

## Agenda

### PLANNING COMMISSION REGULAR DOCKET TUESDAY, December 13, 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
    - a. Planning Awards Nominations
  - 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 – October 31, 2011 – Special Meeting
    - 3. Minutes - November 8, 2011 – Regular meeting
    - 4. Minutes - November 8, 2011 – Pre meeting
    - 5. Minutes - November 22, 2011 – Work Session
- III. **JOINT PUBLIC HEARINGS (Beginning at 6:00 P.M.)**
- G. **JOINT PUBLIC HEARINGS** - **Additional attachments for these items are located adjacent to this PDF on the website.**
- 1. Charlottesville Capital Improvement Program FY 2013-2017: Consideration of the proposed 5-year Capital Improvement Program totaling \$64,239,732 in the areas of Education, Economic Development, Neighborhood Improvements, Safety & Justice, Facilities Management, Transportation & Access, Parks & Recreation, Technology and General Government Infrastructure. **Report prepared by Ryan Davidson, Office of Budget and Performance Management.**
  - 2. SP-11-10-14 (98 Midmont Lane) - An application for a special use permit for the establishment of an indoor cemetery. The Dominican Fathers, the applicants, have requested to convert a portion of the existing basement in their monastery into a crypt to house up to 300 niches for cremation urns and 9 burial vaults. The property is further identified on City Real Property Tax Map 13 Parcel 9 having frontage on Midmont Lane and Kent Road. The site is zoned R-1U Residential and is approximately 0.855 acres or 37,244 square feet. The Land Use Plan generally calls for Single Family. **Report prepared by Ebony Walden, Neighborhood Planner.**
  - 3. ZT-11-04-05 Critical Slopes - An ordinance to amend and reordain Section 34-1120(b) (Critical Slopes) and 34-1200 (Definitions), of the Zoning Ordinance of the Code of the City of Charlottesville, 1990, as amended, to revise regulations pertaining to critical slopes. **Report prepared by Jim Tolbert, NDS Director.**

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

**H. FUTURE MEETING SCHEDULE**

Date and Time	Type	Items
Tuesday January 10, 2012 – 4:30 PM	Pre- Meeting	
Tuesday, January 10, 2012 – 5:30 PM	Regular Meeting	SUP – Oakhurst Inn and Apartments

**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
- Site Plan - 850 Estes Street
- Planning Awards in February

**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 Charlottesville

## MEMO



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TO: Planning Commission  
FROM: Michael Smith, Neighborhood Planner  
DATE: November 30, 2011  
SUBJECT: **2012 Planning Awards**

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It is the time of year where we recognize great planning efforts throughout the community for the previous year. The categories for consideration are as follows:

**NDS Staff Member of the Year-** This award recognizes NDS personnel exemplifying dedicated public service to the Charlottesville community.

*2011 Winner: Nick Rogers*

**The Herman Key, Jr., Access to the Disabled Award-** This award is named in honor of Herman Key Jr., former Planning Commissioner and advocate for accessibility and visitability in the community.

*2011 Winner: ADA Accessibility Committee*

**The Eldon Fields Wood Design Professional of the Year-** This award is named in honor of Eldon Wood, former Planning Commissioner and active citizen in the community.

*2011 Winner: Bruce Wardell*

**Neighborhood of the Year-** This award recognizes neighborhood associations that have proactively worked to sustain or enhance their neighborhood character.

*2011 Winner: Martha Jefferson*

**Outstanding Neighborhood Effort-** This award recognizes neighborhoods that have shown exemplary efforts in making their neighborhood more connected.

*2011 Winner: Martha Jefferson*

**Outstanding Plan of Development-** This is an award intended to recognize development plans showcasing innovative design.

*2011 Winner: Whole Foods*

**Citizen Planner of the Year-** This award highlights citizens and advocacy groups dedicated to making Charlottesville a great place to live.

*2011 Winner: Bike Charlottesville*

**Outstanding Sustainable Development-** An award intended to honor developments that designed and built projects with sustainable practices.

*2011 Winner: The Greenhouse*

Please forward nominations to Michael Smith by December 27, 2011. Nomination can be in the form of an email that includes the category, nominee and one or two sentences as to why the nominee should be considered. Staff will also be providing nominations for consideration.

A list of all nominations will be included in your January packet for selection at that meeting. Awards will be given in February.

# City Council Action on Items with Planning Commission Recommendation November 2011

November 7, 2011

Regular Agenda

**3. PUBLIC HEARING/RESOLUTION\*** 600 Preston Place Special Use Permit (1st of 1 reading)

Action deferred by Council for additional information

**4. PUBLIC HEARING/ORDINANCE\*** Critical Slopes in Planned Unit Developments (1st of 2 readings)

**5. PUBLIC HEARING/ORDINANCE\*** Update Civil Penalties Related to Zoning Violations and Correct a Code Reference to the Zoning Matrix (1st of 2 readings)

Item approved and moved to second reading

November 21, 2011

Consent Agenda

h. **ORDINANCE:** Planned Unit Development application requirement revisions (2nd of 2 readings)

i. **ORDINANCE:** Update Civil Penalties for Zoning Violations and Correction to Code Section re Zoning Matrix (2nd of 2 readings)

Regular Agenda

**5. RESOLUTION\*** 600 Preston Place Special Use Permit (1st of 1 reading)

All items were approved

**LIST OF SITE PLANS APPROVED ADMINISTRATIVELY  
11/1/2011 TO 11/30/2011**

1. Amendment 1201 Harris Street (International Imports)  
Signed by: Mike Smith
2. Amendment 1600 Monticello Road  
Signed by: Brian Haluska
3. Final Sunrise Park PUD, Phase 3  
Signed by: Brian Haluska

