

## Agenda

### PLANNING COMMISSION SPECIAL MEETING TUESDAY, October 31, 2011 – 11 A.M. CITY COUNCIL CHAMBERS

#### 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.**

**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.**

**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 11<sup>th</sup>, 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

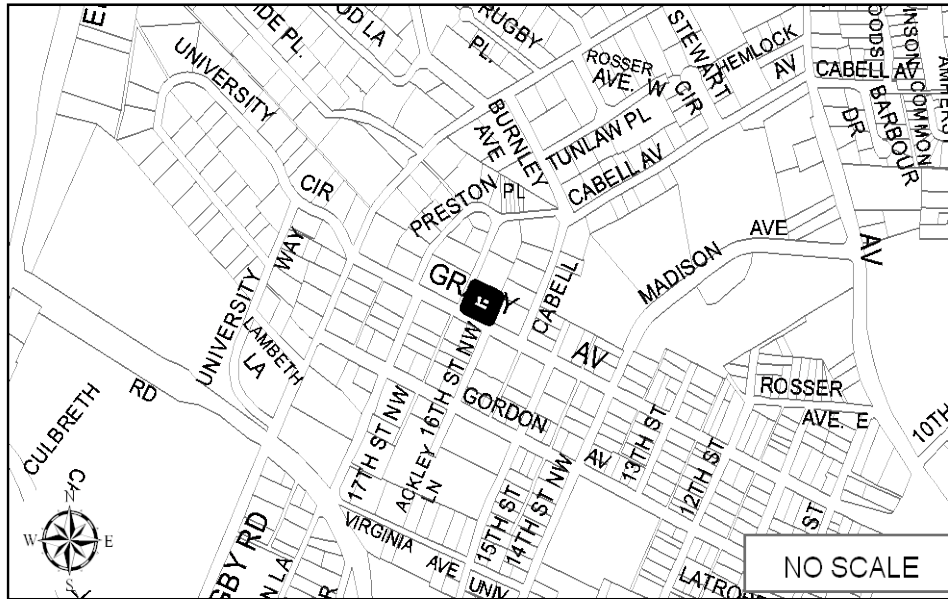
**Applicant's Request:**

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)





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# 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  
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(866) 203-8882 fax  
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**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.

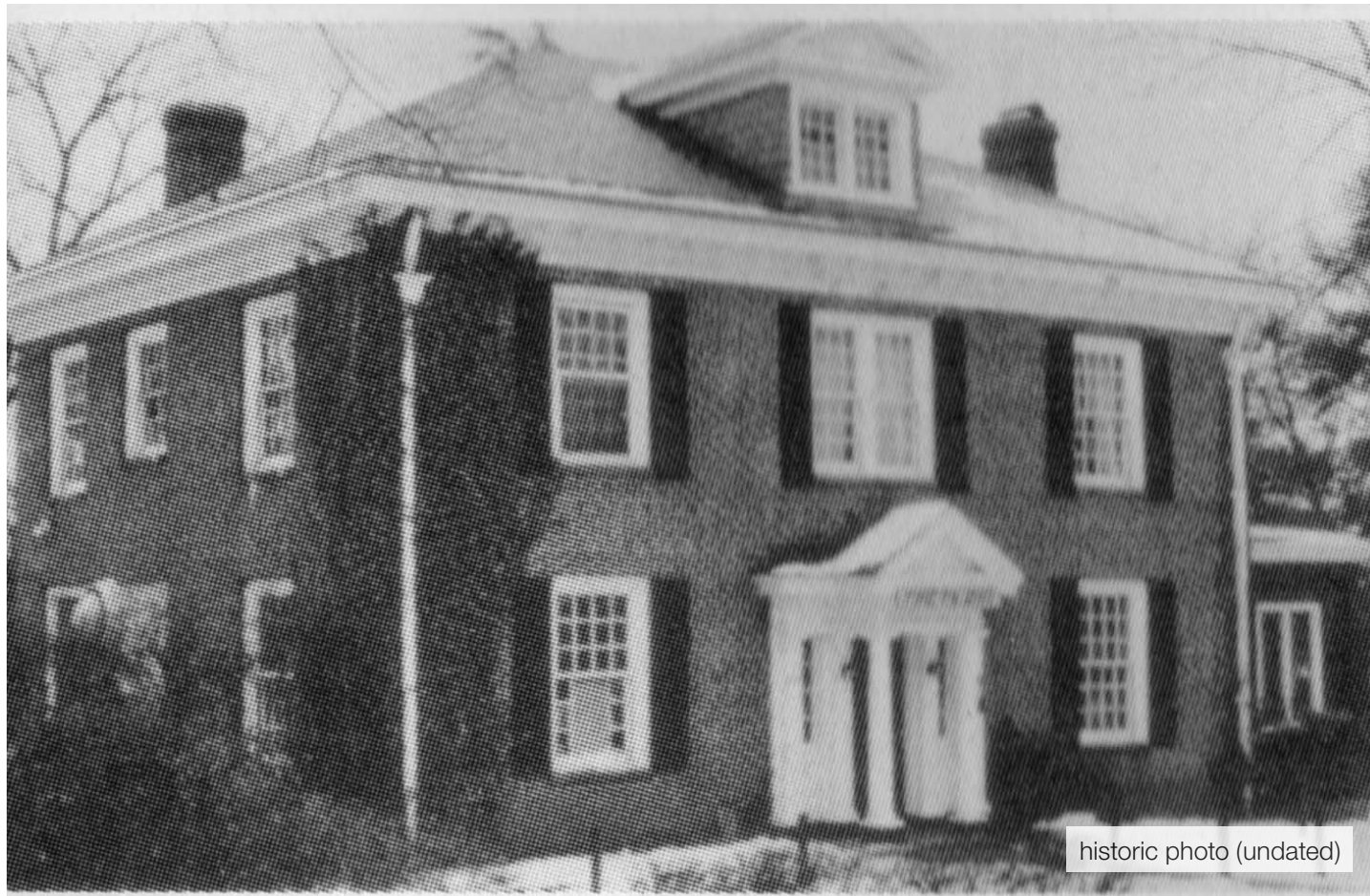












historic photo (undated)



preston place elevation (west)



detail at existing cornice



corner of preston place / grady avenue





north elevation detail



south corner (from grady avenue)



