commissioners Present:

Ms. Genevieve Keller (Chairperson)
Mr. Dan Rosensweig
Mr. John Santoski
Mr. Kurt Keesecker
Ms. Natasha Sienitsky

Mr. David Neuman, Ex-officio, UVA Office of the Architect

Not Present:

Mr. Michael Osteen

Staff Present:

Mr. Jim Tolbert, AICP, Director NDS
Ms. Missy Creasy, AICP, Planning Manager
Mr. Willy Thompson, AICP, Neighborhood Planner

Also Present

Mr. Richard Harris, Deputy City Attorney

REGULAR MEETING

Ms. Keller convened the meeting.

COMMISSIONERS' REPORT

- Ms. Sienitsky attended the Main Street Fair and noted the success of the event.
- Ms. Green had nothing to report.
- Mr. Rosensweig attended the Housing Advisory Committee meeting where housing fund alternatives were discussed. The Parks and Recreation Advisory Board met. Their next meeting will be 9/21 at 5:00pm.
- Mr. Keesecker –No report.
- Mr. Santoski- The CIP committee will begin meeting soon.

UNIVERSITY REPORT

Mr. Neuman stated that classes began on time even with the earthquake and that there was no significant damage. There are five new building projects underway or in the planning stages.

CHAIR'S REPORT

Ms. Keller has appointed a committee which includes her and Mr. Keesecker to address concerns involving the Critical Slopes ordinance. There will be a bell ringing/open house at Jefferson School on September 16, 2011 at 11:00am.

DEPARTMENT OF NDS/STAFF REPORTS/WORK PLAN

Ms. Creasy announced future meetings.

MATTERS TO BE PRESENTED BY THE PUBLIC NOT ON THE FORMAL AGENDA.

There were none.

CONSENT AGENDA

(Items removed from the consent agenda will be considered at the end of the regular agenda)

1. Site Plan and Subdivision approval list
2. Minutes - August 9, 2010 – Regular meeting
3. Minutes - August 9, 2011 – Pre meeting
4. Minutes- August 16, 2011 - Work Session
5. Zoning Text Change Initiation- Housekeeping changes-Civil Penalties update (34-86), reference update (34-352)

Mr. Rosensweig made a motion to approve the Consent Agenda

Ms. Green seconded the motion.

All in Favor

Motion approved

ENTRANCE CORRIDOR

1. CFA-Octagon Partners

Mary Joy Scala presented the staff report

Questions or Comments from the Commission

- Will the Caldwell wing on east end of property be filled with another use or will it remain open?
- What materials that will be used on the Caldwell wing side?

Ms. Scala stated that Caldwell wing is not part of this application. Also, the Rucker wing will not be changed. The only consideration for this application is the south wing façade.

The applicant was present to answer questions.

Questions or Comments from the Commission

- Will there be a pedestrian entrance?
- Could the access be moved to a different location?
- Has a decision been made on material to use for the walkway?
- Will parking provided exceed its limitation in the new plan?
- What are thoughts for the Patterson wing?
- Provide details on the railings.
- Can some of the parking area be used for more trees?
- There is an interest in seeing additional development and a pedestrian landing

The applicant stated that the design is to direct people towards the building. The material has not been chosen for the walkway. A black color material will probably be used for the railings.

Mr. Tolbert stated that the City of Charlottesville met with Martha Jefferson Hospital and came to a decision that they would work on a way to make the building more accessible to the Downtown Mall once it had been sold.

Ms. Keller called for a motion.

Mr. Rosensweig moved to recommend approval of the Entrance Corridor, Certificate of Appropriateness for CFA central headquarters subject to final Site Plan approval and subject to reaching an agreement with Ms. Scala on a plan for an enhanced internal pedestrian network consistent with Entrance Corridor design principals and an agreeable plan for pedestrian access along East High Street and Lexington Avenue.

Mr. Keesecker seconded the motion.

Ms. Creasy called the question.

Green	Yes
Rosensweig	Yes
Keesecker	Yes
Santoski	Yes
Keller	Yes

Motion Carries

2. McDonalds at Barracks Road

Mary Joy Scala presented the staff report.

Questions or Comments from the Commission

- Is this plan more in line with changes that are taking place at Barracks Road?
- Hardy plank would be better.
- What type of brick is used?
- Will the site be ADA compliant?
- There are problems with the amount of LED lighting.
- Will letters on the signage stay yellow?

Ms. Scala stated that this plan is more in line with the current changes taking place at Barracks Road. The brick will be red on the building and this plan was required by corporate to address ADA changes. The letters on the signage are intended to be white.

Chuck Phan, Area Construction Manager, Rich Hendren, Operator, and Michael C. Bricker, Architect with Balzer and Associates, were present on behalf of the applicant.

Questions or Comments from the Commission

- There are concerns about the LED lighting pointed up at the roof cap.
- Additional contrast of colors should be made.
- There should be less lighting along the awning band.
- The Commission does not like the amount of EIFS being used

The applicant stated that the LED lighting is not a light element pointing at the roof cap.

Ms. Keller asked Mr. Neuman to give his opinion about the remodel.

Mr. Neuman stated that he feels this is a big improvement. He feels that the EIFS will not last and it is harder to maintain.

Ms. Keller called for a motion.

Ms. Sientisky moved to recommend approval of the Entrance Corridor, Certificate of Appropriateness for the McDonalds restaurant with the following modifications; the use of EIFS be broken up with some sort of fascia as agreed between the applicant and Ms. Scala. Reduce the number of lighted architectural elements as follows; The LED roof cap lighting, awning lighting and the parapet lighting, change the roof cap to a contrasting color and provide a texture variation as a vertical feature.

Mr. Rosensweig seconded the motion.

Discussion

Ms. Green is having a little trouble with the EIFS

Mr. Santoski feels that the EIFS will be fine.

Ms. Creasy called the question

Sientisky	Yes
Green	Yes
Rosensweig	Yes
Keesecker	Yes
Santoski	Yes
Keller	Yes

Motion Carries

Comprehensive Plan

Ms. Creasy gave a brief introduction to the Environmental Goal discussion.

Discussion

- Comfortable with the goals.
- Encourage more green buildings
- More understanding of what is being done in the city
- Maximum and minimum parking within parking lots.
- Encourage less driving and more walking.
- Locally grown food for our school lunch menu
- More ways the City could support local food to our city
- Like to know if goals were achieved
- More information on water goals requirements
- Tree canopy more walk able
- Mr. Neuman would like the LCAPP referenced. He would like to see some of the goals re-enforced.

Meeting adjourned at 7:39pm.

**CITY OF CHARLOTTESVILLE
PLANNING COMMISSION PRE MEETING
TUESDAY, September 13, 2011 -- 4:30 P.M.
NDS CONFERENCE ROOM**

Planning Commissioners present

Ms. Genevieve Keller
Mr. John Santoski
Mr. Dan Rosensweig
Mr. Kurt Keesecker
Ms. Lisa Green
Ms. Natasha Sienitsky

Staff Present:

Ms. Missy Creasy, Planning Manager
Mr. Willy Thompson, Neighborhood Planner
Mr. Richard Harris, Deputy City Attorney
Mr. Mike Smith, Neighborhood Planner
Ms. Mary Joy Scala, Preservation and Design Planner

The Commission began to gather at 4:30 and was called to order at 4:58.

Mary Joy Scala provided updated drawings for CFA and an additional handout for the McDonalds application. Genevieve Keller noted the status of the critical slopes ordinance rewrite and noted that she and Mr. Keesecker would serve on a committee to review the next draft. There was a discussion about the ordinance process and revisions as send to Council. The Commission expressed frustration with the process.

The discussion adjourned at 5:20pm.

Minutes
Joint City/ County Planning Commission Meeting
September 20, 2011

Albemarle County Commission

Mr. Duane Zobrist, Chair

Mr. Mac Lafferty

Mr. Calvin Morris

Ms. Linda Porterfield

Mr. Edward Smith

Mr. Don Franco

Ms. Julia Monteith, Ex-Officio

Charlottesville Planning Commission

Ms. Gennie Keller, Chair

Ms. Lisa Green

Ms. Natasha Sienitsky

Mr. Dan Rosensweig

Mr. Kurt Keesecker

Mr. David Neuman, Ex-Officio

Mr. Michael Osteen(Absent)

Mr. John Santoski (Absent)

Albemarle County Staff: Ms. Elaine Echols, Principal Planner

Charlottesville Staff: Ms. Missy Creasy, Planning Manager

Mr. Zobrist called the meeting to order for the County and Ms. Keller did so for the City.

Ms. Creasy opened the meeting by outlining the agenda for the meeting. The environmental goals would be discussed first, followed by a discussion of the "One" Map.

Mr. Rosensweig noted that nothing in the City comprehensive plan discusses preserving open space within the County. He would like the City to develop goals that discuss preservation of open space in the County because that open space is just as important to the County as it is to the City.

Ms. Keller would rather focus on regional links and not dilute the City's own environmental goals.

Mr. Lafferty noted that topics such as climate protection, TMDL, and mountaintop protection also need attention.

Mr. Franco suggested the County look at the City's environmental goals to assess the effectiveness of those goals. Paralleling what the City is doing will assist in protecting the waterways in both the City and County.

Mr. Morris believes the Rivanna River should be discussed more in depth. The river serves as common ground for the City and County.

Ms. Echols questioned both commissions on any lingering environmental issues to be aware of.

Mr. Zobrist believes the shared benefit of the environment should be emphasized, but is curious on how the City and County can work together to address these goals.

Mr. Lafferty believes air quality degradation needs to be addressed.

Ms. Keller highlighted the exclusivity of the City goals. She wants the City to look into expanding the reach of their goals.

Mr. Franco mentioned that goals do not protect resources, objectives and policy do. He thought both the City and County should address the weaknesses in the plans. By addressing the weaknesses, the goals of balancing differing objectives can potentially be accomplished.

Without further comment on the regional environmental goals, Ms. Creasy moved the discussion to sustainable development.

Mr. Rosensweig thought the development goals focused more on buildings than sites. The goals are lofty and great, but don't hit the issue.

Ms. Keller believed more focus should be placed on City/County borders where development of services may rise.

Mr. Zobrist asked what staff meant by "sustainable development." Ms. Creasy noted the definition would be left open so future conversations are not steered in one direction or the other.

The discussion then transitioned into water quality goals.

Mr. Franco thought it was interesting that the City did not have language that paralleled County goals given the common waterways.

Mr. Zobrist desired to see some discussion on wells and the threat well digging in service areas has on the community water table.

Ms. Porterfield made a point that the City and County cannot agree on how to conserve water.

After comments relating to sustainable development had been made, Ms. Creasy transitioned the discussion to Trails.

Mr. Lafferty noted that encouraging regional connectivity is very important.

Ms. Green echoed Mr. Lafferty's assertion and encouraged the commissions to consider cyclists and the availability of trails that connect Forest Lakes to the City or Crozet to the City.

Ms. Echols began the second portion of the meeting by introducing the regional land use goals. She noted that following a field study of City/County borders, staff agreed the land uses were compatible. Two areas chosen for more discussion were the Rivanna River border, specifically where Pantops transitions into the City and the Woolen Mills City/ County border.

Mr. Rosensweig was interested in studying the Rio Rd/Gasoline Alley location. He referenced the Torti Gallas study and how that had envisioned the Rio Rd/ Gasoline Alley area as mixed-use.

Mr. Morris asked if there was any possibility of rezoning portions of River Road to make the area more compatible with the County.

Ms. Keller highlighted the area between Barracks and Rio as areas projected for more growth.

Ms. Porterfield wanted everyone to keep in mind the Village of Rivanna and how traffic from the east impacts Pantops.

Following the discussion of land use, members from the public were able to speak.

Bill Emory, resident of the Woolen Mills neighborhood, asked that the River corridor be addressed, particularly the historic Darden Towe and Woolen Mills districts.

Neil Williamson, representing the Free Enterprise Forum, was concerned about the politicization of some of the goals listed in the plan. He would like input from the City and County governing bodies to cast realism over some of the goals.

Randy Salzman, resident of 10th and Page neighborhood, asked that both Commissions consider greenways as transportation, not just recreation.

Mr. Zobrist moved to adjourn, Mr. Loach seconded.

The meeting ended at 7pm.