**LIST OF SUBDIVISIONS APPROVED ADMINISTRATIVELY  
11/1/2011 TO 11/30/2011**

1. TMP 47-56.8 & 52.5 Boundary line adjustment  
1003 Fern Court Roudabush, Gale & Associates  
File No. 1493 Final  
Final Signed: 10/26/2011  
Signed by: Mike Smith & Genevieve Keller
2. TMP 25-5 Boundary line adjustment  
784 Prospect Avenue Draper Aden Associates  
File No. 1494 Final  
Final Signed: 11/9/2011  
Signed by: Missy Creasy & Genevieve Keller
3. TMP 53- 234, 234L, 234L1, 247 Boundary Line Adjustment  
Martha Jefferson Hospital Commonwealth Land Surveying.  
File No. 1495 Final  
Final Signed: 11/9/2011  
Signed by: Brian Haluska & Genevieve Keller
4. TMP 56- 85 &85.1 Residential Lots  
Sunrise PUD, Phase 3 Roudabush, Gale & Associates  
File No. 1496 Final  
Final Signed: 11/8/2011  
Signed by: Brian Haluska & Genevieve Keller

MINUTES  
CITY OF CHARLOTTESVILLE  
PLANNING COMMISSION  
TUESDAY, October 31, 2011 – 11:00 A.M.  
CITY COUNCIL CHAMBERS

Commissioners Present:

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

Staff Present:

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

Also Present

Ms. Ruth Emerick, Engineering Technician  
Mr. Richard Harris, Deputy City Attorney

Ms. Keller convened the meeting.

**I. 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.**

Ms. Walden presented the Staff Report.

**Questions or Comments from the Commission**

- Is the addition on the Grady Avenue side of the property?
- Where on the property is staff recommending the 5 ft. buffer? Will there be landscaping in that buffer?
- Has the buffer been discussed with Ms. Scala? Would that change be approved administratively or would it need to go before the Board of Architectural Review (BAR)?
- Has there been any communication between the applicant and the neighborhood?

Ms. Walden stated that the largest addition faces Grady Avenue and recommended keeping the 5 ft. buffer between the deck and the street. This change would need to go before the BAR. The applicant has discussed their application with the neighborhood. The idea to reverse traffic flow on Preston Place originated in one of those discussions.

Mr. Will Teass, architect for the project, stated that he is representing the applicant (Theta Chi). Theta Chi is in the process of applying for a Special Use Permit (SUP), amending the site plan, and getting BAR approval for the site plan. They have resubmitted the site plan to the BAR for the Nov. 15<sup>th</sup> meeting. All construction for this project must be done during summer break (from May to August) and that necessitates getting the approval now in order to stay on the summer construction timeline. Theta Chi has met with the neighborhood and discussed reversing the traffic flow on Preston Place and creating a new curb cut on Grady Avenue. Theta Chi is proposing a new addition to the main structure for two bedrooms above the porch. Theta Chi also would like to put in an at-grade patio instead of just replacing the deck.

#### **Questions or Comments from the Commission**

- How many members of fraternity?
- What is the total sq. ft. of bedrooms?
- If one of the conditions were a landscape buffer, would there be an issue?
- Is there any plan to install a sprinkler system?
- Does the fraternity impose an occupancy limit on the bedrooms?

Mr. Teass stated that the local chapter of Theta Chi has 60 members. Currently there are 7 bedrooms in the main structure and 2 bedrooms in the accessory structure. The total area of the bedrooms is 2,000 sq. ft. Theta Chi would be happy to add the additional landscaping. Also, pulling the deck back to leave a 5 ft. buffer will not cause a hardship. The BAR initially wanted to minimize the roof line change and the applicant is confident that the revised roof line will meet with their approval. Theta Chi intends to add a sprinkler system in the near future.

Mr. Grady Lewis, a member of the board of Theta Chi, stated that the total occupancy is currently 10 persons and they would like to increase it to 14 persons, with an absolute maximum of 17 persons. They have no intention of going to the limit of 22 persons noted by Ms. Walden.

Mr. Teass stated that Mr. Lewis will be the local contact for Theta Chi.

Mr. Mike Bevier, of the Venable Neighborhood Association, stated that he is troubled that the applicant stated that they talked to the neighbors but did not contact the Venable Neighborhood Association, whom he believes represents many of the neighbors. He stated that the neighborhood is mixed and delicately balanced. The neighborhood association has worked with individual fraternities for decades to come to a balance between the homeowners and the fraternities. They've had experiences with fraternity representatives before and it's a very delicate balance. He mentioned that Sigma Chi is planning to expand also. Mr. Bevier asked the commission to please look closely at the zoning in this area. He stated that the city drew a line between the low density and high density housing along Grady Avenue (south and north of Grady, respectively), and approving this SUP would violate this understanding between the city and the residents.

Mr. Dick Fraise, who lives at 624 Preston Place, stated that Mr. Lewis was kind enough to come see him and explain what Theta Chi planned for the addition. He expressed concern about what would happen if the Theta Chi SUP set a precedent for the area. He stated concern that the high density line would slowly move north of Grady Avenue due to an increase in SUPs in the area. He is not concerned with any specifics of the plan for the Theta Chi addition, just the overall neighborhood. He also stated that Theta Chi residents haven't been very good about cleaning up broken glass or shoveling the sidewalk.