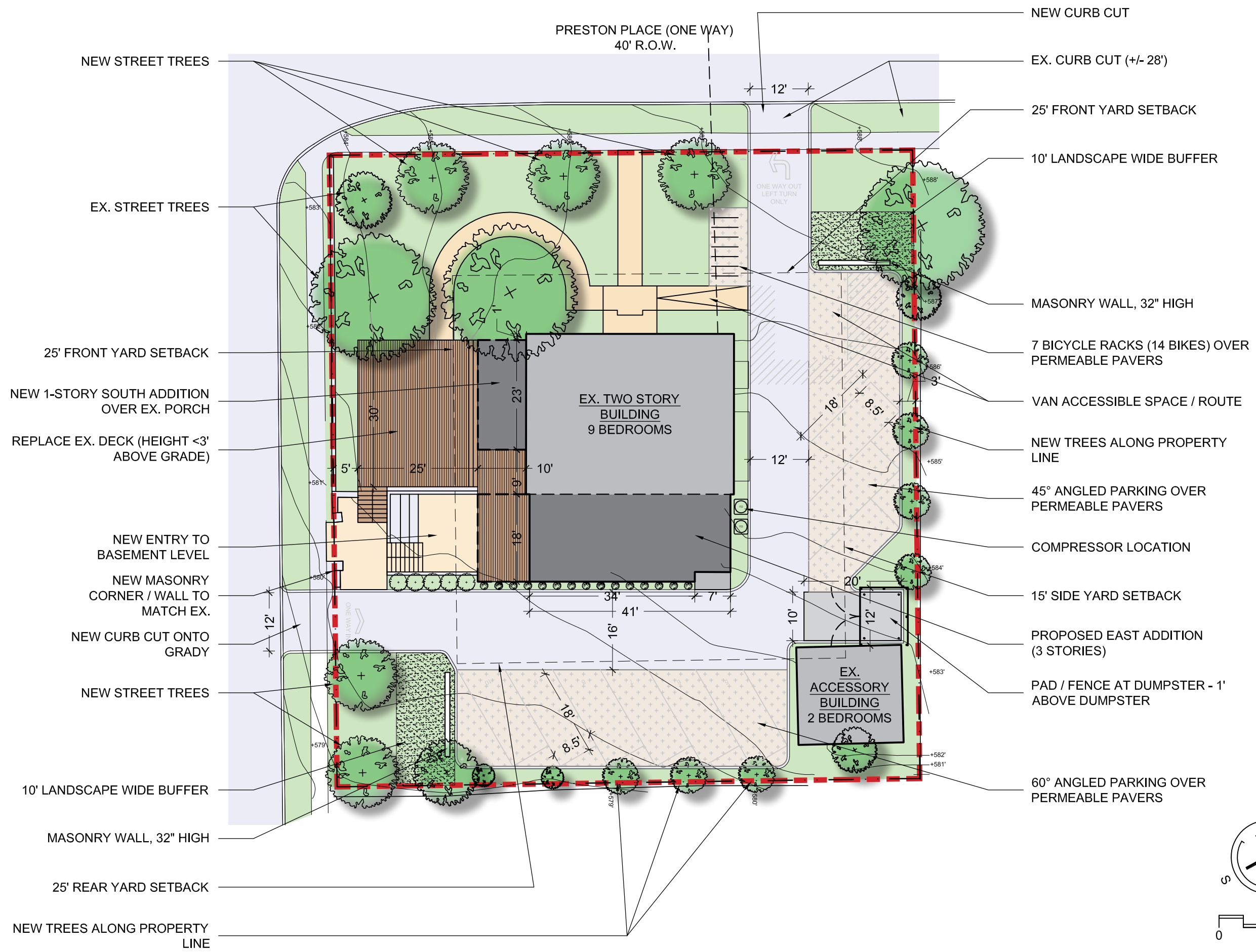
existing retaining wall / deck (from parking area)



northeast corner (from parking area)



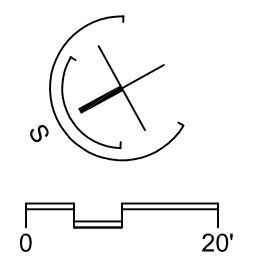
GRADY AVENUE  
60' R.O.W.



- 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

PRESTON PLACE (ONE WAY)  
40' R.O.W.