CITY OF CHARLOTTEVILLE
DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES
STAFF REPORT



APPLICATION FOR A SPECIAL USE PERMIT

**PLANNING COMMISSION AND CITY COUNCIL JOINT
PUBLIC HEARING**

DATE OF HEARING: October 11th, 2011
APPLICATION NUMBER: SP-11-08-11

Project Information

Project Planner: Ebony Walden, Neighborhood Planner

Applicant: Xi Chapter of the Alumni Association of Theta Chi

Applicant's Representative: Will Teass, Tektonics Design Group

Applicable City Code Provisions: 34-156 through 34-164 (Special Use Permits), 34-800 through 34-827 (Site Plans), 34-867 (Landscape Plans), Section 34-420 Use Matrix

Application Information

Property Street Address: 600 Preston Place

Tax Map/Parcel #: 5 / 109

Total Square Footage/Acreage Site: 0.38 acres/15,555 square feet

Comprehensive Plan (Land Use Plan) Designation: Multi-family

Current Zoning Classification: R-3H: Multi-family Residential with ADC District overlay.

Tax Status: Taxes are current

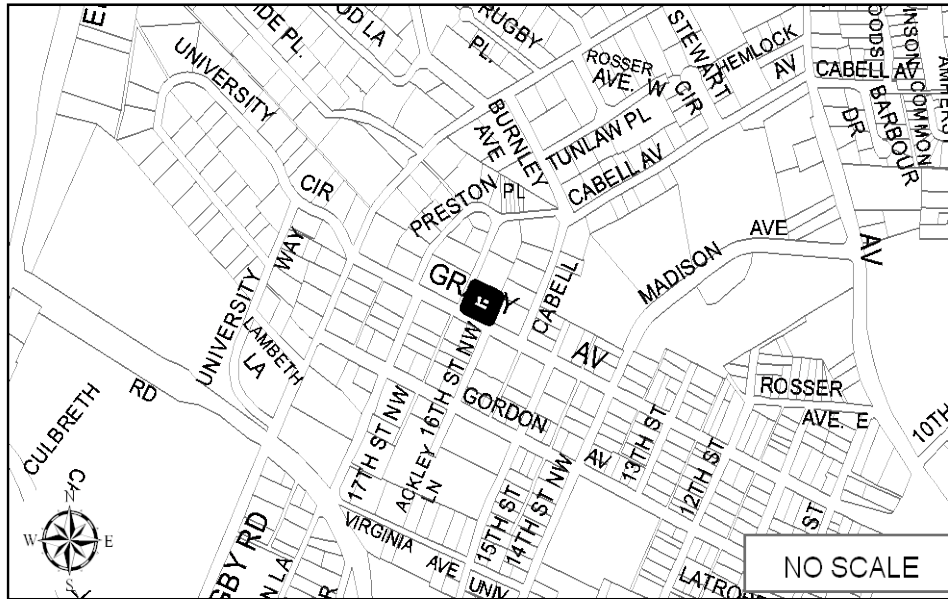
Applicant's Request:

Will Teass, acting as agent for the Xi Chapter of the Alumni Association of Theta Chi seeks a special use permit for an addition to the existing 7 bedroom fraternity house at 600 Preston Place. The expansion will add 5 bedrooms for a total of 11 bedrooms with a proposed occupancy of 14 persons. An existing bedroom will be converted into an expanded bathroom. The site plan proposes a 5 bedroom, 3 story addition as well as parking and landscape improvements. The site plan is attached.

The existing building was constructed in 1925 and is currently used by Theta Chi as a 7 room fraternity house (5 bedrooms in the main house and a 2 room cottage in the rear). Fraternity houses are allowed by special permit in R-3 zones. Expansions of existing uses that require a special use permit are required by code to go through the special use permit process for approval.

Staff recommends approval with conditions.

Vicinity Map:



Standard of Review: The Planning Commission must make an advisory recommendation to the City Council concerning approval or disapproval of a special permit or special use permit for the proposed development based upon review of the site plan for the proposed development and upon the criteria set forth.

Section 34-157 of the City Code sets the general standards of issuance for a special use permit.

(a) In considering an application for a special use permit, the city council shall consider the following factors:

- (1) Whether the proposed use or development will be harmonious with existing patterns of use and development within the neighborhood;
- (2) Whether the proposed use or development and associated public facilities will substantially conform to the city's comprehensive plan;
- (3) Whether proposed use or development of any buildings or structures will comply with all applicable building code regulations;
- (4) Whether the proposed use or development will have any potentially adverse impacts on the surrounding neighborhood, or the community in general; and if so, whether there are any reasonable conditions of approval that would satisfactorily mitigate such impacts. Potential adverse impacts to be considered include, but are not necessarily limited to, the following:
 - a) Traffic or parking congestion;
 - b) Noise, lights, dust, odor, fumes, vibration, and other factors which adversely affect the natural environment;
 - c) Displacement of existing residents or businesses;
 - d) Discouragement of economic development activities that may provide desirable employment or enlarge the tax base;

- e) Undue density of population or intensity of use in relation to the community facilities existing or available;
 - f) Reduction in the availability of affordable housing in the neighborhood;
 - g) Impact on school population and facilities;
 - h) Destruction of or encroachment upon conservation or historic districts; and,
 - i) Conformity with federal, state and local laws, as demonstrated and certified by the applicant
 - j) Massing and scale of project;
- (5) Whether the proposed use or development will be in harmony with the purposes of the specific zoning district in which it will be placed; and
- (6) Whether the proposed use or development will meet applicable general and specific standards set forth within the zoning ordinance, subdivision regulations, or other city ordinances or regulations.
- (7) When the property that is the subject of the application for a special use permit is within a design control district, city council shall refer the application to the BAR or ERB, as may be applicable, for recommendations as to whether the proposed use will have an adverse impact on the district, and for recommendations as to reasonable conditions which, if imposed, that would mitigate any such impacts. The BAR or ERB, as applicable, shall return a written report of its recommendations to the city council.

(b) Any resolution adopted by city council to grant a special use permit shall set forth any reasonable conditions which apply to the approval.

City Council may grant an applicant a special permit or special use permit, provided that the applicant's request is in harmony with the purposes and standards stated in the zoning ordinance (Sec. 34-157(a)(1)). Council may attach such conditions to its approval, as it deems necessary to bring the plan of development into conformity with the purposes and standards of the comprehensive plan and zoning ordinance.

In reviewing an application for a special use permit, the City Council may expand, modify, reduce or otherwise grant exceptions to yard regulations, standards for higher density, parking standards, and time limitations, provided: (1) Such modification or exception will be in harmony with the purposes and intent of the zoning district regulations under which such special use permit is being sought; (2) Such modification or exception is necessary or desirable in view of the particular nature, circumstances, location or situation of the proposed use; and (3) No such modification or exception shall be authorized to allow a use that is not otherwise allowed by this ordinance within the zoning district in which the subject property is situated. The Planning Commission may include comments or recommendations regarding the advisability or effect of the modifications or exceptions. The resolution adopted by Council shall set forth the approved modifications or exceptions.

Background: (Relevant Code Section)

Section 34-350 - R-3 zoning designation consists of medium-density residential areas in which medium-density residential developments, including multifamily uses, are encouraged.

Overall Analysis:

1. Proposed Use of the Property.

The proposed use is an 11 bedroom fraternity house with a 10 space parking area in the side yards. The expansion/renovation includes the addition of 5 bedrooms, an entertainment room and a multi-purpose room, the conversion of an existing bedroom to a bathroom and the conversion of existing crawl space to a bathroom. Please note that the addition is for ~2,690 sf but the applicant has added the crawl space in their narrative for a total of 3,085 sf increase in usable space.

Zoning History

This property was zoned A-1 Residential in 1949 and has been zoned R-3 since 1958. The property was included in The Rugby Road-University Circle-Venable Neighborhood when the overlay district was adopted in 2006. The existing buildings are contributing structures.

2. Character and Use of Adjacent Properties

Direction	Use	Zoning
North	Single Family	R-3H & R-1UH
South	Multi Family and Fraternities	R-3H
East	Multi- Family	R-3H
West	Multi- Family and Fraternities	R-3H

3. Reasonableness/Appropriateness of Current Zoning

The current R-3 zoning is reasonable and appropriate because of the proximity of the site to the University of Virginia and other multifamily housing. The current zoning has been in place since 1958.

4. Reasonableness/Appropriateness of Proposed Zoning

The request for a special use permit to allow an 11 bedroom fraternity house is reasonable and appropriate on this site. The building is currently used for a fraternity house. There are several fraternities and multi-family dwellings in the nearby area. This structure has been owned by Theta Chi since 1968.

5. Consistency with Comprehensive Plan

The comprehensive plan anticipates multi-family housing on this site.

6. Potential Uses of the Property (By-Right)

By-right uses in R-3 Residential – Multifamily include multifamily, single family detached dwellings, single family attached dwellings, townhouses, two-family dwellings, bed-and-breakfasts, convents and monasteries, houses of worship, health clinics, educational facilities, and libraries, among others.

Project Review

1. Harmonious with existing patterns of use and development within the neighborhood

The pattern of development in the neighborhood is characterized by dense student housing, particularly fraternities, sororities and two-to-four-story student apartment buildings. There are also large historic single family homes to the north. Use of the existing structure as a fraternity house is harmonious with the existing patterns of use and development within the neighborhood.

2. Conformity with comprehensive plan and policies

The addition of a fraternity house at this location is consistent with the Land Use chapter of the Comprehensive Plan, which calls for multi-family housing in this area (p. 92, Future Land Use Map).

3. Building code regulations

The City's Building Code Official has reviewed the site plan and does not have any comments or objections to this use. A building permit that meets all of the appropriate building code regulations will need to be submitted and approved before construction commences.

4. Impact on the neighborhood

a. Traffic or parking congestion.

- Traffic congestion: The site circulation will draw most of the traffic onto Grady, which is a principal arterial road. According to the applicant, the addition will only add an additional 4 persons which will not have a significant impact on traffic congestion.
- Parking congestion: Fraternity houses require 2.5 parking spaces per 3 bedrooms. According to our regulations this use would be required to have 10 parking spaces. The applicant has identified space for 10 parking spaces on-site. The applicant has also communicated to staff that the proposed occupancy is 14 persons. There is the potential for more cars than parking spaces and that with events or parties the surrounding parking areas will be stressed. However, many of the streets single family residential homes are permit parking in this area.

b. Noise, light, dust, odor fumes, vibrations, and other factors, which adversely affect the natural environment, including quality of life of the surrounding community.

It is likely that the proposed fraternity house will generate noise, trash and other property maintenance issues. A property maintenance inspector position is funded to address the frequent property maintenance violations that occur at fraternities and other student rental properties. Staff recommends that a local representative be designated so that any property maintenance issues can be addressed in a timely manner. See proposed conditions below.

c. Destruction of or encroachment upon conservation or historic districts; and

The BAR at its meeting on 9-20-2011 recommended (4-0-1) to City Council that the proposed special use permit to allow an increase in number of bedrooms for 600 Preston Place will not have an adverse impact on the Rugby Road-University Circle-Venable Neighborhood ADC District and recommends that City Council approves the special use permit.

5. Reasonable conditions of approval that would satisfactorily mitigate impact on the surrounding neighborhood:

1. The property owner shall provide the City's property maintenance office with the contact information of a local representative responsible for addressing property maintenance issues and violations identified by City staff.
2. To encourage and support the use of transportation alternatives, thus reducing traffic and parking congestion, staff recommends the inclusion of bicycle parking equivalent to one (1) bicycle space per five hundred (500) square feet of bedroom area. This is amount recommended in section 34-881 of the zoning ordinance for fraternities, sororities and similar uses.
3. The proposed occupancy for the building is 14 persons, however, the building code would allow up to 40 persons (1 person per 50 sf of bedroom) to live in this space. If the planning commission decides that there is a need to limit the occupancy of the house to reduce the likelihood of parking congestion and undue impact of density, staff would recommend a 22 person occupancy limitation. This would allow an occupancy of 2 persons per bedroom. Staff does not believe this is necessary but proposes this as an option for discussion.

6. Requested exceptions and modifications.

None requested

Attachments: The site plan and special use permit package.

Public Comments Received:

Staff Recommendation

Staff recommends approval with the conditions listed below. This recommendation is based on the above analysis of the impacts of the proposed use, its conformity with the Comprehensive Plan and its harmony with the pattern of adjacent uses. Conditions below are recommended by staff.

Suggested Motions:

1. "I move to recommend the approval of this Special Use Permit application SP-11-08-11 for an 2,690 sf and 5 bedroom addition to the existing fraternity house at 600 Preston place, with the following conditions:
 1. The property owner shall provide the City's property maintenance office with the contact information of a local representative responsible for addressing property maintenance issues and violations identified by City staff.