Mr. Art Kaiser, who lives on Edgewood Lane, stated that he agreed with the comments of the two previous speakers. He has looked into the number of existing parking spaces and is concerned that there will not be enough. He also stated concern that the infrastructure was originally built for single family homes and does not know of any upgrades to the infrastructure to handle the increased density.

Ms. Lisa Kendrick, who lives at 622 Preston Place, stated that this past Thursday night was one of the worst nights the neighborhood has had in terms of noise and disrespect of the neighbors by fraternities on Grady Avenue. She stated that the windows in the house were vibrating due to the loud music and that the police were called. The fraternity members were issued several tickets but did not turn down the music. Ms. Kendrick stated her opinion that this neighborhood could be preserved very well as it exists, with a mix of single family residences and fraternities. She implored the commissioners to hold firm to the existing zoning restrictions. She stated that the fraternities have little respect or regard for their neighbors, and that the problem would only increase if the density was increased. She also stated that the fraternity that caused the problem last Thursday was not Theta Chi, but another fraternity on the same side of Grady Avenue as Theta Chi.

#### **Questions or Comments from the Commission**

- What was the university's response to the noise issue from last Thursday?
- Was it Theta Chi that caused the disturbance mentioned by Ms. Kendrick?
- How does the maximum number of bedrooms and units get calculated?
- All applications must be evaluated based on existing conditions, right?
- I was disappointed by how the applicant now handles trash.
- We could condition this to have a dumpster on site and /or a local maintenance contact.
- What are the numbers of bedrooms in the surrounding fraternities?
- Is the local contact requirement consistent with requirements for other fraternities? What has been the response?
- Can you explain the accessory use of the dining hall and the 44 person occupancy of that room? Could the fraternity offer a meal plan to members who do not live on site to come and eat at the fraternity?
- How do people get in and out of fraternity parties?
- Is there anything that we can do to increase enforcement?
- Can we set a time that the music must end by?
- If we pull the SUP, will they still be able to exist as a fraternity at that location?
- Is R-3 a low or high density zone?

Ms. Walden stated that, by right, they can have up to 32 people. Each application must stand on its own merits, and other applications or knowledge of future applications should not be considered. Of course, the existing conditions of the fraternity next door can be taken into account. There's an existing zoning requirement for dumpsters to be enclosed. Yes, a requirement to have a dumpster would be appropriate. Any concerns about trash should be handled through property maintenance since property maintenance has codes in place to issue fines for noncompliance. The highest occupancy of any of the surrounding fraternities is 24 persons. One on Madison Avenue was approved last year with occupancy in the high teens. Occupancy of 17 persons is not inconsistent with the surrounding existing uses. Ms. Walden stated that she did not have enough information on relations with existing local contacts (as required at other sites), but property maintenance might have a better idea of how this has been working. There are no restrictions on the size of dining rooms or entertainment rooms that pertain to the primary use of the facility.

Mr. Richard Harris stated that it's much better to have a local contact since they are easier to get in touch with and easier to take to court if there is an unresolved issue.

Mr. Lewis stated that the fraternity has catered meals at the house in the evenings on weekdays for about 20 of Theta Chi's members.

Mr. Teass stated that IDs are checked at the door at all Theta Chi events and most of the events are closed.



Ms. Walden stated that noise level enforcement should be handled by the police and university. She stated that the commission could regulate time of use and number of open events as a condition on the SUP and reminded them that any conditions should be enforceable. Theta Chi can continue to exist as a nonconforming use without SUP approval. R-3 is a medium density multi-family zone. Ms. Walden also stated that she disagreed with the characterization of the line along Grady Avenue existing as a limit for increased density since R-3 is a medium density zone.

Mr. Teass stated that the intent of the addition is to improve the structure and the site. The increase in the number of bedrooms provides the financial support to do the addition. Most of the concerns stated by the residents were aimed at fraternities in general and not specifically Theta Chi. None of the conditions mentioned by the commission would be a problem for Theta Chi to comply with.

Discussion:

Mr. Rosensweig stated that the traffic flow improvement would be a benefit for the neighborhood and that the structure would look better after the addition. He also stated that since the primary use is a fraternity, the conditions limiting the time parties can take place did not seem appropriate. He wanted to include the conditions of a dumpster and a bike rack.

Mr. Osteen stated that a rack that accommodated 14 bikes would be appropriate.

Mr. Harris stated that the restriction on the bedroom occupancy was more appropriate than a use restriction since the SUP is for to the increase in number of bedrooms, not the expansion of the structure.

Ms. Keller thanked everyone for sharing their concerns and called for a motion.

***Mr. Rosensweig said, I move to recommend the approval of this Special Use Permit application SP-11-08-11 for a 2,690 sf. and 5 bedroom addition to the existing fraternity house at 600 Preston place, with the following conditions:***

- a. 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.***
- b. The inclusion of bicycle parking for 14 bicycles.***
- c. The inclusion of dumpster for trash disposal.***
- d. Limiting the total bedroom occupancy to a maximum of 17 persons.***

***on the basis that the proposal would serve the interests of the general public welfare and good zoning practice.***

Mr. Osteen seconded the motion.

Ms. Creasy called the question.

Keller	yes
Green	yes
Sienitsky	yes
Osteen	yes
Keesecker	yes
Rosensweig	yes
Santoski	yes

Motion passed.

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.**

Ms. Creasy presented the Staff Report.

**Questions or Comments from the Commission**

*None*

Ms. Green called for a motion.

*Ms. Green said, 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 good zoning practice.*

Ms. Keller seconded the motion.