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*



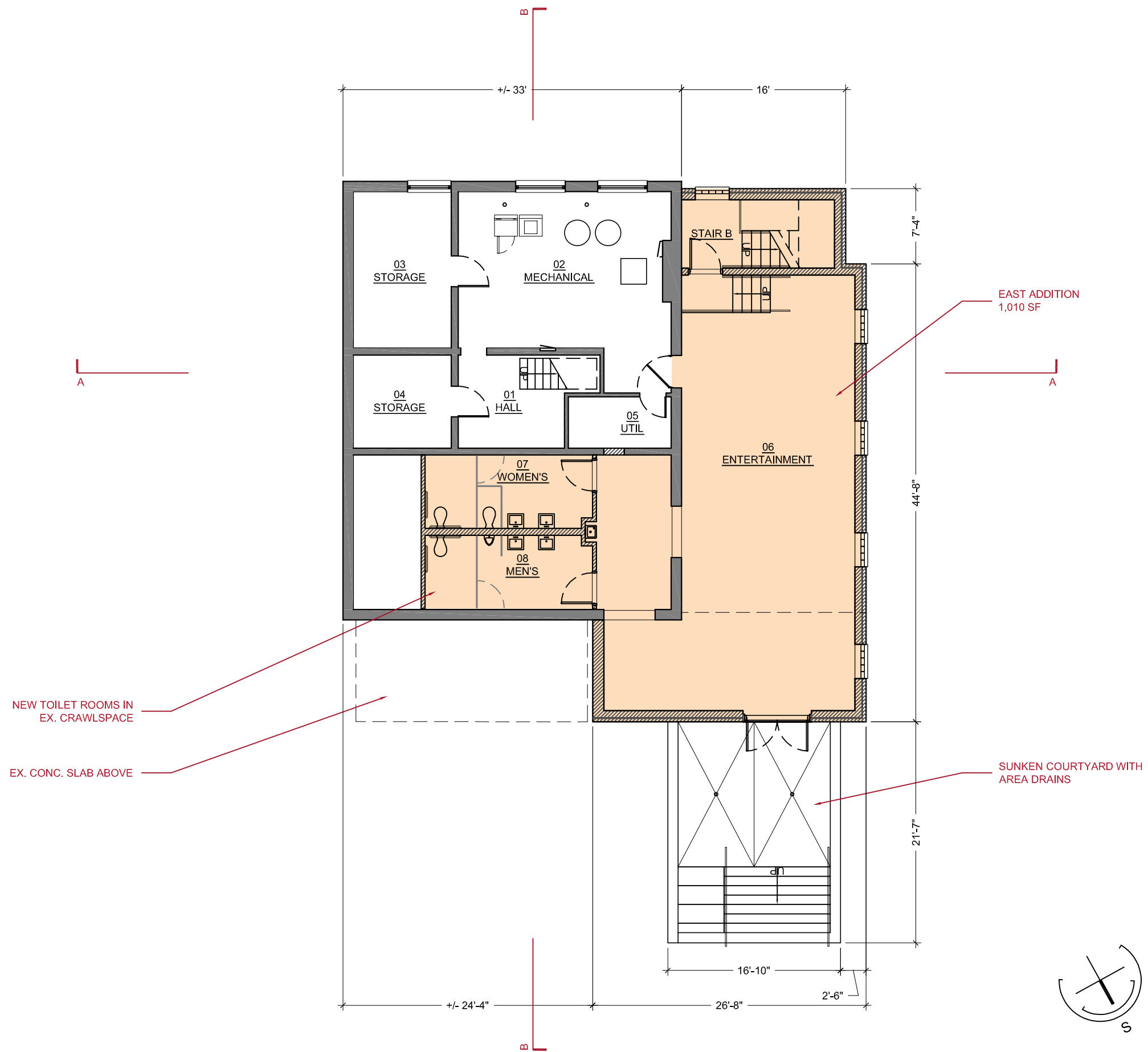


southwest corner / corner of grady ave and preston place  
*conceptual study only. some existing elements may not be shown for clarity*