2. The inclusion of bicycle parking equivalent to one (1) bicycle space per five hundred (500) square feet of bedroom area.
3. Administrative approval of the preliminary site plan.

On the basis that the proposal would serve the interests of the general public welfare and good zoning practice”

2. I move to recommend denial of this Special Use Permit application SP-11-08-11 on the basis that the proposal would not serve the intent of the general public welfare due to the following:
 - a)
 - b)
 - c)



Contents

project narrative	2
project narrative (cont'd)	3
location plan / aerial	4
existing site / demolition plan	5
existing conditions / site photographs	6
existing conditions / site photographs	7
proposed site plan	8
project overview	9
proposed views	10
proposed basement plan	11
proposed ground floor plan	12
proposed second floor plan	13
roof plan	14
proposed preston place elevation (west)	15
proposed grady ave elevation (south)	16
proposed east elevation (east)	17
proposed north elevation (north)	18
section a-a	19

Theta Chi - Xi Chapter

Special Use Permit Submission

23 September 2011

Prepared for:

XI Chapter
Theta Chi Alumni Corporation

600 Preston Place
Charlottesville, VA 22903

Prepared by:

Tektonics Design Group
Will Teass, AIA LEED AP

515 M St SE, Suite 116
Washington, DC 20003
(202) 683-6260
will@tektonics.com

Project Location: Xi Chapter House of Theta Chi Fraternity
600 Preston Place, Charlottesville VA 22903
T.M.P 5-109, Lot 19 & Part of Lot 20

Owner / Applicant: Xi Chapter of the Alumni Association of Theta Chi, Inc.
Patrick Harrison, Treasurer
224 14th St NW, Apt 408, Charlottesville VA 22903
(434) 806-7280
pwh5r@virginia.edu

Agent / Architect: Will Teass, AIA LEED AP
Tektonics Design Group
515 M St SE, Suite 116, Washington DC 20003
(202) 683-6260
(866) 203-8882 fax
will@tektonics.com

Local Contact: Grady Lewis, Board Member
5305 Derry Lane
North Garden, VA 22959
(434) 326-1358
aglewis3rd@hotmail.com

Existing Conditions

The current property, located at 600 Preston Place, is the home for the Xi Chapter of the Theta Chi Fraternity. The property is approximately 120' x 130', and is 15,555 sf or 0.38 acres. The main building, a two-story masonry structure of approximately 3,400 gsf and contains five (5) bedrooms. There is also an accessory one-story structure, containing an additional two (2) bedrooms. The property is zoned R-3U. The main building is considered a contributing structure within the Rugby Road – University Circle – Venable Neighborhood Historic District.

Intended Use

As per section 34-350, the Fraternity use is allowed with a special permit in the R-3U zoning district. The Owner seeks to continue the existing Fraternity use and to enlarge the main building. The addition will contain an additional five (5) bedrooms, and an existing bedroom will be converted into an expanded bathroom. The total number of bedrooms on the property will be eleven (11), with an occupancy of 14. There is no change proposed to the existing accessory structure.

Background / History

The Xi Chapter of Theta Chi was formed at the University of Virginia in 1914. Prior to moving to the Rugby Road vicinity, the chapter was located on Carr's Hill. In 1968, the chapter purchased the property at 600 Preston Place, which at the time consisted of an existing single-family house and accessory garage. The chapter has been in continuous existence since then.

At an unknown date, the accessory garage was converted to additional living space, increasing the number of on-site bedrooms from five (5) to seven (7). In the mid-1980's, a one-level addition was added to the ground floor to the east by Architect and Brother William Daggett, now of Daggett + Grigg Architects PC. The addition provided additional dining, meeting and gathering space, but did not increase the number of bedrooms.

Expansion Plans

The deteriorating nature of both the main structure and accessory building has necessitated action on a comprehensive renovation. Although the Owner holds the property without a mortgage, the costs of maintaining the historic structure, as well as utility bills, are supported solely by rental income. Market conditions and the number of bedrooms limit the income, whereas maintenance and energy costs have increased as the building ages. Therefore, it is goal of the renovation to increase the number of bedrooms, and thus income, to defray the cost of maintenance and provide a more financially sustainable and energy efficient chapter house.

The renovation and expansion has four components:

1. A comprehensive renovation of the existing structure, including new life-safety (sprinklers, smoke detection, etc.), mechanical, electrical and plumbing systems, as well as an improved exterior envelope. In addition to preserving the structure for the futures, the work will also increase occupant safety and energy efficiency.
2. Site improvements, including new landscaping, new decking, and the introduction of a new one-way drive configuration to increase both vehicular and pedestrian safety.
3. Removal of the existing one-story east addition (not original) and replace with a new three-level addition with a basement level entertainment room, ground level mixed-use room (chapter meetings / dining) and second level bedrooms of approximately 2,865 sf.
4. Addition of second floor bedroom space above the existing south porch of approximately 220 sf.

The addition will increase the building area by approximately 3,085 gsf. The additional bedrooms are considered an intensification of the existing use. Thus, a Special Use Permit is required.

General Standards for Issuance

There are several criteria that shall be addressed before a Special Use Permit can be granted. The proposed plan meets and exceeds all criteria.

(1) Whether the proposed use or development will be harmonious with existing patterns of use and development within the neighborhood

The site has been used as a fraternity since the late 1960s and is surrounded on two sides by an existing fraternity and sorority. It is within the larger area of Fraternity and Sororities, known as Rugby Road and constitutes the heart of the University's Greek Community. Therefore, the proposed use is consistent with surrounding use patterns.

(2) Whether the proposed use or development and associated public facilities will substantially conform to the city's comprehensive plan

The project is located within an area intended for multi-family development as shown on the 2025 Land Use Plan. The project is also part of a trend to increase the density of housing units within walking distance to the University. Additionally, a goal outlines in the comprehensive plan is to "continue to maintain, improve and grow the city's housing stock". As is outlined, the project will renovate a historic structure and provide a firmer financial footing for ensure that the housing stock is maintained for the future.

(3) Whether proposed use or development of any buildings or structures will comply with all applicable building code regulations;

Both the main structure, as well as the proposed additions will fully comply with all building code regulations.

(4) Whether the proposed use or development will have any potentially adverse impacts on the surrounding neighborhood, or the community in general; and if so, whether there are any reasonable conditions of approval that would satisfactorily mitigate such impacts.

The project will not have any adverse impacts on traffic. The new one-way drive configuration will improve the surrounding neighborhood by reducing traffic on Preston Place. There will be no increase in noise, lights, dust, odor, fumes, vibration, and other factors which adversely affect the natural environment. The proposed plan will improve the noise by placing the main social space in the basement level. No existing residents or businesses will be displaced, and no economic development activities will be impacted. The population density and intensity of use will be consistent with surrounding development. There will be no reduction in the availability of affordable housing or any impact on school population and facilities. The project is located within an historic district, and is concurrently being reviewed by the Board of Architectural Review for compatibility, massing and scale issues. In addition, the project will comply with all federal, state and local laws.

(5) Whether the proposed use or development will be in harmony with the purposes of the specific zoning district in which it will be placed;

The R-3U zone is intended to provide areas for “medium- to high-density residential development”, as such a fraternity use is considered a medium density residential use. The proposed number of bedrooms is consistent with surrounding development.

(6) Whether the proposed use or development will meet applicable general and specific standards set forth within the zoning ordinance, subdivision regulations, or other city ordinances or regulations;

The project will comply with all aspects of the zoning ordinance.

(7) When the property that is the subject of the application for a special use permit is within a design control district, city council shall refer the application to the BAR or ERB, as may be applicable, for recommendations as to whether the proposed use will have an adverse impact on the district, and for recommendations as to reasonable conditions which, if imposed, that would mitigate any such impacts. The BAR or ERB, as applicable, shall return a written report of its recommendations to the city council.

The project was presented at the Board of Architectural Review meeting on 20 September, and they ruled that the proposed special use permit to allow an increase in number of bedrooms for 600 Preston Place will not have an adverse impact on the Rugby Road-University Circle-Venable Neighborhood ADC District.

Lot Coverage / Open Space

The existing lot coverage, including structures, decks and paved surfaces is 63%. The proposed site plan lot coverage is 46.5%, exclusive of permeable pavers. If the permeable pavers are counted against lot coverage, the lot occupancy, the coverage is 63.5%. As the entire site is a building lot, there is no open space.

Site Circulation / Parking

Currently there is a single curb cut on Preston Place that is approximately 28' wide, and serves as a two-way driveway without any formal / designated parking spaces. The proposed site plan seeks to reduce the existing Preston Place curb cut to 12', and add a second 12' wide curb cut onto Grady Avenue. Vehicles will enter from Grady Avenue and exit onto Preston Place. The new one-way drive will significantly reduce traffic on Preston Place, as all entrance trips are required to travel almost the entire length of Preston Place before entering the site. The proposed drive configuration will eliminate all entrance trips for both autos and garbage service. The only traffic on Preston Place will be vehicular exits, as a left turn from the driveway onto Preston Place. Furthermore, this new drive will also enable the development of more green space on the north and east sides of the main structure. Additionally, this new drive configuration will enable the Owner to meet the required number of parking spaces.

Current parking requirements, as set forth in section 34-984 at a ratio of 2.5 spaces / 3 bedrooms, require 6 spaces for the 7 bedrooms. Additional bedrooms trigger the need for increased on-site parking. Therefore, a total of ten (10) spaces are required for the eleven (11) bedrooms. The proposed parking configuration is divided into two areas. Four full size spaces at 45°, including an accessible space, are served by 12' drive aisle. The remaining six (6) spaces are at 60°, and served by a 16' drive aisle.

A dedicated bicycle parking area will be added adjacent to the Preston Place. Section 34-881 dictates that one bicycle parking space shall be provided for each 500 sf of bedroom area. The total bedroom area for both structures is approximately 2,000 sf, therefore 4 spaces are required. A total of 7 racks will be provided, allowing 14 bicycles to be secured. The bicycle parking area will utilize permeable pavers.

Landscaping / Screening

In order to accommodate the new drive / parking configuration, several trees will be removed. Three are young (less than 3" caliper) Bradford Pears in the front yard (facing Preston Place). An existing 10" caliper tree of unknown species will also be removed, north of the main building. Two additional sycamores (10" and 6") respectively, will be removed along the eastern property line, adjacent to the sorority. Five (5) additional street trees will supplement two (2) existing street trees. Also, seven (7) new trees will be planted along the north and east property lines. Several planting beds with evergreen shrubbery will be added around the structure.

Parking will be screened from both Preston Place and Grady Avenue with both a masonry wall and a landscape buffer. The amount of pervious coverage will be increased, as the parking area will utilize a permeable paving.

South Addition – Second Floor Sleeping Porch

Two additional bedrooms are proposed for the second floor above the existing second floor porch. The massing and materiality of the addition is intended to be reminiscent of a traditional sleeping porch. Casement windows, with simulated divided lights with spacer bars are combined with a post and panel construction. The roofing material will be a membrane roof to permit the low slope roof to terminate underneath the existing cornice line. The height of the main building along Preston Place is approximately 28'-8", and the proposed addition is 20'-4".

East Addition - Replacement

The existing one-story addition to the east will be removed and replaced with a new three-story addition of both masonry and post / panel construction. The roof line of the addition will intersect the existing construction below the cornice line to signify its nature as an addition to the main structure. The basement floor will contain a large entertainment space with new toilets in an existing crawlspace. While a service stair connects the main floor to the basement, the primary entry will be through a sunken courtyard leading to Grady Avenue. A new stair, connecting all three levels will be added at the north elevation. The ground floor will be used as a multipurpose room, with configurations for dining and meetings. The third floor will contain three additional bedrooms. The basement and ground floors are of masonry construction, linking the addition to the main house. The second floor shares a post / panel expression, similar to the second floor porch addition. In order to minimize noise transmission, glass block is used for fenestration at the basement level. Double-hung windows of similar proportion to the main house will be used at the ground floor. Outswing glass doors will connect the gathering space to the deck and sunken courtyard. As is the case with the porch addition, casement windows will be used at the second floor. The hip roof will utilize a synthetic slate, similar in color to the existing slate roof. The height of the main building along Grady Avenue is approximately 34'-1", and the proposed addition is 30'-9".

Utilities

Existing water, sanitary sewer and gas lines extend to utility mains in Preston Place. Electrical service is underground. Existing overhead aerial cables are for telephone and cable television will be buried as part of the construction. A new sprinkler system is being added to both the existing structure and the addition. This will necessitate a new fire service line will be added from the existing water main in Preston Place. Exterior condensing units / compressors will be located adjacent to the main structure.