Ms. Creasy called the question.

Keller	yes
Green	yes
Sienitsky	yes
Osteen	yes
Keesecker	yes
Rosensweig	yes
Santoski	yes

Motion passed.

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.**

Mr. Haluska presented the Staff Report. Mr. Haluska also reminded everyone that this was not the critical slope ordinance; rather, an update to the PUD ordinance.

**Questions or Comments from the Commission**

- Has this provision ever been invoked?
- When will the critical slope ordinance be ready?

Mr. Haluska stated that this section of the PUD ordinance had never been invoked.

Ms. Keller stated that an understanding had been reached about the intent of the critical slope ordinance and that the exact language was still being worked on.

Ms. Creasy stated that the goal is to have it ready by the November work session.

Mr. Neil Williamson, who lives at 550 Hillsdale Drive, stated that cleanup of the language in the PUD ordinance would be helpful.

Mr. Osteen stated that he'd be inclined to wait to approve this until the critical slopes ordinance is finished. He also expressed concern that PUDs maybe should be more considerate of the impact of critical slopes.

Ms. Creasy stated that there is a project coming up that might be impacted by this change in language.

Ms. Keller called for a motion.

***Mr. Rosensweig said, 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 good zoning practice.***

Mr. Santoski seconded the motion.

Discussion:

Mr. Osteen expressed that he is not very compelled to get this done for a particular project.

Ms. Keller asked if it would be appropriate for the PUD ordinance to have a reference to the steep slope ordinance.

Ms. Sienitsky stated that she is comfortable with this motion as moved.

Ms. Creasy called the question.

Keller	yes
Green	yes
Sienitsky	yes
Osteen	yes
Keesecker	yes
Rosensweig	yes
Santoski	yes

Motion passed.

Ms. Creasy reminded everyone that items from this meeting would be on City Council's agenda for Monday, November 7<sup>th</sup>, 2011.

Meeting adjourned at 12:24 p.m.

MINUTES  
CITY OF CHARLOTTESVILLE  
PLANNING COMMISSION  
TUESDAY, November 8, 2011 -- 5:30 P.M.  
CITY COUNCIL CHAMBERS

Commissioners Present:

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

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

Staff Present:

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 CDBG taskforce meeting. The Fifeville neighborhood is the priority neighborhood and discussion of the next three years funding took place.

Ms. Green attended the MPO Tech meeting and bike safety was discussed. She also attended the Mia Burke seminar and felt it was very informative.

Mr. Osteen attended the Tree Commission where bylaws and accomplishments were discussed. The BAR met but he was not present. One project discussed at that meeting was a change to the Timberlake PUD design.

Mr. Rosensweig attended two committee meetings, the HAC and Parks and Recreation Committee. Input was gathered for the Comprehensive Plan at both meetings. Brian Daly gave a full report on which projects that have not been completed by Parks and Rec and what projects have been completed. He also state what new projects that would be started.

Mr. Keesecker noted that PACC Tech met on 10/20 and they reviewed the future land use map. Mr. Williams also presented a report on traffic modeling, traffic patterns, and density. The next meeting is in January 2012

## **UNIVERSITY REPORT**

Mr. Neuman informed the Commission of upcoming meetings. He also shared that UVA is on the second phase of the bike sharing program and hopes to have more information in the spring.

## **CHAIR'S REPORT**

Ms. Keller attended the Mia Burke seminar and felt it was very informative and inspiring.

## **DEPARTMENT OF NDS/STAFF REPORTS/WORK PLAN**

Ms. Creasy informed the Commissioner's that it was time to review the CIP which is scheduled for the next work session. She gave dates of upcoming community meetings.

## **MATTERS TO BE PRESENTED BY THE PUBLIC NOT ON THE FORMAL AGENDA**

### **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 - September 13, 2011 – Regular meeting
3. Minutes - September 13, 2011 – Pre meeting
4. Minutes - September 20, 2011 – Work Session
5. Minutes- October 25, 2011 - Work Session
6. Subdivision- Sunrise PUD

Mr. Osteen recused himself from items 3&4.

Mr. Rosensweig recused himself from item 6.

Item #2 will be pulled from the Consent Agenda to allow for comments to be made.

Updates to the minutes were noted

Commissioners approved the consent agenda with the above exclusions.

### **Critical Slopes Waiver request**

#### **Burnett Commons Phase II- "The Woods"**

Mr. Rosensweig recused himself and exited the meeting.

Mr. Thompson presented the staff report

The applicant, Charlie Armstrong was present and only added that Mr. Thompson had done a great job with the proposal.

### **Questions or Comments from the Commissioners**

The application did not include one exhibit commissioners were interested in seeing. Staff noted this information was in the rezoning package.

Would love to see a full topographic plan the before and after.  
Are all Critical Slopes being disturbed on site?  
There was concern about lacking needed information.  
Concern was noted about the curb cut location  
Commissioners like the traffic circle.  
Some Commissioners were comfortable with the amount of Critical Slope disturbance.  
How does the current neighborhood feel about the plan?

The applicant stated that they had meetings with the neighborhood and one on one meetings with some residents in the area and the majority are in support of the project. He also stated that right now they can't determine if all of the slopes will be disturbed.

Maurice Cox, 702 Ridge Street, stated that retaining walls will be used to absorb most of the critical slopes to preserve the trees.