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

proposed views

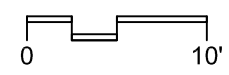


NEW TOILET ROOMS IN EX. CRAWLSPACE

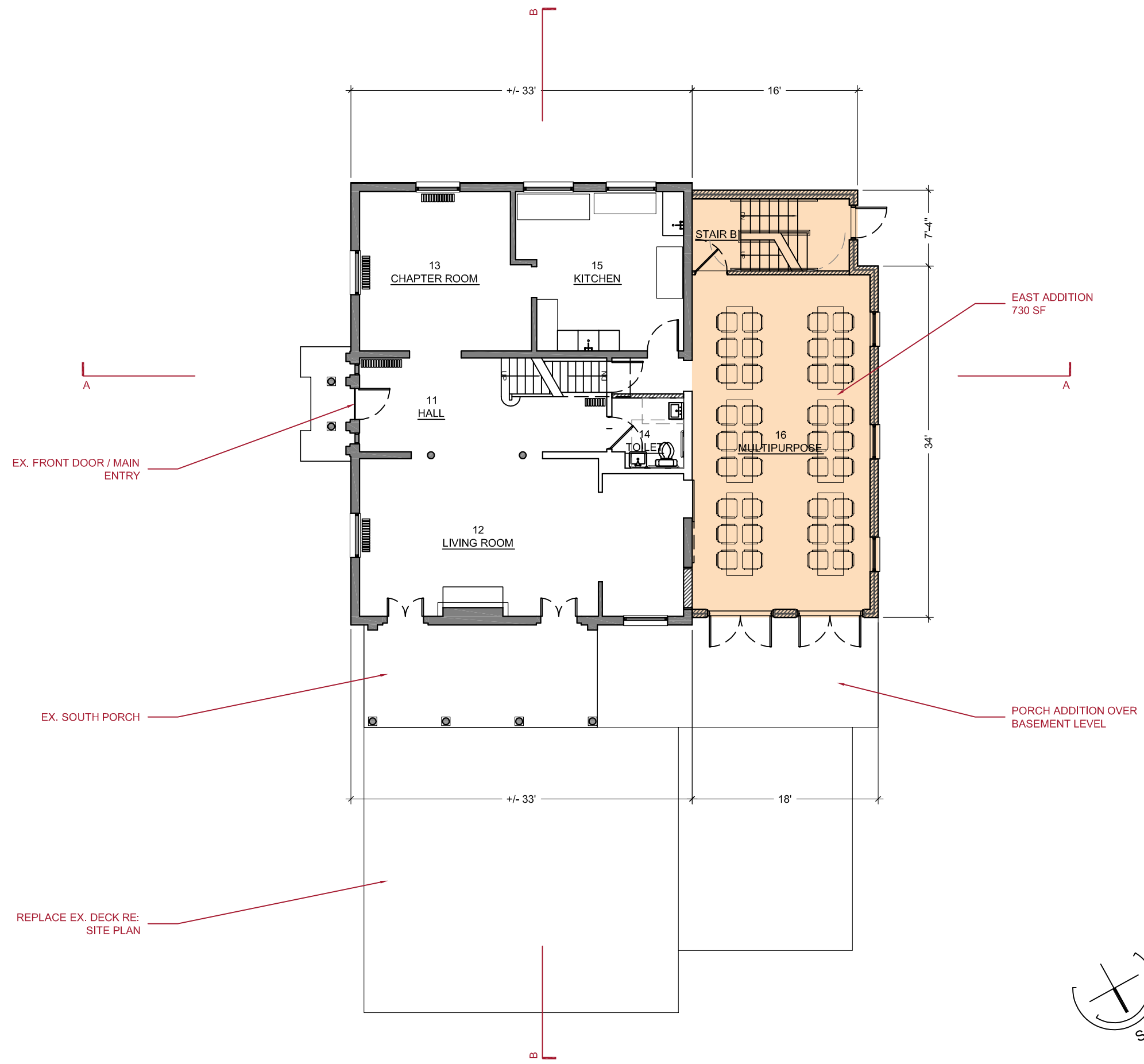
EX. CONC. SLAB ABOVE

EAST ADDITION  
1,010 SF

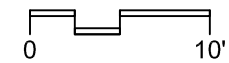
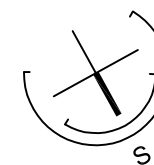
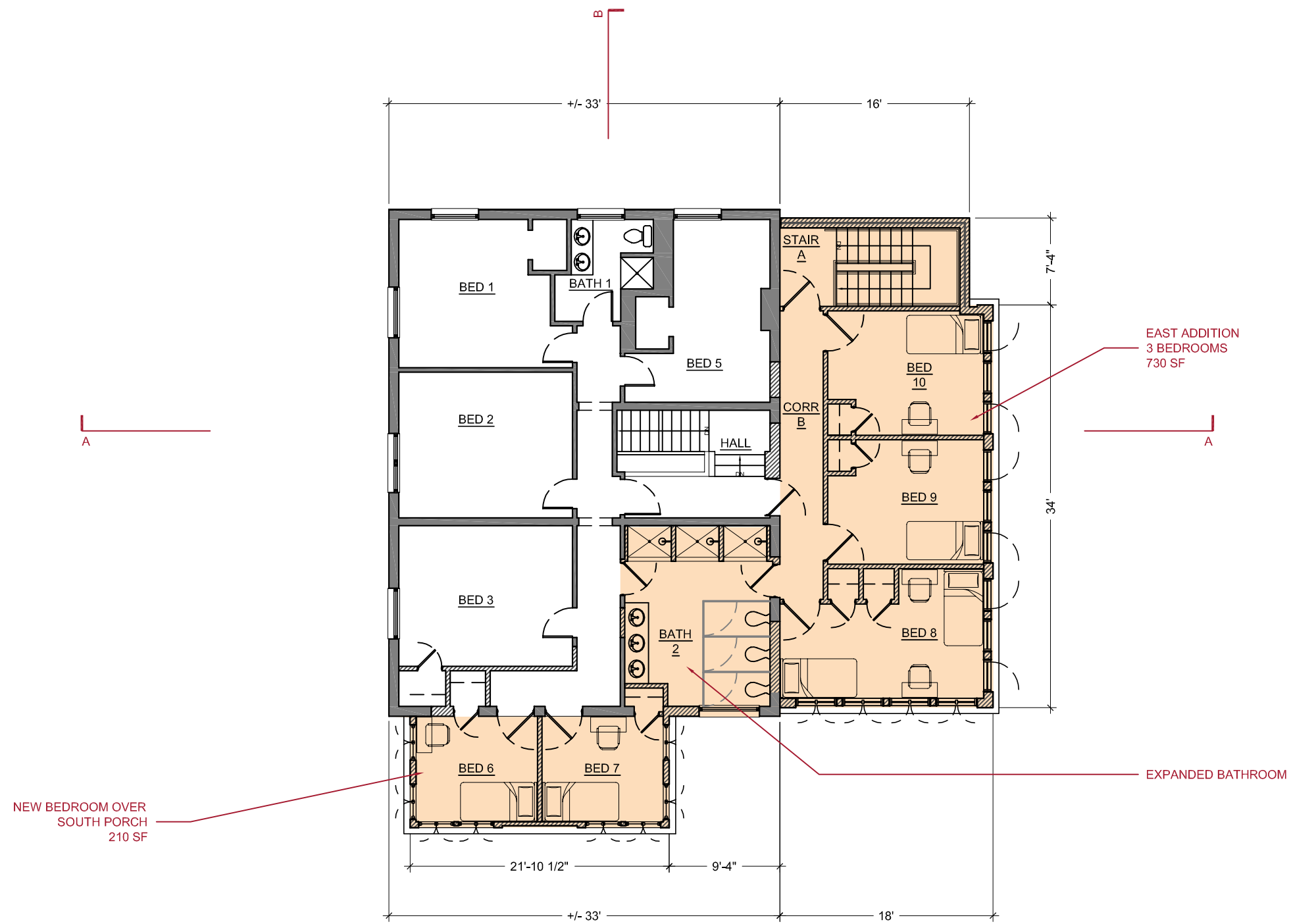
SUNKEN COURTYARD WITH  
AREA DRAINS