Stormwater Management

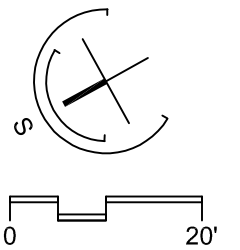
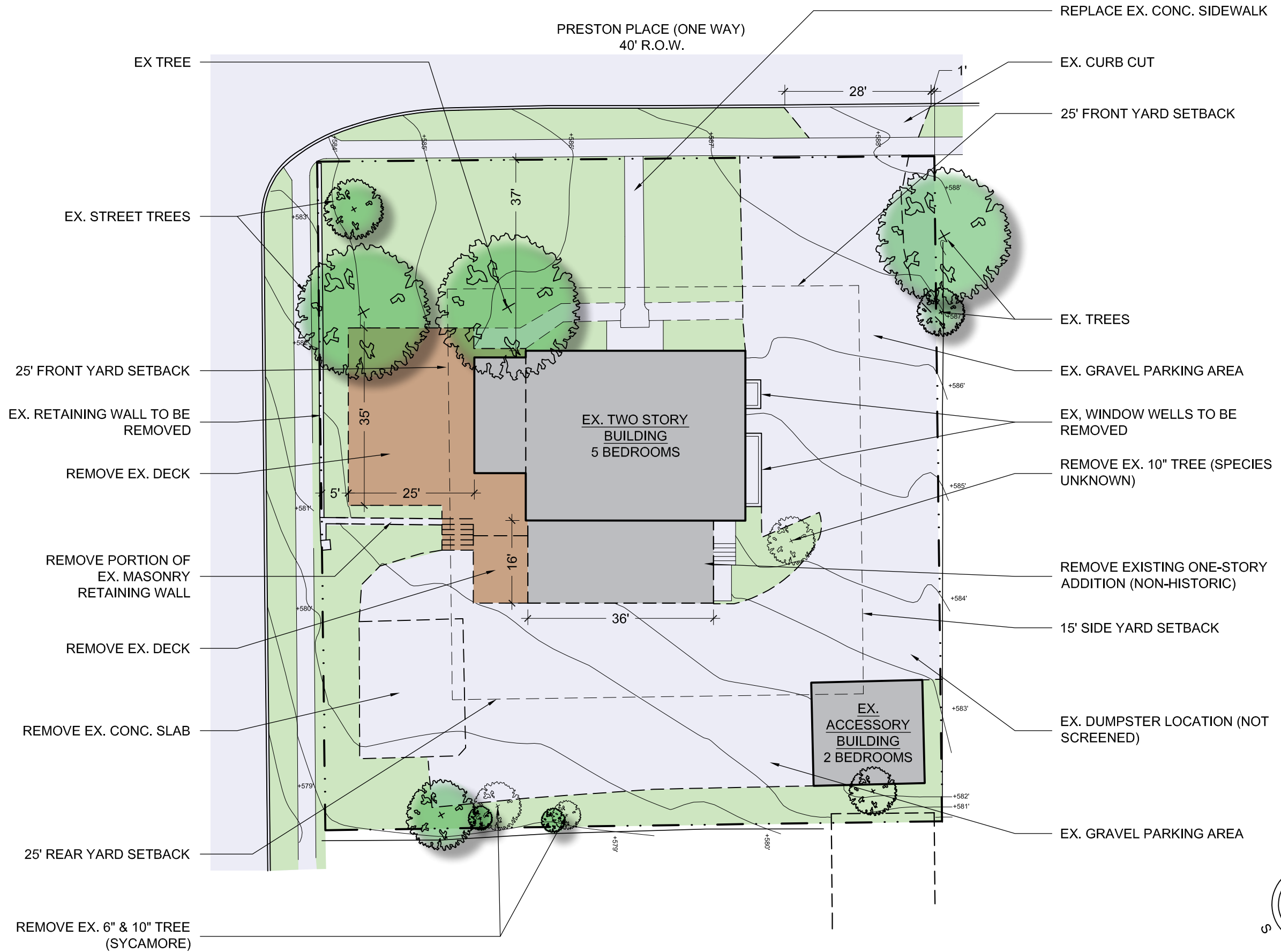
Approximately 9,200 sf of the site will be disturbed, which exceeds the 6,000 sf threshold. As the site is less than one (1) acre, storm water management plan is not required. Post-development runoff (rate, volume and velocity) will not exceed pre-development runoff. The Owner intends to utilize a permeable paving system in the parking areas to encourage on-site retention of storm-water. Downspouts from both structures will be collected into a common drywell, located below the parking area.

Schedule

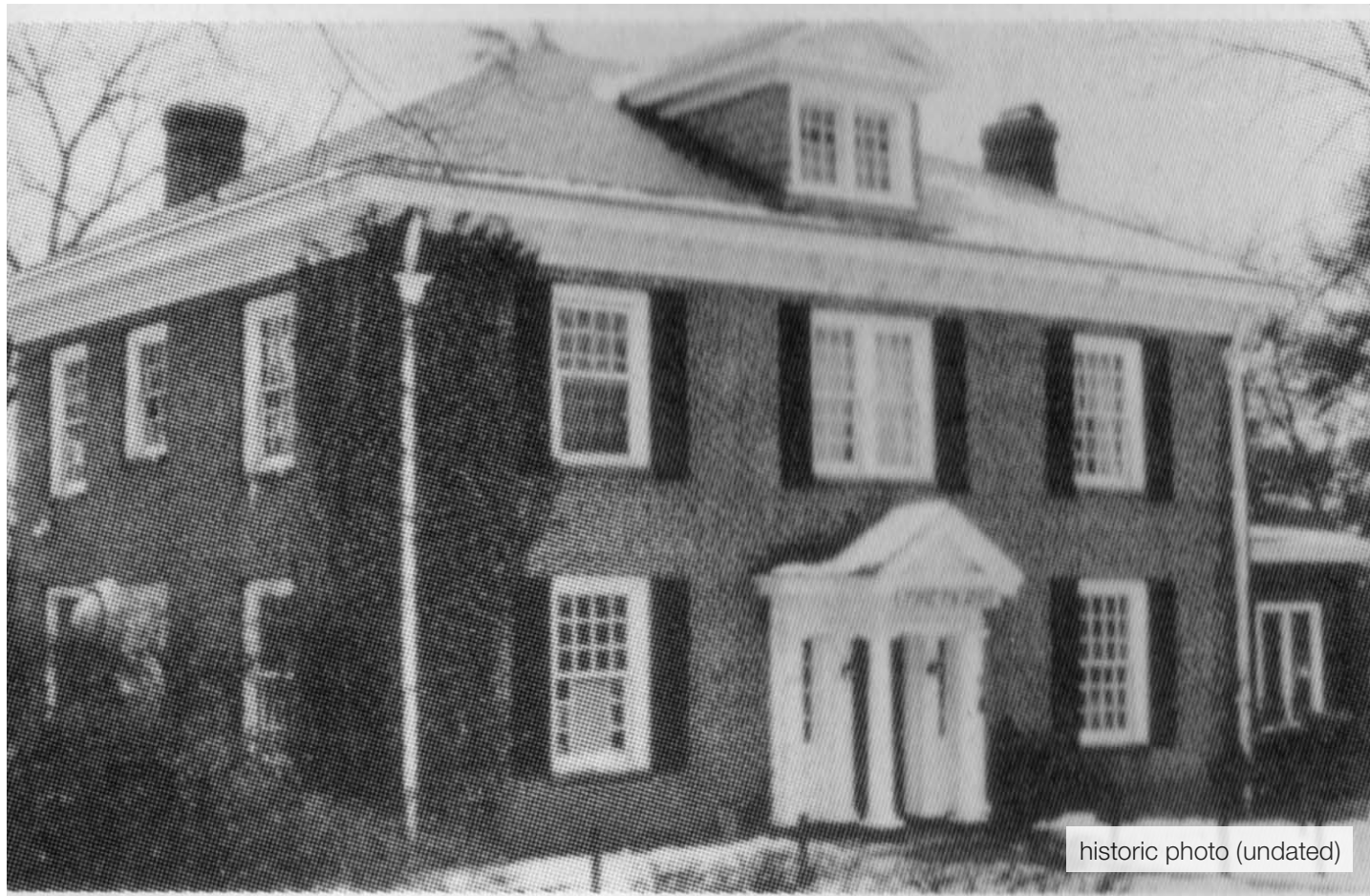
In order to maintain continual operation, construction is targeted for the summer of 2012, with a start date of mid-May and completion by October 2012.



GRADY AVENUE
60' R.O.W.



existing site / demolition plan
1" = 20'-0"



historic photo (undated)



preston place elevation (west)



detail at existing cornice



corner of preston place / grady avenue



north elevation detail



south corner (from grady avenue)

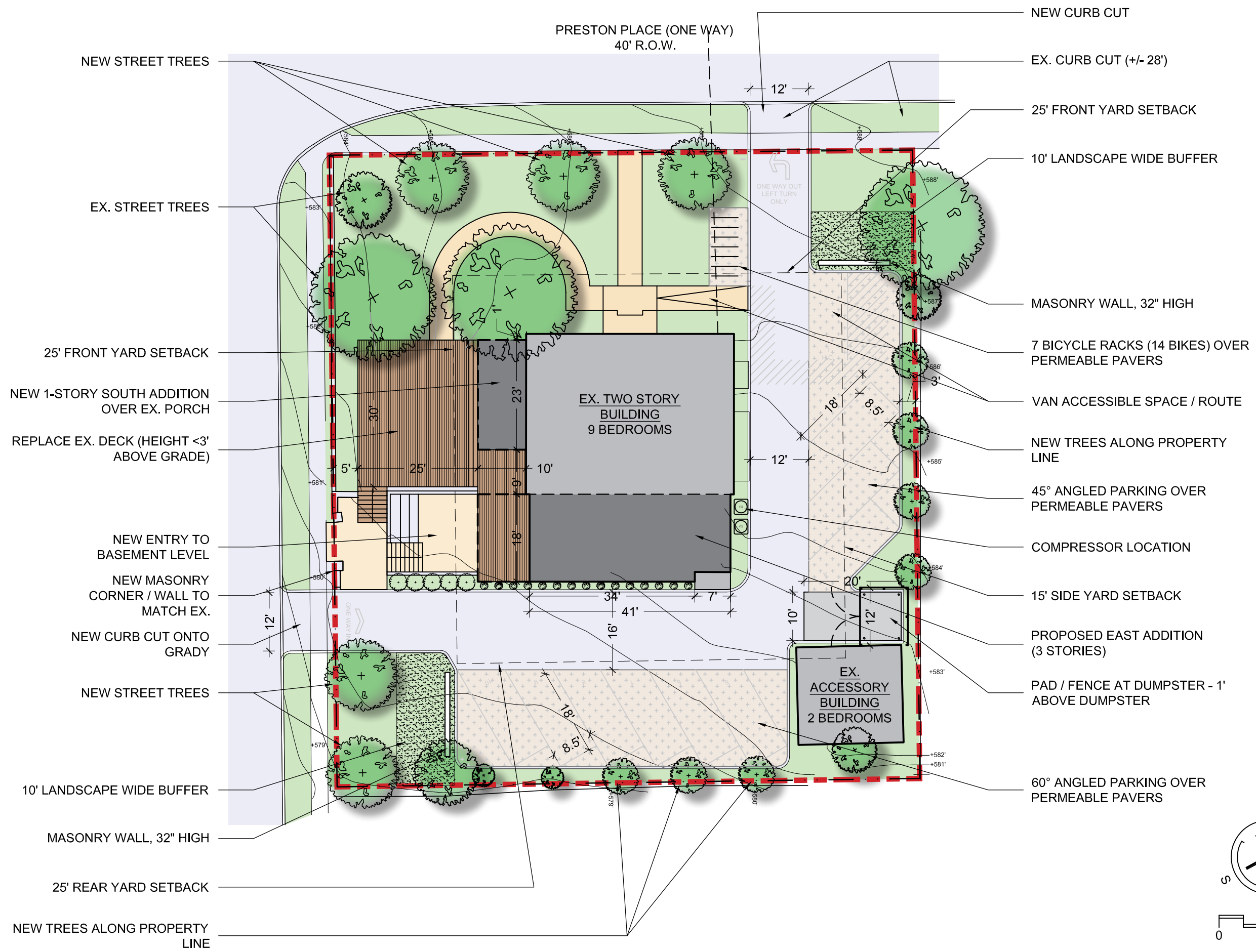


existing retaining wall / deck (from parking area)



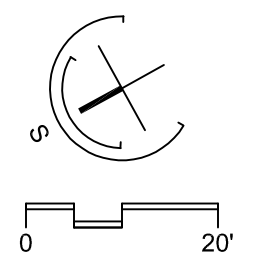
northeast corner (from parking area)

GRADY AVENUE
60' R.O.W.