#### Questions and Comments from the Commission

Would like routes into the community reviewed  
Appreciated all the support from the community that came to this evening  
Like the mixed used concept  
Would love the ability to apply some conditions  
Would love to see tree inventory on the plans

Mr. Keesecker said, I move to approve the steep slope waiver for tax map 25 parcel 64, 65, 68 and 69 and tax map 29 parcel 262, 266.1, 266.2 and 266C on Elliott Avenue, Burnett Street and Lankford Avenue on the grounds ha at strict application of requirements would not forwarded the purpose and intent of these Critical Slopes provisions.

Ms. Sientisky seconded the motion

Ms. Creasy called the question

Sientisky	Yes
Green	Yes
Osteen	No
Keesecker	Yes
Keller	Yes

Motion Carries

#### **Public Hearing**

**ZM-11-07-07** (Burnett Commons Phase II- "The Woods") A Petition to rezone property located on Elliott Avenue, Burnett Street and Lankford Avenue from R-1S and R-2 Residential Districts with Historic District Overlay to Planned Unit Development (PUD) with proffers. Proffers include the provision of affordable housing, preservation and enhancement of landscaping within open space, development of a landscaped pedestrian way, prohibition of

dwellings on land at corner of Elliott Avenue and Burnett Street, use of low impact development techniques and recycling of construction debris. This property is further identified on City Real Property Tax Map #25 as parcels 64, 65, 68, 69 and Tax Map 29 as parcels 262, 266.1, 266.2, 266C having approximately 275 feet of frontage on Elliott Avenue, 150 feet of frontage on Burnett Street, 125 feet of frontage on Lankford Avenue and containing approximately 235,300 square feet of land (5.40 acres). This proposal includes a residential development containing a density of up to 9.10 DUA. Non-residential use could occupy up to 3000 square feet on the site. The general uses called for in the Land Use Plan of the Comprehensive Plan are for Multifamily and Neighborhood Commercial. **Report prepared by Willy Thompson, Neighborhood Planner.**

Mr. Thompson presented the staff report

Ms. Keller opened up the Public Hearing

Alex Hicks, 146 Burnett Street, voiced his approval for the project. He feels it will be a big plus for the area. He is also very pleased with the preservation of the trees.

Patsy Manahan, 113 Burnett Street, stated that she appreciated always being kept in the loop of the design and things that were going on. She feels this will make the neighborhood look more like a community. She also like the tree separation.

Doug Ford, 49 Earlysville Road, feels that this is a very good mixed use project and would like to see more in the future. Twelve additional residents stood in support of the project

Brevy Canon 710 Ridge Street, has been living in the neighborhood for 7 years and feels this will be a great project to enhance the community.

Ms. Keller closed the Public Hearing

Chairman Keller asked Mr. Thompson if he could you go over the process for removing a portion of this site from ADC?

Mr. Thompson asked Chairman Keller if she wanted to know why it was done?

Chairman Keller stated that it is her understanding that its removal is part of this PUD rezoning and she would like it to be clear on how the removal is carried out.

Mr. Thompson stated that because portions of some properties are in the ADC, they needed to go before the BAR for their review and that it was at this meeting that the BAR decided to keep the pedestrian connection to Ridge Street in the ADC and that the developer would have to come back before the BAR before installing that feature.

Additional Questions and Comments from the Commission

Would like routes into the community reviewed  
Appreciated all the support from the community that came to support the project  
Like the mixed used concept  
Would love the ability to apply some conditions  
Would love to see tree inventory on the plans  
Will the wooded portion be developed in Phase I?  
Some Commissioner's are a little uncomfortable with the plan  
Could a requirement be that all site plans are reviewed by the Police Department  
Concerned about safety with a lot of the area

Ms. Keller called for a motion.

**Ms. Sientisky said, I move to recommend the approval of the application with proffers to rezone the subject properties from R1-S and R2-H to PUD on the basis that the proposal would serve the interest and general public welfare and good zoning practice.**

Ms. Green seconded the motion

Ms. Creasy called the question

Sientisky	Yes
Green	Yes
Osteen	Yes
Keesecker	Yes
Keller	Yes

Motion Carries

Adjourned at 7:30 pm



**CITY OF CHARLOTTESVILLE**  
**PLANNING COMMISSION PRE MEETING**  
**TUESDAY, November 8, 2011 -- 4:30 P.M.**  
**NDS CONFERENCE ROOM**

**Planning Commissioners present**

Ms. Genevieve Keller  
Mr. Dan Rosensweig  
Mr. Kurt Keesecker  
Ms. Lisa Green  
Ms. Natasha Sienitsky  
Mr. Michael Osteen

**Staff Present:**

Ms. Missy Creasy, Planning Manager  
Mr. Willy Thompson, Neighborhood Planner  
Mr. Richard Harris, Deputy City Attorney

The Commission began to gather at 4:30 and was called to order at 5:08.

Lisa Green noted approval of the PUD application format. There was a brief discussion about shortening the pre-meeting on months when there are only a few items on the agenda.

The discussion adjourned at 5:20pm.

**Planning Commission Work session  
November 22, 2011  
Minutes**

**Commissioners Present:**

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

**Staff Present:**

Jim Tolbert  
Missy Creasy  
Brian Haluska  
Richard Harris  
Michael Smith  
Ryan Davidson

Ms. Keller convened the meeting at 5:08 p.m.

Ms. Keller turned the meeting over to Mr. Davidson

**Introduction**

Mr. Davidson gave a presentation on the CIP. He provided an overview of the projects included and the amount of funds allocated to them. He also gave an overview of the timeline and what projects had priority. No new projects will be added except for the police firing range and none will be taken away.