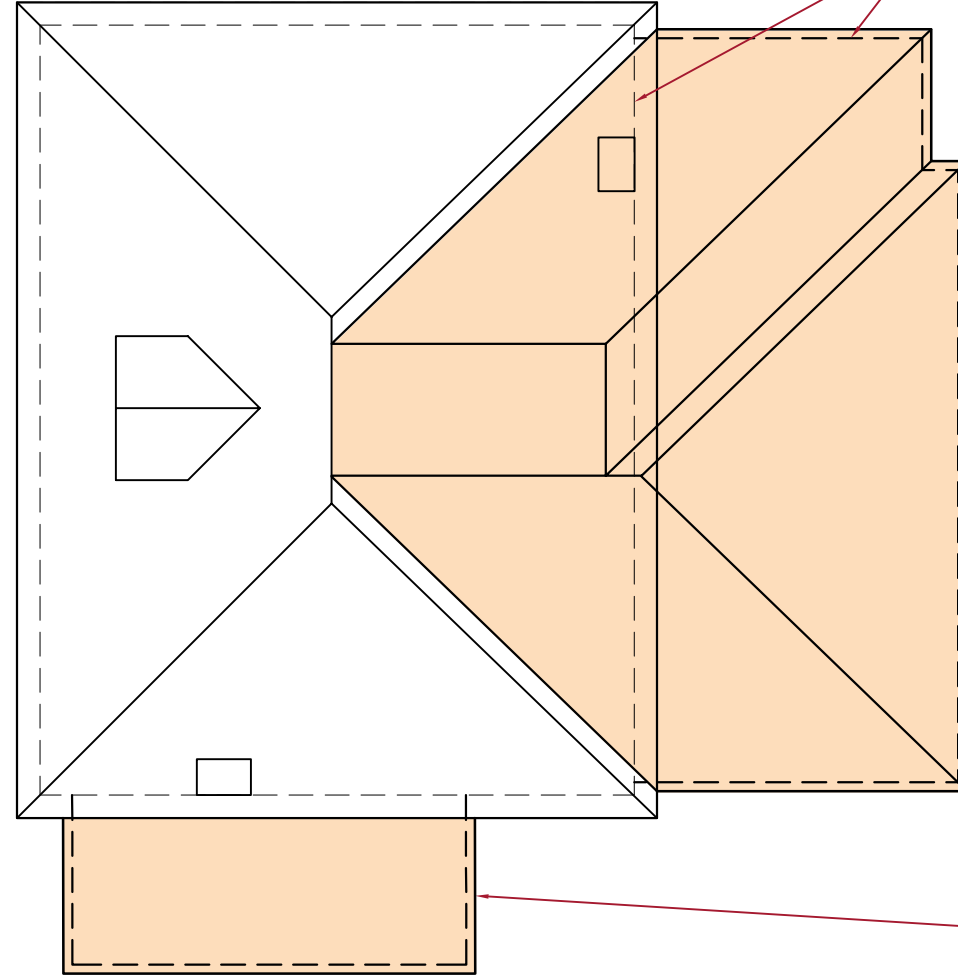
proposed basement plan  
3/32" = 1'-0"



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



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

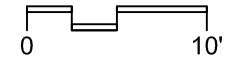
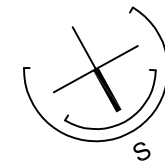


EDGE OF BUILDING BELOW (SHOWN DASHED)

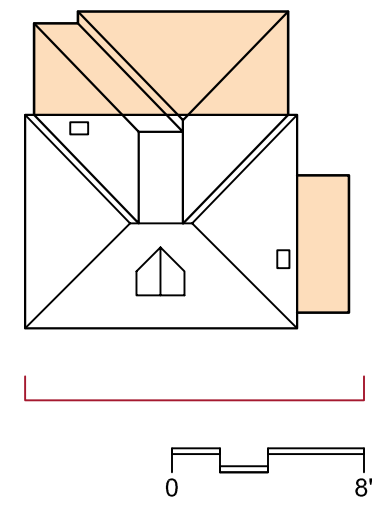
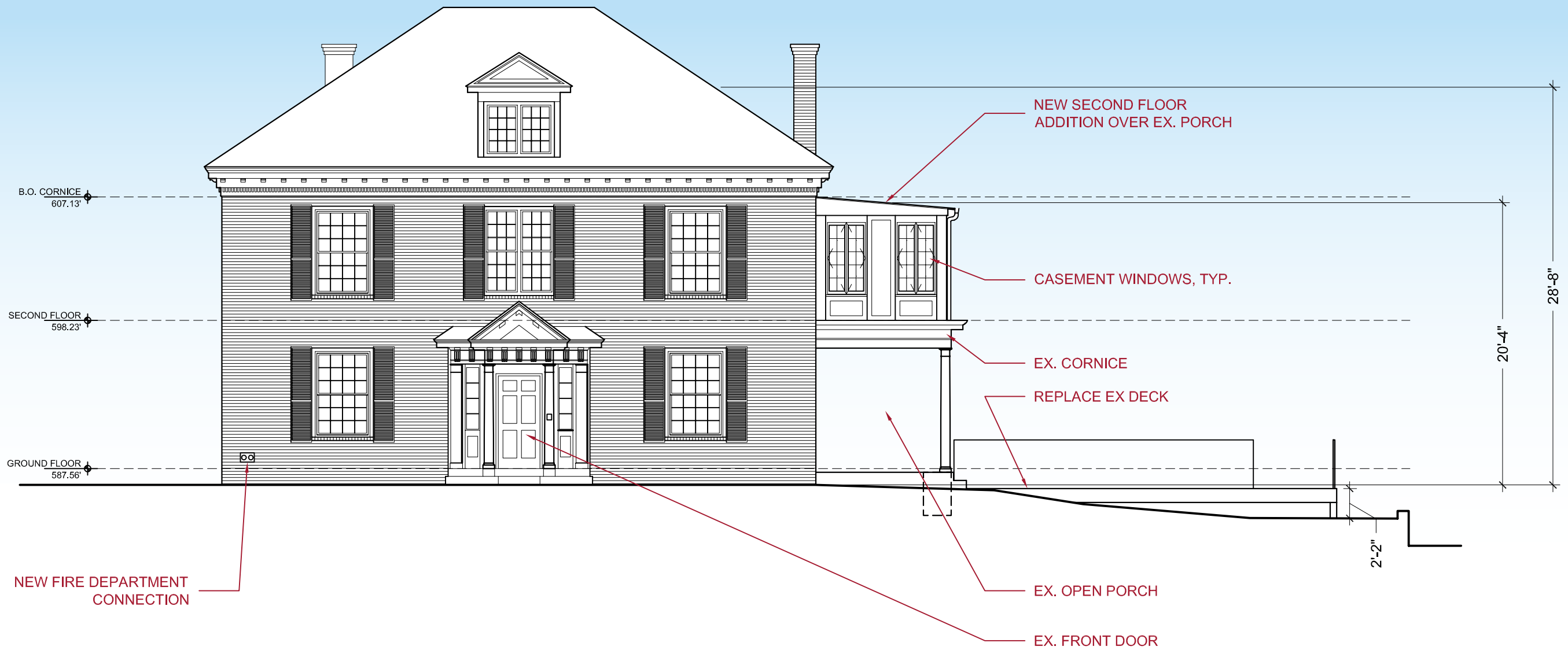
NEW HIP ROOF OVER EAST ADDITION