- NEW STREET TREES
- EX. STREET TREES
- 25' FRONT YARD SETBACK
- NEW 1-STORY SOUTH ADDITION OVER EX. PORCH
- REPLACE EX. DECK (HEIGHT <3' ABOVE GRADE)
- NEW ENTRY TO BASEMENT LEVEL
- NEW MASONRY CORNER / WALL TO MATCH EX.
- NEW CURB CUT ONTO GRADY
- NEW STREET TREES
- 10' LANDSCAPE WIDE BUFFER
- MASONRY WALL, 32" HIGH
- 25' REAR YARD SETBACK
- NEW TREES ALONG PROPERTY LINE

- NEW CURB CUT
- EX. CURB CUT (+/- 28')
- 25' FRONT YARD SETBACK
- 10' LANDSCAPE WIDE BUFFER
- MASONRY WALL, 32" HIGH
- 7 BICYCLE RACKS (14 BIKES) OVER PERMEABLE PAVERS
- VAN ACCESSIBLE SPACE / ROUTE
- NEW TREES ALONG PROPERTY LINE
- 45° ANGLED PARKING OVER PERMEABLE PAVERS
- COMPRESSOR LOCATION
- 15' SIDE YARD SETBACK
- PROPOSED EAST ADDITION (3 STORIES)
- PAD / FENCE AT DUMPSTER - 1' ABOVE DUMPSTER
- 60° ANGLED PARKING OVER PERMEABLE PAVERS



proposed site plan
1" = 20'-0"



new second floor addition over existing porch

remove existing addition and replace with new three-story structure

three additional bedrooms on second floor / new egress stair

ground floor to be used as meeting room / dining hall

new basement entertainment room with sunken courtyard

new deck

new pedestrian entrance

new curb cut

conceptual study only. some existing elements may not be shown for clarity

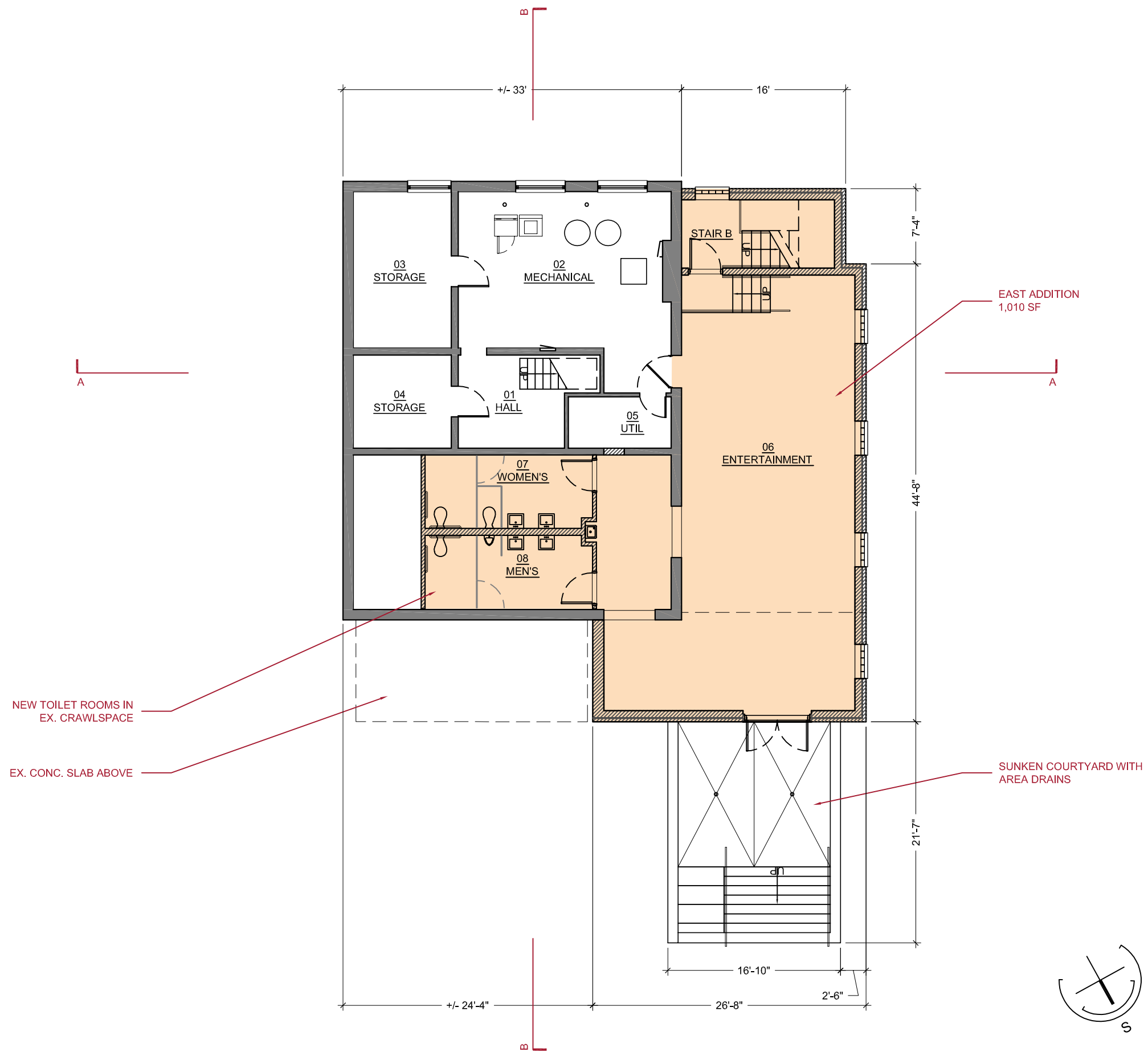


southwest corner / corner of grady ave and preston place
conceptual study only. some existing elements may not be shown for clarity



southeast corner / grady avenue
conceptual study only. some existing elements may not be shown for clarity

proposed views

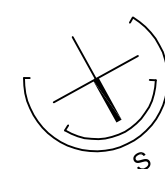
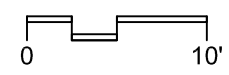


NEW TOILET ROOMS IN EX. CRAWLSPACE

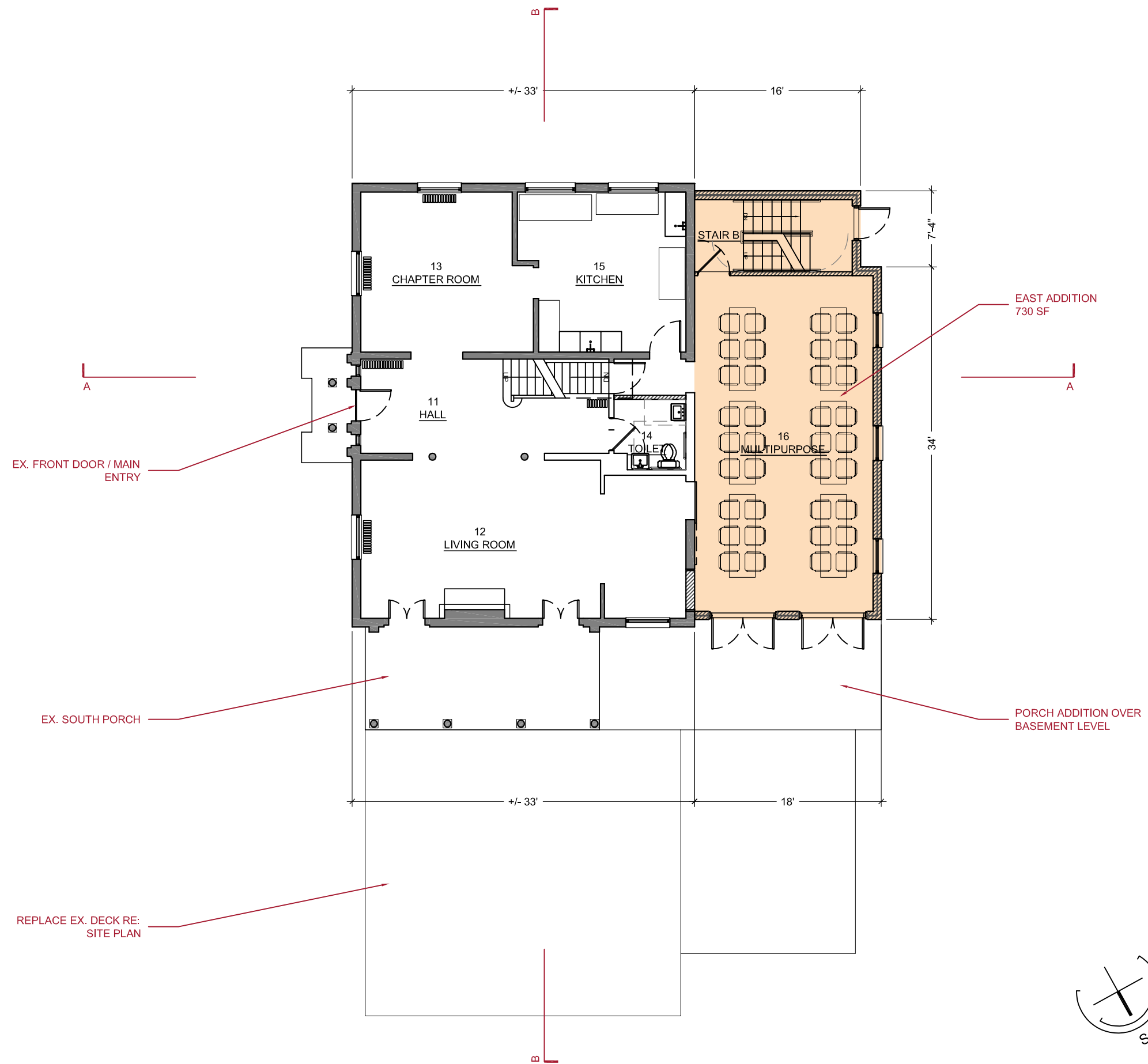
EX. CONC. SLAB ABOVE

EAST ADDITION
1,010 SF

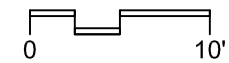
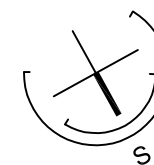
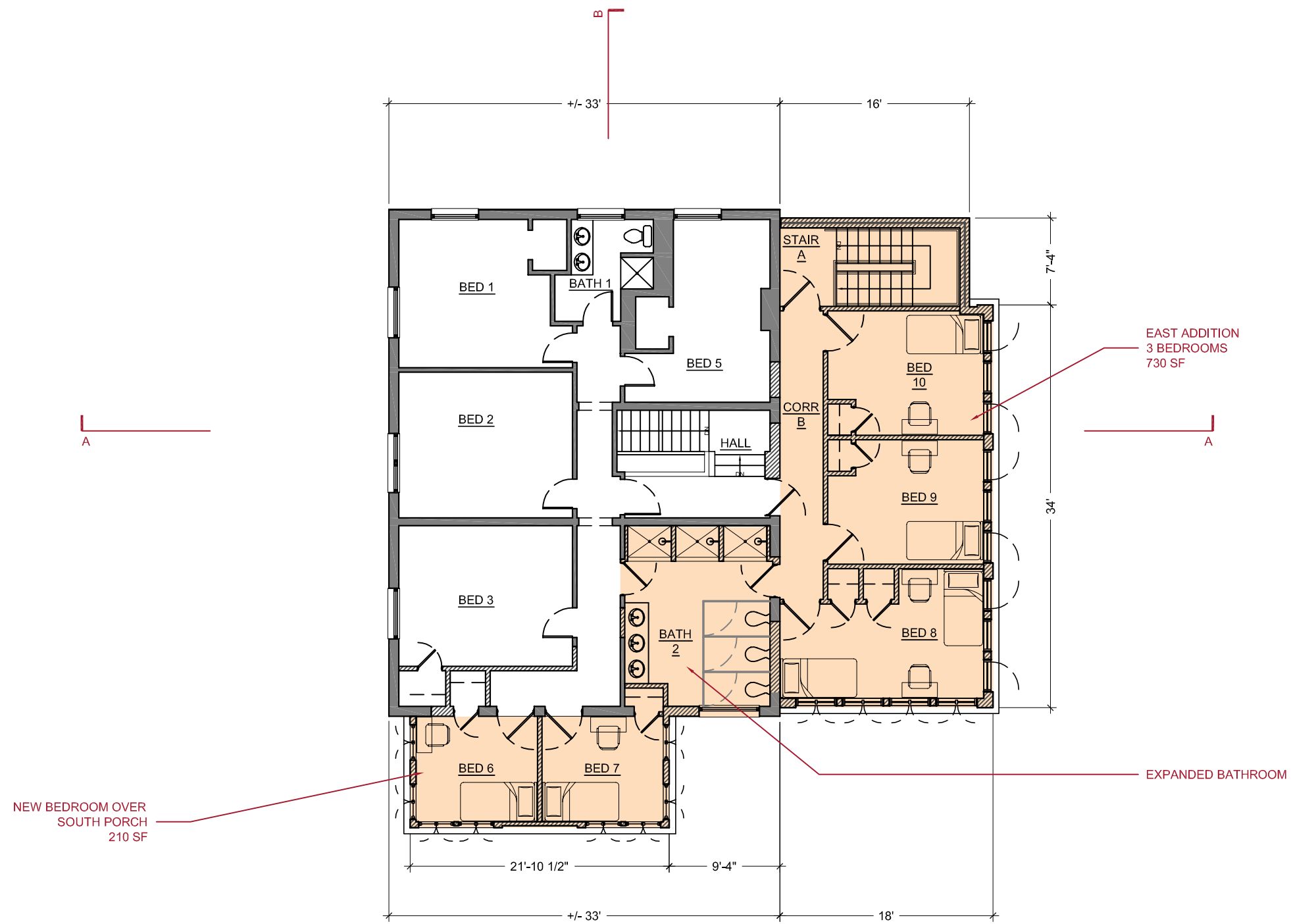
SUNKEN COURTYARD WITH
AREA DRAINS