**Discussion**

- It was confirmed that the Belmont Bridge project is in the budget.
- Park land acquisition was discussed.
- Comments were made about the play equipment at Clark Elementary School.
- When will the YMCA project start and will it be within the next year?
- Will the new firing range be shared between the City of Charlottesville and the County of Albemarle and who will own it?
- How will housing activities be effected by no additional funding?
- How were different projects scored including the softball field at McIntire Park?

Jim Tolbert clarified the status of housing funding.

**Critical Slopes**

Jim Tolbert gave an overview of the Critical Slopes project. He stated that language needed revision as it included items that were not covered under current state legislation language. He stated that it is not the job of the Planning Commission to be legislative. Mr. Tolbert highlighted Page 2 Section 6 Modifications of waivers. He presented maps

that outlined areas in the City of Charlottesville that have Critical Slopes, and areas that have had disturbed slopes.

Mr. Harris provided background on the code modifications. He also discussed the purpose and intent.

### **Discussion**

- A general discussion on the potential conditions occurred.
- There was discussion on the means of enforcing the code
- There was a desire for more public input including having materials available on line.

### **Public Comment**

Don Franco liked the maps. He suggested a 3 to 1 tree replacement as a potential condition. He felt that the condition list should be open ended.

Bill Emory felt the map was helpful, but that it overstates the slopes. He feels owners should know how slopes affect their property.

- Would like to see layer of slopes without parcel lines

Meeting adjourned at 7:15 pm.

**City of Charlottesville  
City Manager's Office  
MEMO**



**TO:** Planning Commission  
**FROM:** Ryan Davidson, Budget and Management Analyst  
**CC:** Maurice Jones, City Manager  
Leslie Beauregard, Director, Budget and Performance Management  
Jim Tolbert, Director, NDS  
City Council  
**DATE:** December 6, 2011  
**SUBJECT:** Responses to Planning Commission FY 13 – 17 CIP Questions

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The following memo provides responses to the questions raised by the Planning Commission in the November 22, 2011 Capital Improvement Program Work Session. If any additional information is needed please contact the Budget Office, Leslie Beauregard ([beauregard@charlottesville.org](mailto:beauregard@charlottesville.org)) or Ryan Davidson ([davidson@charlottesville.org](mailto:davidson@charlottesville.org)) and we will be happy to provide the information.

**1. Is the Belmont Bridge (Revenue Sharing Match) project currently funded in the VDOT 6-year plan? And if so in what year is this project scheduled?**

The revenue sharing grants, of which we are requesting the necessary matching dollars, are currently funded in VDOT's 6-year plan and were previously committed to by the City. The overall project of Belmont Bridge still needs roughly \$8.4 million dollars to complete construction. The City expects VDOT to formally commit to funding this shortfall in next year's 6-year plan.

**2. What types of property opportunities and land acquisitions are currently being explored with the available Parkland Acquisition funding? Please provide some recent examples of acquisitions and other possible purchases if available.**

Several recent acquisitions have focused on riparian buffer protection, trail access and athletic fields. These include:

- Three parcels in the Meadow Creek Stream Valley – expanding the lands available for stream restoration
- Acquisition of Davis Field

- Pending acquisition of land in Fry's Spring which includes the original Fry's Spring box, a cultural resource worthy of interpretation. This is on the Council agenda for December 5, 2011

Other land acquisition opportunities currently exist and are being pursued by staff. However, those discussions must remain private at this time. Prior to any proposed acquisition, staff will bring the proposal to City Council in closed session for their consideration.

**3. Please provide a status update on the current legal issues and construction timing of the YMCA project, and whether funding the project in FY14 would better align with the construction timeline.**

Parks and Recreation's current understanding of the legal status of the YMCA is that the Virginia Supreme Court will hear ACAC's appeal in the Spring of 2012. They may rule at that time, or may not rule on the case until later in the year. The YMCA's bank financing will not be released/approved until the case has been ruled upon; and that is necessary for the YMCA to go to construction. If the Supreme Court rules in June, the YMCA will need to re-bid construction. That should take 60 days to advertise, review bids and award a contract. Permitting and mobilization will probably take another 30-45 days and that places the commencement of construction in the autumn of 2012. Should the court rule later than June, then the timeline will be pushed further out.

Construction will take 15-18 months, so with this timing, the YMCA would not be open until the beginning of 2014 at the earliest – within FY14. It does seem reasonable to delay the funding of \$625,000 until FY14 given the current situation – which would be July 1, 2013. \$625,000 was appropriated in the FY12 CIP and is available for the YMCA at the beginning of construction.

**4. Once the Regional Police Firearms Range is completed would this be a jointly owned property/facility by the City and County or would the County retain ownership and this would be a jointly operated facility?**

Improvements to the property (firearms range facility) will be jointly owned and operated by the City and County. The County will retain ownership of the land, which will be in turn governed through an agreement(s) between the City and County.

**5. Who would be the users of the Regional Firearms facility? Would it be only City and County Police and Sheriff's Offices or would other jurisdictions be involved as well?**

The proposed facility would accommodate the needs of the City and County Police, Sheriff, and Fire Departments. In addition, other regional jurisdictions may request or be invited to form a limited-use fee based partnership.

**6. Provide a detailed 5 year summary of the Facilities Lump Sum and Schools Lump Sum projects.**

Please see Attachment I for the Schools Lump Sum detailed summary. The summary of the Facilities Lump Sum projects will be provided prior to the Public Hearing on December 13, 2011.