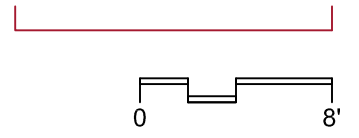
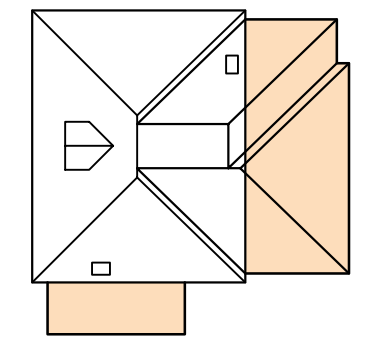
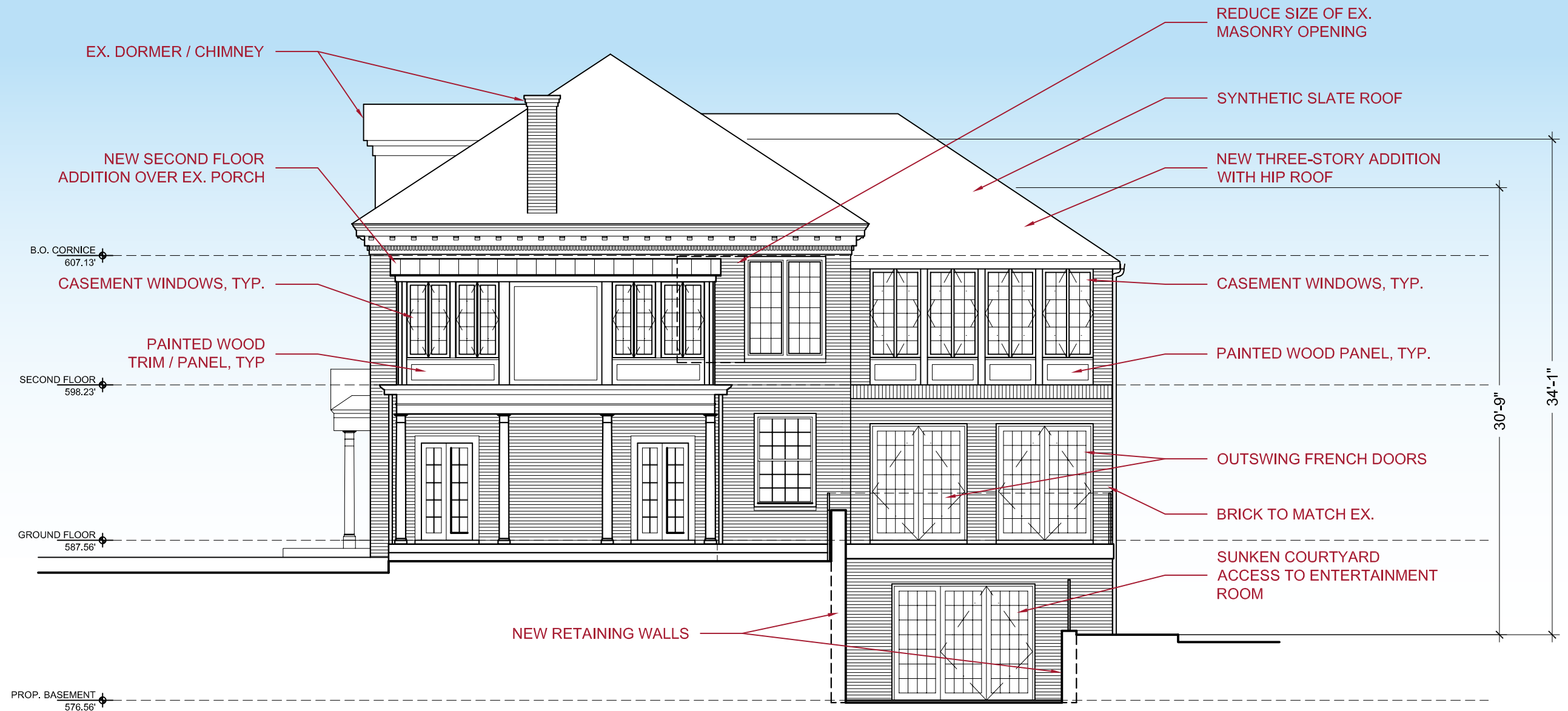
NEW SHED ROOF OVER PORCH ADDITION