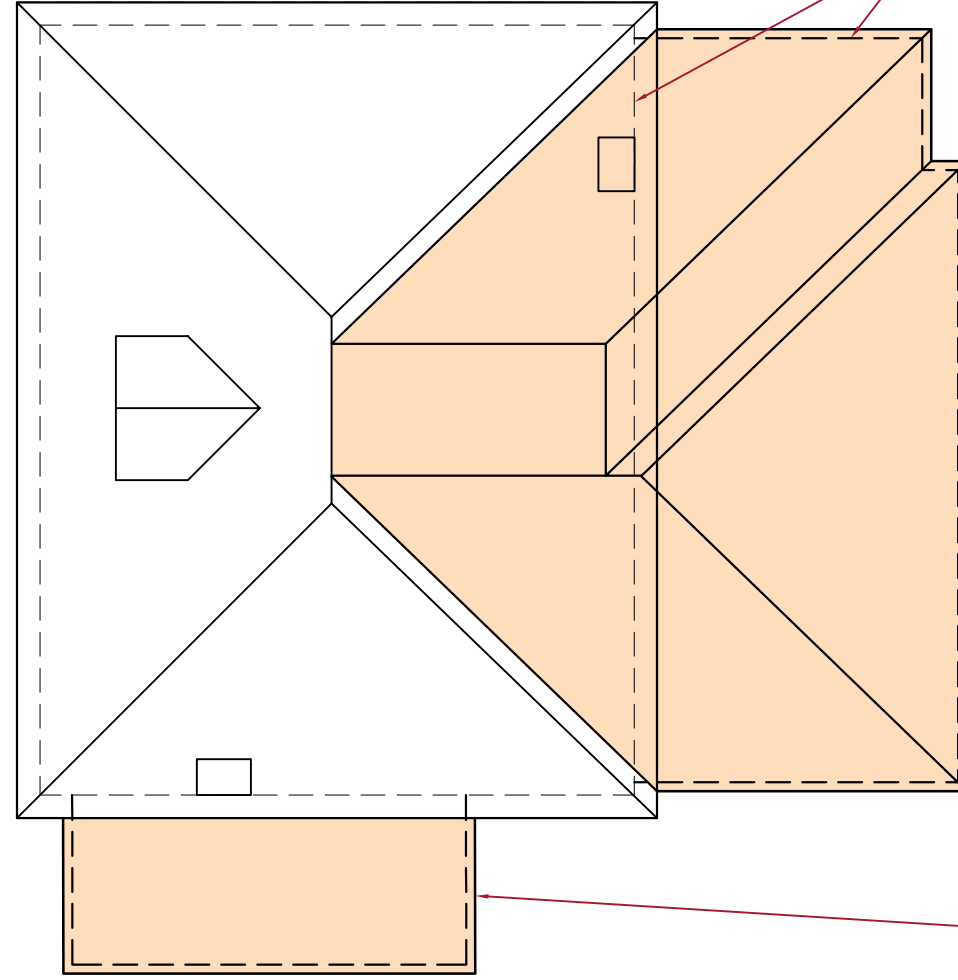
proposed basement plan
3/32" = 1'-0"



proposed ground floor plan
3/32" = 1'-0"



proposed second floor plan
3/32" = 1'-0"

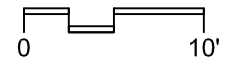
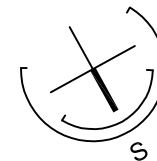


EDGE OF BUILDING BELOW (SHOWN DASHED)

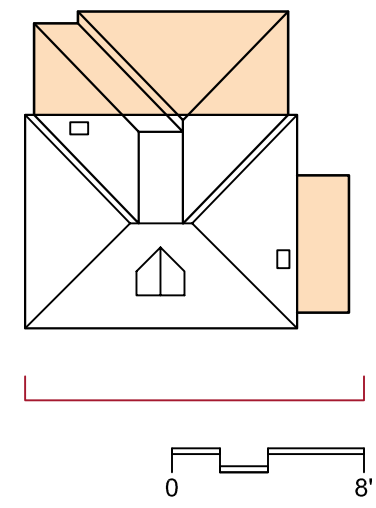
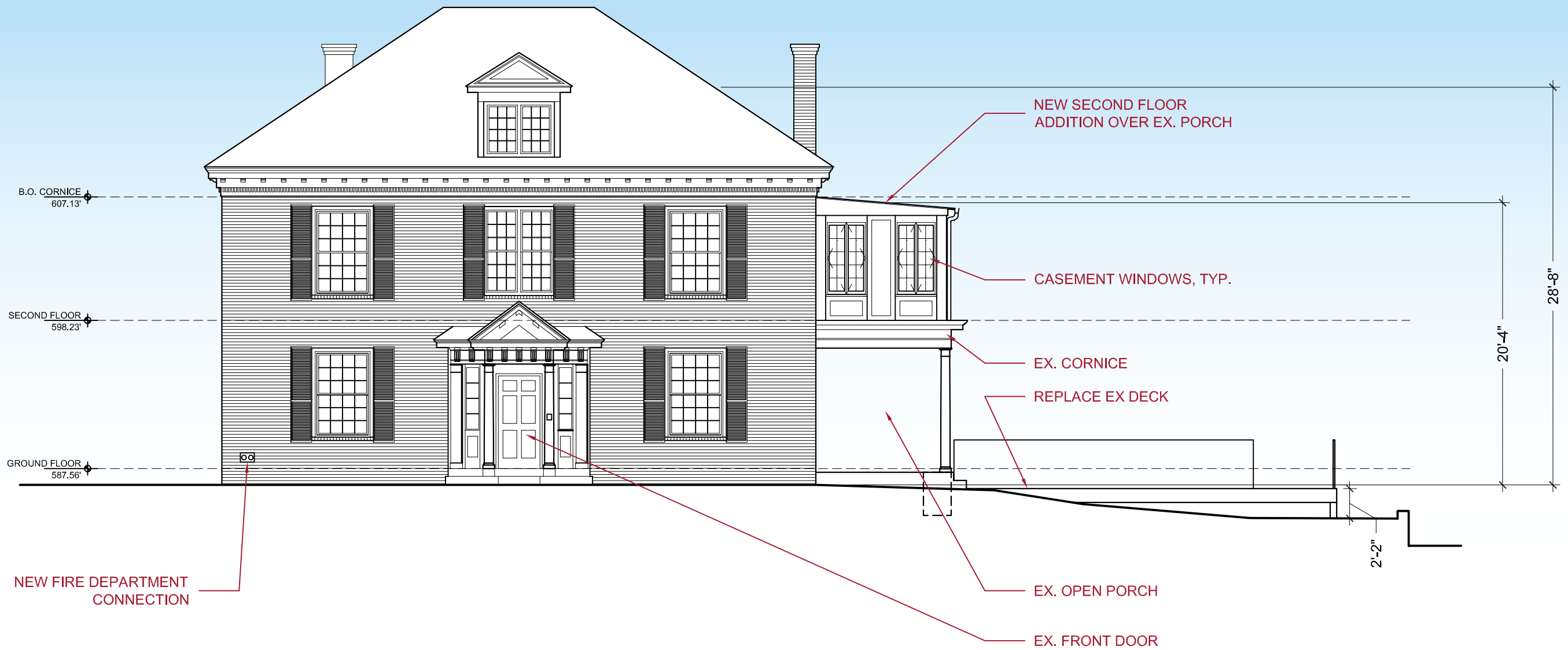
NEW HIP ROOF OVER EAST ADDITION



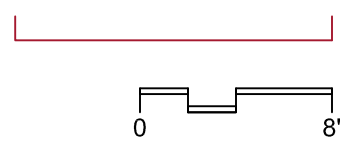
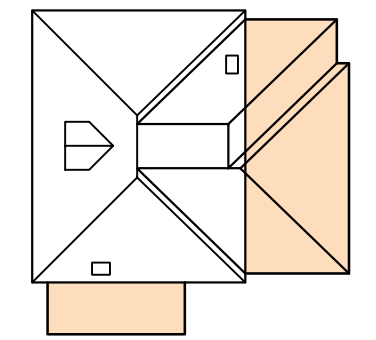
NEW SHED ROOF OVER PORCH ADDITION



roof plan
3/32" = 1'-0"



proposed preston place elevation (west)
1"=10'



proposed grady ave elevation (south)
1"=10'

NEW SECOND FLOOR
ADDITION OVER EX. PORCH

CASEMENT / POST
AND PANEL AT
SECOND FLOOR

B.O. CORNICE
607.13'

REPLACE EX. DECK / NEW
METAL HANDRAIL SYSTEM

DOUBLE-HUNG
WINDOWS AT
GROUND FLOOR

SECOND FLOOR
598.23'

EGRESS DOOR
FROM STAIR

GROUND FLOOR
587.56'

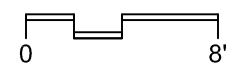
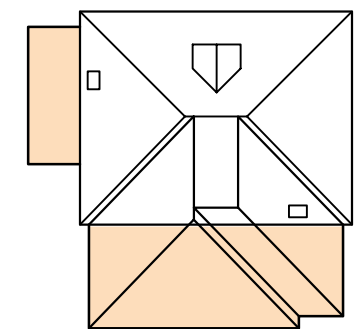
GLASS BLOCK
OPENINGS AT
BASEMENT LEVEL

SIDEWALK
580.50'