# **Attachment I**

## **Schools Lump Sum 5 Year Capital Project Plan**





Charlottesville City Schools

## Charlottesville City Schools 5-Year Capital Improvement Plan

Report Date: November 16, 2011



	Approved FY 2011 7/1/10 - 6/30/11	Approved FY 2012 7/1/11 - 6/30/12	Projected FY 2013 7/1/12 - 6/30/13	Projected FY 2014 7/1/13 - 6/30/14	Projected FY 2015 7/1/14 - 6/30/15	Projected FY 2016 7/1/15 - 6/30/16	Projected FY 2017 7/1/16 - 6/30/17
<b>Funding:</b>							
City CIP Appropriation -- includes partial funding for Small Cap Program:	\$1,068,463	\$1,100,517	\$1,045,491	\$1,045,491	\$1,045,491	\$1,045,491	\$1,045,491
Schools Supplemental Appropriation --March 23, 2011:	\$250,000	\$0	\$0	\$0	\$0	\$0	\$0
City Line Item Approp. FY 2012 - earmarked for CHS Football Bleachers:	\$0	\$1,200,000	\$0	\$0	\$0	\$0	\$0
FY08 & FY09 Close-Out Carry Forward:	\$544,776	\$0	\$0	\$0	\$0	\$0	\$0
Year-End Carry Forward:	\$902,717	\$124,030	\$152,547	\$244,188	\$178,887	\$472,545	\$303,063
<b>Total Available Funds:</b>	<b>\$2,765,956</b>	<b>\$2,424,547</b>	<b>\$1,198,038</b>	<b>\$1,289,679</b>	<b>\$1,224,378</b>	<b>\$1,518,036</b>	<b>\$1,348,554</b>
<b>Large Cap Projects</b>	<b>FY 2011</b>	<b>FY 2012</b>	<b>FY 2013</b>	<b>FY 2014</b>	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>
Buford Architectural & Functional Renovation	\$1,600,000						
Buford Building Envelope Restoration						\$425,000	
Buford Fire Alarm System Replacement						\$150,000	
B-M Building Envelope Restoration		\$405,000					
CHS Artificial Turf Field	\$100,000						
CHS Building Envelope Restoration							\$250,000
CHS Daylighting - Phase I			\$225,000				
CHS Football Field Bleacher Replacement		\$1,200,000					
CHS Football Field Lighting Replacement		\$150,000					
CHS Campus Security Lighting & Paving (Phase I)	\$330,000						
CHS Campus Security Lighting & Paving (Phase 2)			\$375,000				
CHS Campus Security Lighting & Paving (Phase 3)				\$495,000			
CHS Parking Lot Resurfacing		\$100,000					
CHS Roof Repairs	\$165,178						
CHS Softball Field Spectator Seating & ADA Access		\$100,000					
Clark Building Envelope Restoration							\$350,000
Clark Elevator Overhaul							\$128,000
Clark Restroom Renovations					\$375,000		
Facility Condition Assessments	\$88,000						
Greenbrier Building Envelope Restoration				\$385,000			
Greenbrier Fire Alarm System Replacement					\$85,000		
Interior Painting -- Systemwide	\$49,956	\$87,000	\$68,850	\$120,792	\$76,833	\$79,973	\$77,223
J/V Building Envelope Restoration			\$175,000				
Johnson Building Envelope Restoration	\$45,000						
PAC Stage Roof - Smoke Door Replacements		\$115,000					
Venable Elevator Overhaul (includes interior cab upgrades)					\$105,000		
Venable Building Envelope Restoration						\$300,000	
Venable Restroom Renovations	\$148,792						
Walker Building Envelope Restoration							\$425,000
Walker Fire Alarm System Replacement						\$150,000	
<b>Small Cap Program - Funding Allocation from Large Cap</b>	<b>\$115,000</b>	<b>\$115,000</b>	<b>\$110,000</b>	<b>\$110,000</b>	<b>\$110,000</b>	<b>\$110,000</b>	<b>\$110,000</b>
<b>Actual/Estimated Large Cap Expenditures</b>	<b>\$2,641,926</b>	<b>\$2,272,000</b>	<b>\$953,850</b>	<b>\$1,110,792</b>	<b>\$751,833</b>	<b>\$1,214,973</b>	<b>\$1,340,223</b>
<b>Year-End Balance</b>	<b>\$124,030</b>	<b>\$152,547</b>	<b>\$244,188</b>	<b>\$178,887</b>	<b>\$472,545</b>	<b>\$303,063</b>	<b>\$8,331</b>

Project is pending results of 3rd party fire safety inspections, fall of 2011





**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: December 13<sup>th</sup>, 2011**  
**APPLICATION NUMBER: SP-11-10-14**