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'

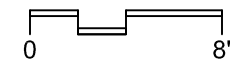
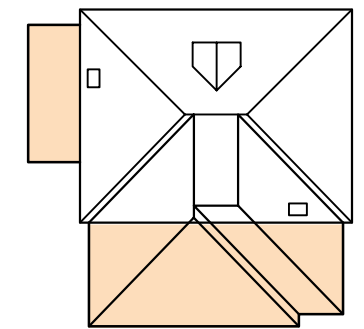
GLASS BLOCK  
OPENINGS AT  
BASEMENT LEVEL

SIDEWALK  
580.50'

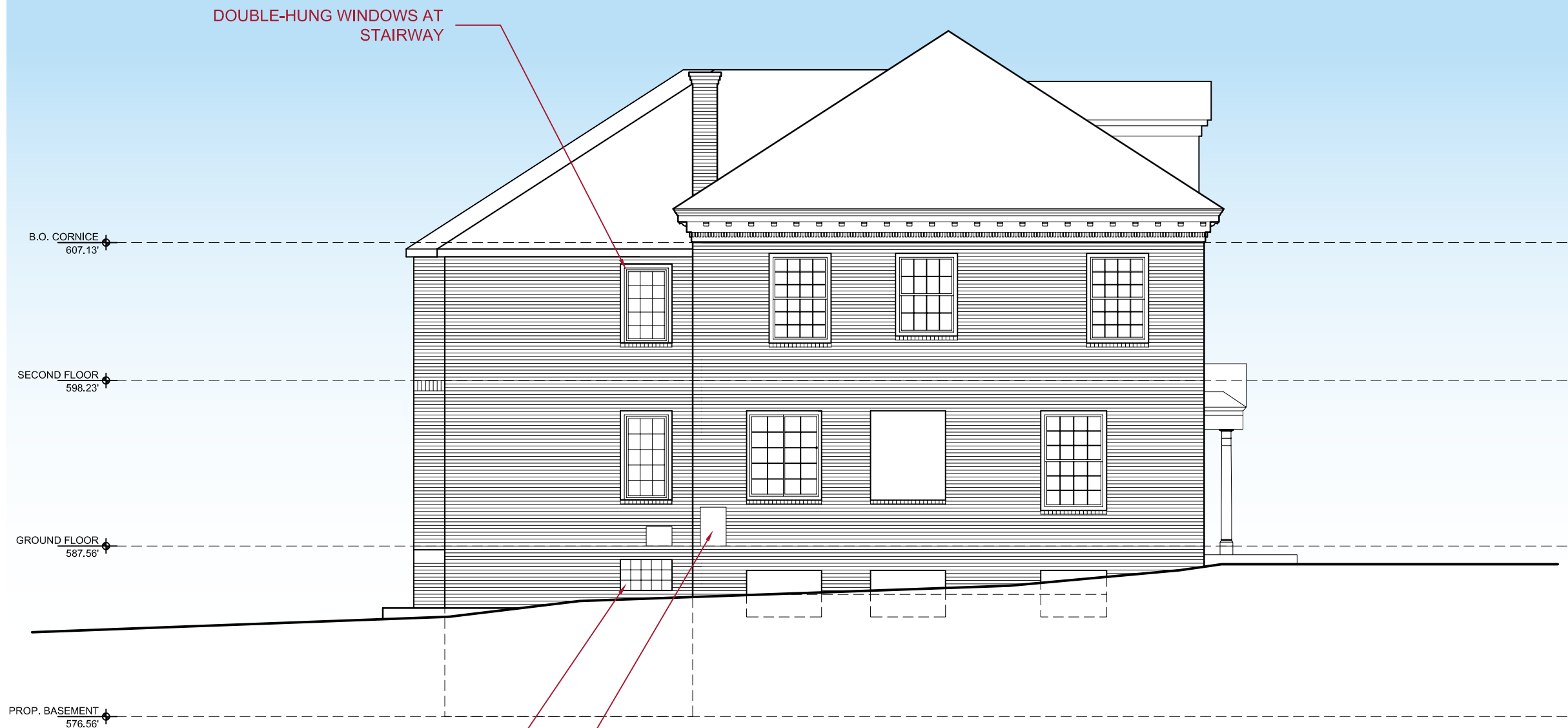
PROP. BASEMENT  
576.56'

NEW STEPS TO COURTYARD  
(SHOWN DASHED)

CURB



proposed east elevation (east)  
1"=10'



DOUBLE-HUNG WINDOWS AT STAIRWAY

B.O. CORNICE  
607.13'

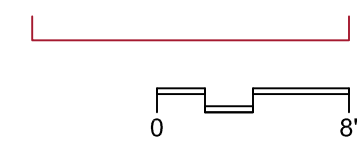
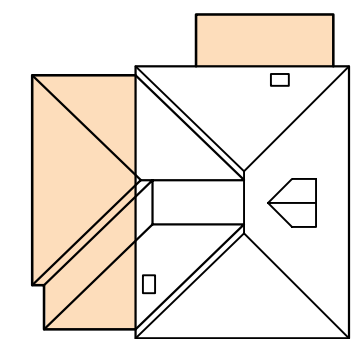
SECOND FLOOR  
598.23'

GROUND FLOOR  
587.56'