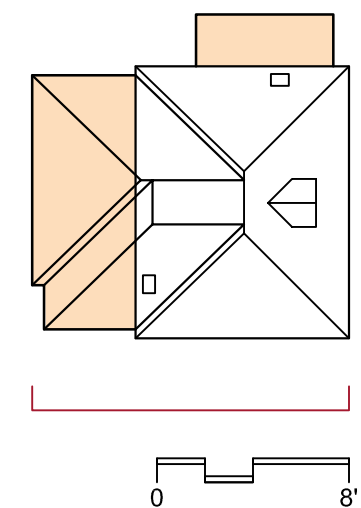
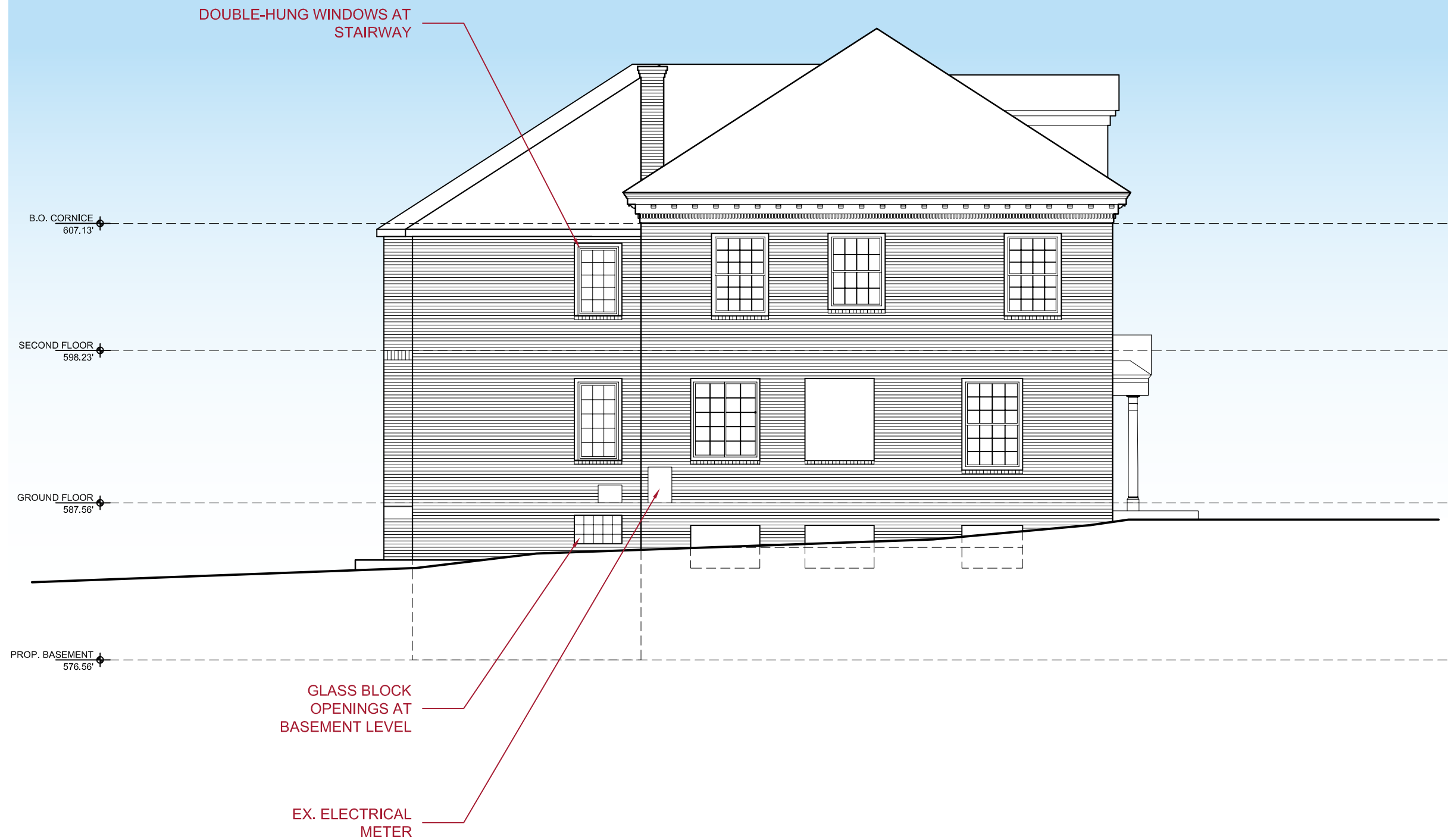
PROP. BASEMENT
576.56'

NEW STEPS TO COURTYARD
(SHOWN DASHED)

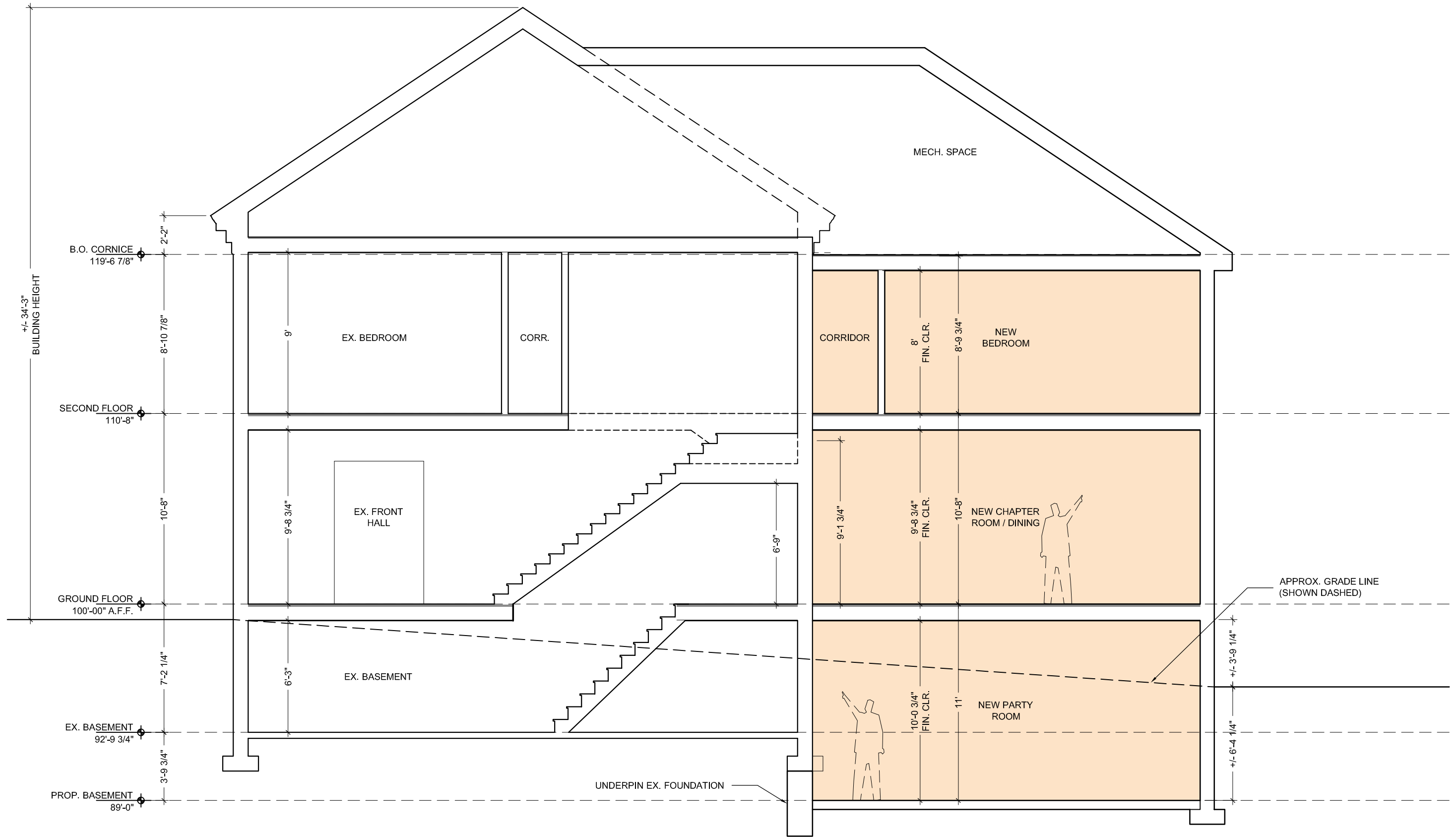
CURB



proposed east elevation (east)
1"=10'



proposed north elevation (north)
1"=10'



CITY OF CHARLOTTESVILLE
DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES
STAFF REPORT



REQUEST FOR A ZONING TEXT AMENDMENT

PLANNING COMMISSION REGULAR MEETING
DATE OF PLANNING COMMISSION MEETING: August 10, 2010

ZT-11-08-12

Author of Staff Report: Missy Creasy, AICP

Date of Staff Report: July 20, 2010

Applicable City Code Provisions: §34- 41 (Amendments to the Zoning Ordinance); §34-27 (Comprehensive Plan Amendments); §34-420, 480, & 796 (Use Matrixes); §34-1194 (reserved for Temporary Use Permits); and §34-1200 (Definitions)

Executive Summary

Staff periodically finds inconsistencies within the zoning ordinance and will collect these items so they may be addressed at one time. These updates are considered to be “housekeeping” changes as they allow us to comply with state code and/or do not change the code intent.

Staff recommends approval of the text amendment changes.

Background

The following changes are coming forward for consideration:

1. Schedule of civil penalties – The State has increased the allowance for civil penalty fines and staff proposes that the code reflect this increase. For consistency purposes, all cases which currently fall under Sections 34-86 (a) and (b) should reflect the increased penalty so these sections are proposed to be combined.

Sec. 34-86. - Schedule of civil penalties.

- (a) Any violation of the following provisions of this chapter shall be subject to a civil penalty of ~~fifty two hundred~~ fifty dollars (\$200.00) for the first violation, and a civil penalty of ~~two five hundred fifty~~ two hundred fifty dollars (\$250-500.00) for each subsequent violation arising from the same set of operative facts:
 - (1) The placement, allowance of, erection or maintenance of a material impediment to visibility so as to restrict sight distance in violation of section 34-1121
 - (2) Violation of Article IX, Division 2, Sections 34-970, et seq., regulating parking. ~~Any violation of the following provisions of this chapter shall be subject to a civil penalty of one hundred dollars (\$100.00) for the first violation, and a civil penalty of two hundred fifty dollars (\$250.00) for each subsequent violation arising from the same set of operative facts:~~

- (3) Each use of a lot, including the use of any structure thereon, not authorized either as a matter of right or by special use permit, provisional use permit, or temporary use permit by the zoning regulations applicable to the district in which the lot is located.
 - (4) Any violation of sections 34-1170 through 34-1193, establishing supplementary regulations for certain uses authorized in the several zoning districts.
 - (5) Any violation of the zoning district regulations contained within Articles III through VI, pertaining to dimensional requirements.
 - (6) Any violation of any approved proffers, planned unit development plans, special use permits, provisional use permits, temporary use permits, variances, site plans, certificates of appropriateness or any condition related thereto.
 - (7) Any violation of the regulations set forth within sections 34-1100 through 34-1126 (buildings and structures).
 - (8) Any violation of sections 34-1140 through 34-1151, regulating nonconforming uses, lots and structures.
 - (9) Violation of sections 34-1020 through 34-1054, regulating permanent and temporary signs, except as otherwise provided in this division.
 - (10) Any violation of Article II, Divisions 1—5, sections 34-240, et seq., regarding requirements for overlay districts.
 - (11) Any violation of Article VIII, Divisions 1—6, sections 34-850, et seq., regarding improvements required for developments.
 - (12) Any violation of Article IX, Division 5, sections 34-1070, et seq., regarding requirements for telecommunications facilities.
- (eb) Any person who demolishes, razes or moves any building or structure which is subject to the regulations set forth within section 34-277 or section 34-340 without approval of the BAR of city council, shall be subject to a civil penalty equal to twice the fair market value of the building or structure, as determined by the city real estate tax assessment as the time of the demolition, razing or moving.
- (1) For purposes of this section, the term "person" shall include any individual, firm, partnership, association, corporation, company or organization of any kind, which is deemed by the Charlottesville Circuit Court to be responsible for the demolition, razing or moving.
 - (2) An action seeking the imposition of the penalty shall be instituted by petition filed by the city in the Circuit Court of the City of Charlottesville, which shall be tried in the same manner as any action at law. It shall be the burden of the city to show the liability of the violator by a preponderance of the evidence. An admission of liability or finding of liability shall not be a criminal conviction for any purpose.
 - (3) The defendant may, within twenty-one (21) days after the filing of the petition, file an answer and, without admitting liability, agree to restore the building or structure as it existed prior to demolition. If the restoration is completed within the time agreed upon by the parties or as established by the court, the petition shall be dismissed from the court's docket.
 - (4) The filing of the action pursuant to this section shall preclude a criminal prosecution for the same offense, except where the demolition, razing or moving has resulted in personal injury.
(9-15-03(3); 10-18-10(1))

2. Uses – Residential Zoning Districts – Section 34-352 Uses should reference Section 34-420 Use Matrix. An incorrect reference is currently noted.

Sec. 34-352. - Uses.

The uses allowed within the city's various residential zoning districts are those designated in the matrix set forth within section ~~34-416~~. 34-420 (9-15-03(3))

Study Period and Public Hearing

Once an amendment has been initiated by City Council, it is deemed referred to the Planning Commission for study and recommendation (City Code §34-41(d)). From the time of initiation, the planning commission has **100 days** in which to make its recommendation to City Council, or else it will be deemed to be a recommendation of approval. **If the Planning Commission initiates the request, the 100 day recommendation requirement does not apply.** Staff will provide the Planning Commission with reports and analyses as appropriate and a joint public hearing will be scheduled for the next available date.

Standard of Review

As per §34-42 of the City Code, if initiated, the planning commission shall review and study each proposed amendment to determine:

- (1) Whether the proposed amendment conforms to the general guidelines and policies contained in the comprehensive plan;
- (2) Whether the proposed amendment will further the purposes of this chapter and the general welfare of the entire community;
- (3) Whether there is a need and justification for the change; and
- (4) When pertaining to a change in the zoning district classification of property, the effect of the proposed change, if any, on the property itself, on surrounding property, and on public services and facilities. In addition, the commission shall consider the appropriateness of the property for inclusion within the proposed zoning district, relating to the purposes set forth at the beginning of the proposed district classification.

Standard of Review Analysis

1. Whether the proposed amendment conforms to the general guidelines and policies contained in the comprehensive plan;

In the Land Use and Urban Design chapter of the Comprehensive Plan, Goal IV states “Revise the zoning ordinance and zoning map to provide a consistent and up to date zoning code for the City.” The changes proposed allow us to be compliant with state law.

2. Whether the proposed amendment will further the purposes of this chapter and the general welfare of the entire community;

An accurate ordinance is essential to furthering the welfare of the community. This update will facilitate that process.

3. Whether there is a need and justification for the change;

The Virginia Legislature has provided the justification for the first change through the state deliberative process. Both changes should be considered housekeeping changes.

4. When pertaining to a change in the zoning district classification of property, the effect of the proposed change, if any, on the property itself, on surrounding property, and on public services and facilities.

These zoning text amendments do not include changes in the zoning district classification of any particular property.

Public Comment

No public comment has been received.

Recommendation

Staff recommends approval of the zoning text amendments.

Appropriate Motions

1. “I move to recommend approval of this zoning text amendment to amend and re-ordain Sections 34-86, 34-352 of the Zoning Ordinance of the Code of the City of Charlottesville, 1990, as amended, to update civil penalties and to provide a corrected code reference on the basis that the changes would serve the interests of (public necessity, convenience, general public welfare and/or good zoning practice).”

3. “I move to recommend denial of this zoning text amendment to amend and re-ordain Sections 34-86, 34-352 of the Zoning Ordinance of the Code of the City of Charlottesville, 1990, as amended, to update civil penalties and to provide a corrected code reference on the basis that the changes would serve the interests of (public necessity, convenience, general public welfare and/or good zoning practice) for the following reasons:”

- a.
- b.

CITY OF CHARLOTTESVILLE
DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES
STAFF REPORT



**ZT-11-09-13: REQUEST FOR A ZONING TEXT
AMENDMENT**

PLANNING COMMISSION REGULAR MEETING
DATE OF PLANNING COMMISSION MEETING: October 11, 2011

Author of Staff Report: Brian Haluska, AICP

Date of Staff Report: September 23, 2011

Applicable City Code Provisions: §34-41 (Amendments to the Zoning Ordinance), §34-1200 (Definitions), Chapter 34, Article V (Planned Unit Developments)

Executive Summary

The Planned Unit Development (PUD) ordinance contains a section specific to sensitive areas on sites which notes that areas within the floodway or floodway fringe, wetlands and steep slopes shall be left natural and undisturbed except in limited cases. The reference to “steep slopes” needs to be removed as well as the definition from the Zoning Ordinance. This reference in the PUD regulations was in place prior to the critical slopes ordinance being enacted and should have been removed when the critical slope ordinance was approved. Removing the reference to “steep slopes” should be considered housekeeping as the zoning ordinance has provisions for the review of slope waiver requests and PUDs are subject to this requirement. Code updates which clarify how critical slope waiver requests will be addressed, if required, with PUD applications will be outlined.

The intent of a PUD application is “to encourage developments of equal or higher quality than otherwise required by the strict application of zoning district regulations.” Providing the opportunity to review slopes as part of the whole development is appropriate and can be accomplished with code revisions.

Staff recommends approval of the text amendments.

Background

Section 34-503(c) states that steep slopes “shall be left natural and undisturbed except for street crossings, hiking trails, utilities and erosion control devices”. The zoning ordinance did not contain a definition of steep slopes when the Planned Unit Development ordinance was passed, leaving a determination of whether or not a development was leaving such areas undisturbed to staff, the Commission and ultimately City Council.

The zoning ordinance was amended to include a definition of steep slopes as any slope over 25% in grade. The addition of this definition served to retroactively create a prohibition on building on slopes greater than 25% in Planned Unit Developments.

This proposed change would make PUDs subject to the same standard as other development in the City, rather than the tighter standard inadvertently created by the addition of the definition of steep slopes. Removal of the “steep slope” definition is also proposed since there would be no other reference in the code to this term.

Study Period and Public Hearing

Once an amendment has been initiated by City Council, it is deemed referred to the Planning Commission for study and recommendation (City Code §34-41(d)). From the time of initiation, the planning commission has **100 days** in which to make its recommendation to City Council, or else it will be deemed to be a recommendation of approval.

City Council initiated study of this ordinance at their October 3, 2011 meeting.

Standard of Review

As per §34-42 of the City Code, if initiated, the planning commission shall review and study each proposed amendment to determine:

- (1) Whether the proposed amendment conforms to the general guidelines and policies contained in the comprehensive plan;
- (2) Whether the proposed amendment will further the purposes of this chapter and the general welfare of the entire community;
- (3) Whether there is a need and justification for the change; and
- (4) When pertaining to a change in the zoning district classification of property, the effect of the proposed change, if any, on the property itself, on surrounding property, and on public services and facilities. In addition, the commission shall consider the appropriateness of the property for inclusion within the proposed zoning district, relating to the purposes set forth at the beginning of the proposed district classification.

Proposed Zoning Text Changes

1. Strike section 34-503(c) from the zoning ordinance.
2. Strike the definition of “steep slopes” from section 34-1200 of the zoning ordinance.
3. Add section 34-516(b)(4) which will require an application that shows disruption of critical slope areas in a PUD concept plan to submit a critical slope waiver in conjunction with the rezoning application.
4. Add section 34-516(c) clarifying how the Commission should review PUD rezoning requests where a critical slope waiver has been submitted concurrently with the rezoning application.
5. Clarify reference to critical slopes in section 34-517(a)(3)(c).

Standard of Review Analysis

- 1. Whether the proposed amendment conforms to the general guidelines and policies contained in the comprehensive plan;**

Goal IV of the Land Use chapter of the Comprehensive Plan states, “Revise the zoning ordinance and zoning map to provide a consistent and up to date zoning code for the City.” By removing this section of the PUD ordinance, the City will ensure that every proposed development in the city is subject to identical and consistent regulations regarding the disruption of critical slopes.

Additionally, one objective in the land use chapter of the Comprehensive Plan speaks to encouraging the use of the PUD “to allow...flexibility and variety in development”. By holding PUDs to a tighter standard than other developments regarding critical slopes, this ordinance actually limits flexibility, and encourages developers *not* to use the PUD ordinance.

2. Whether the proposed amendment will further the purposes of this chapter and the general welfare of the entire community;

The proposed change does not address any of the purposes of the zoning ordinance directly. The purposes of the zoning ordinance do speak to the protection of the natural environment and open space where appropriate, but the proposed change would not present a threat to open space and the natural environment because of the existing critical slope ordinance regulations.

3. Whether there is a need and justification for the change;

The change is needed to maintain consistent standards for development across the City.

4. When pertaining to a change in the zoning district classification of property, the effect of the proposed change, if any, on the property itself, on surrounding property, and on public services and facilities.

The proposed change would not change the zoning classification of an individual property.

Public Comment

Staff has received no public comment on the proposal at the time of the drafting of this report.

Recommendation

Staff has reviewed the proposed changes and finds that with the critical slope ordinance governing the development of the areas identified by the City as needing protection, the implied prohibition on developing steep slopes in a Planned Unit Development is not necessary and should be deleted.

Staff recommends approval of the zoning text amendment.

Appropriate Motions

1. “I move to recommend approval of this zoning text amendment to amend and re-ordain Chapter 34, Article 5 (Planned Unit Developments); and Section 34-1200 (Definitions) of the Code of The City of Charlottesville, 1990, as amended, to eliminate the restrictions on the disturbing steep slopes in Planned Unit Developments, eliminate the definition of steep slopes, and requiring submission of a critical slope waiver when a proposed PUD concept plan shows disruption of critical slope areas on the basis that the changes would serve the interests of (*public necessity, convenience, general public welfare and/or good zoning practice*).”

2. “I move to recommend approval of this zoning text amendment to amend and re-ordain Chapter 34, Article 5 (Planned Unit Developments); and Section 34-1200 (Definitions) of the Code of The City of Charlottesville, 1990, as amended, to eliminate the restrictions on the disturbing steep slopes in Planned Unit Developments, eliminate the definition of steep slopes, and requiring submission of a critical slope waiver when a proposed PUD concept plan shows disruption of critical slope areas on the basis that the changes would serve the interests of (*public necessity, convenience, general public welfare and/or good zoning practice*) with the following additions and modifications:”
 - a.
 - b.

3. “I move to recommend denial of this zoning text amendment to amend and re-ordain Chapter 34, Article 5 (Planned Unit Developments); and Section 34-1200 (Definitions) of the Code of The City of Charlottesville, 1990, as amended, to eliminate the restrictions on the disturbing steep slopes in Planned Unit Developments, eliminate the definition of steep slopes, and requiring submission of a critical slope waiver when a proposed PUD concept plan shows disruption of critical slope areas on the basis that the changes would not serve the interests of (*public necessity, convenience, general public welfare and/or good zoning practice*) for the following reasons:”
 - a.
 - b.

Enclosures

Proposed Ordinance

Proposed Ordinance Changes

Sec. 34-503. - Sensitive areas.

The following areas shall be left natural and undisturbed, except for street crossings, hiking trails, utilities and erosion control devices:

- (1) Land within a floodway or floodway fringe;
- (2) Wetlands; and
- (3) Steep slopes.

(9-15-03(3))

Sec. 34-516. - Application.

- (a) Following the required pre-application review, the developer may submit an application seeking a rezoning approval for a PUD.
- (b) The rezoning application shall consist of the following materials:
 - (1) A city rezoning application form;
 - (2) A development plan prepared in accordance with section 34-517, below.
 - (3) A written statement of any proffers proposed in connection with the PUD.
 - (4) In the event the development plan indicates that any critical slopes will be disturbed, the applicant shall submit a request to modify or waive the critical slopes provisions as provided for in §34-1120.
- (c) The completed application shall be processed in accordance with the procedures applicable to rezonings. In the event that subsection (b)(4) applies, the critical slope waiver application shall be considered simultaneously therewith, and if granted, conditioned upon compliance with the approved plan of development..

(9-15-03(3))

Sec. 34-517. - PUD development plan—Requirements.

- (a) Each of the following is a required component of a complete plan of development submitted in connection with an application for approval of a planned unit development:
 - (1) A survey plat describing and depicting the entire land area to be included within the PUD development site, including identification of present ownership, existing zoning district classification(s) of the parcel(s) to be included within the PUD.
 - (2)

A narrative statement of how the objectives described within section 34-490 are met by the proposed PUD.

(3)

A concept plan, supporting maps, and written or photographic data and analysis which show:

a.

Existing and proposed public utilities and infrastructure;

b.

An inventory, by tax map parcel number and street address, of all adjacent parcels within a five hundred-foot radius of the perimeter of the PUD, indicating the existing zoning district classification of each.

c.

A site inventory of the significant natural, environmental and cultural features of a site, including at a minimum: historic landmarks contained on any state or federal register; vegetation; existing trees of eight-inch caliper or greater; wetlands, topography, shown at intervals of five (5) feet or less, ~~steep~~ **critical** slopes, and other, similar characteristics or features, and a plan for preserving, protecting, utilizing and/or incorporating such features into the design and function of the proposed PUD.

d.

A proposed land use plan. Such plan will identify:

(i)

Proposed land uses and their general locations (including, without limitation, building and setbacks);

(ii)

Proposed densities of proposed residential development;

(iii)

Location and acreage of required open space;

e.

A general landscape plan which focuses on the general location and type of landscaping to be used within the project as well as the special buffering treatment proposed between project land uses and adjacent zoning districts;

f.

Where development is to be phased, organization of site into general development phases ("land bays"), wherein all of the information specified within this section is indicated and provided with respect to each phase, and wherein an overall phasing schedule is provided.

g.

A proposed transportation plan showing internal road improvements, including typical sections for each project street category, as well as proposed pedestrian and bicycle improvements.

(4)

A comprehensive signage plan.

Sec. 34-1200. - Definitions.

~~Steep slope refers to the portion of a lot that has a grade in excess of twenty five (25) percent.~~