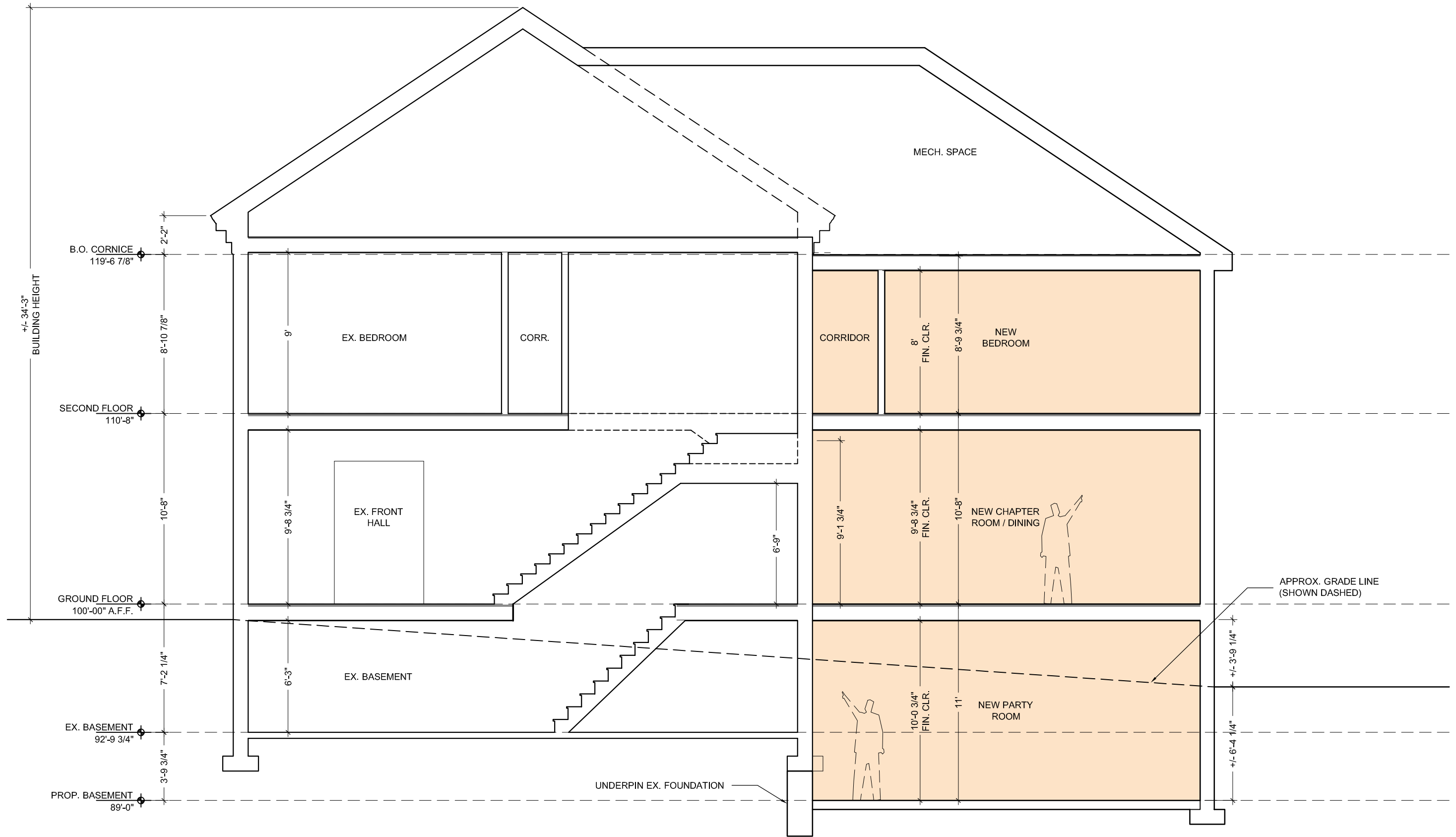
PROP. BASEMENT  
576.56'

GLASS BLOCK OPENINGS AT BASEMENT LEVEL

EX. ELECTRICAL METER



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: October 31, 2011**

ZT-11-08-12

**Author of Staff Report:** Missy Creasy, AICP

**Date of Staff Report:** July 20, 2011

**Applicable City Code Provisions:** §34- 86 (Schedule of civil penalties); §34-420, (Use Matrixes)

**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 dollars (\$50.00) 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:

**(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.

**(b)**

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:

~~(1)~~ (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.

~~(2)~~ (4)

Any violation of sections [34-1170](#) through [34-1193](#), establishing supplementary regulations for certain uses authorized in the several zoning districts.

~~(3)~~ (5)

Any violation of the zoning district regulations contained within Articles III through VI, pertaining to dimensional requirements.

~~(4)~~ (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.

~~(5)~~ (7)

Any violation of the regulations set forth within sections [34-1100](#) through [34-1126](#) (buildings and structures).

~~(6)~~ (8)

Any violation of sections [34-1140](#) through [34-1151](#), regulating nonconforming uses, lots and structures.

~~(7)~~ (9)

Violation of sections [34-1020](#) through [34-1054](#), regulating permanent and temporary signs, except as otherwise provided in this division.

~~(8)~~ (10)

Any violation of Article II, Divisions 1—5, sections [34-240](#), et seq., regarding requirements for overlay districts.

~~(9)~~ (11)

Any violation of Article VIII, Divisions 1—6, sections [34-850](#), et seq., regarding improvements required for developments.

~~(10)~~ (12)

Any violation of Article IX, Division 5, sections [34-1070](#), et seq., regarding requirements for telecommunications facilities.

~~(e)~~ (b)

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 and 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).”

2. “I move to recommend denial of this zoning text amendment to amend and re-ordain Sections 34-86 and 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 by the Planning Commission, 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.~~