**Project Information**

**Project Planner:** Ebony Walden, Neighborhood Planner

**Applicant:** Dominican Fathers, Province of St. Joseph

**Applicants Representative:** John Gorman, Gorman Architects

**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:** 98 Midmont Lane

**Tax Map/Parcel #:** 13/9

**Total Square Footage/Acreage Site:** 37,224

**Comprehensive Plan (Land Use Plan) Designation:** Single Family

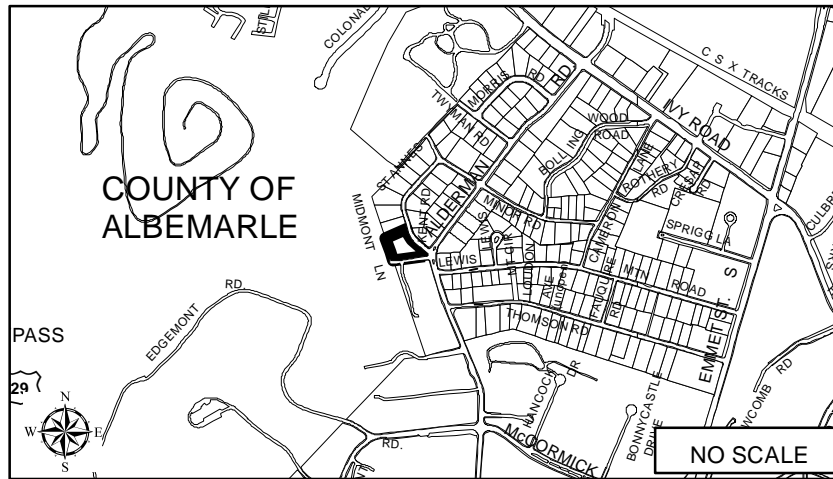
**Current Zoning Classification:** R-1U

**Tax Status:** No delinquent taxes, this property is tax exempt

**Applicant's Request:**

The Dominican Fathers, Province of St. Joseph have submitted an application for a special use permit to establish an indoor cemetery in the proposed Saint Thomas Aquinas Priory at 98 Midmont Lane. The request is to use 900 square feet of their proposed basement as a crypt to house up to 300 niches for cremation urns and 9 burial vaults. The site plan for the new priory was approved on June 17<sup>th</sup>, 2011 and the building is under construction. The building permit has also been approved and includes plans for the basement crypt. No exterior alterations or modifications of the previously approved priory design are required to accommodate the proposed SUP use.

**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.

- (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.

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)**

**Cemetery**

- Section 34-420 Use Matrix allows Cemeteries by special use permit in the R-1U Single Family Residential Districts.

**Overall Analysis:**

**1. Proposed Use of the Property**

The property has an approved site plan for a monastery operated by the Dominican Fathers. This special use permit request is to use 900 square feet in the basement of the proposed 10,800 square foot building as an indoor cemetery with 9 burial vaults and 300 niches for cremations urns.

**2. Zoning History**

The 1949 zoning map designates the area this property is in as “A” Residential. The zoning maps between 1958 and 1991 designate the property as R-1 Residential. In 2003, the area was rezoned to R-1U.

**3. Character and Use of Adjacent Properties**

Direction	Use	Zoning
North	Single Family Residential	R-1U
South	St. Thomas Aquinas Church	R-1U
East	Single Family Residential	R-1U
West	University of Virginia	R-1U

4.

**Reasonableness/Appropriateness of Current Zoning**

The current R-1U zoning is reasonable and appropriate; the neighborhood at the core is primarily single family residential. Given the neighborhood’s proximity to the University of Virginia, it makes the “U” designation appropriate. The “U” means that there is a restriction on accessory apartments and the number of unrelated persons that can occupy a unit.

**5. Reasonableness/Appropriateness of Proposed Zoning**

The proposed use of this site is a monastery for the Dominion Fathers, in connection with St. Thomas Aquinas Church directly across the street. It is not uncommon for churches and monasteries to have cemeteries and mausoleums. Churches are allowed by right in all zones and cemeteries are allowed in R-1, R-2 and R-3 residential zones by special use permit. Thus, this request is reasonable and appropriate. This use is on the corner of a main intersection/thoroughfare within a single family residential neighborhood. In regards to access and traffic, the edge of the neighborhood is a good place to locate such a use.

**6. Consistency with Comprehensive Plan**

There are only two public cemeteries identified in the Community Facilities chapter of the Comprehensive Plan (pg. 209), Maplewood Cemetery, which no longer performs burials and Oakwood Cemetery, where burials are still performed. The Land Use Chapter also recognizes Riverview Cemetery, which is owned by a cemetery corporation. In addition, the Land Use chapter (pg. 89) identifies the concern for the future of cemeteries among the public in relation to the scarcity of land in the city. Thus, having a private and indoor cemetery serves a public purpose by accommodating the interment of the dead. It also combines two uses to save space and allow for more active uses of land in the larger community.

**7. Potential Uses of the Property (By-Right)**

This property is zoned R-1U and can be used for single family dwellings, residential treatment facilities, family day homes, assisted living facilities, houses of worship, elementary and high schools, libraries and outdoor recreational facilities.

## **Project Review**

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

The use of the approved monastery as cemetery is consistent with the approved site plan, the religious uses at this intersection are harmonious given that cemeteries and churches are often located in residential areas. Since this cemetery is underground, it will not have a negative impact on development patterns and will be used in conjunction with services that will already be taking place at St. Thomas Aquinas and the proposed Priory.

### **2. Conformity with comprehensive plan and policies**

The proposal is consistent with the following comprehensive plan policies:

- City Council guiding principle of balancing the natural and built environment.
- Infill development goals of using existing land/buildings to accommodate new uses.
- Encouraging zoning that allows cemeteries.
- Mixed use buildings and developments.

### **3. Building code regulations**

The Crypt was included in the building permit for the Priory and was approved. The building code official contacted Public Works and the Health Department; they did not have any requirements for crypts. Staff also contacted the Virginia Cemetery Board. Church Cemeteries are not regulated by the Virginia Cemetery Board. (According to § 54.1-2312. Exemptions.)

### **4. Impact on the neighborhood**

#### **a. Traffic or parking congestion**

Staff anticipates that most of the traffic for this use will be foot traffic, as this site will likely accommodate users who would use the church for funeral services. The Institute for Transportation Engineers Trip Generation manual designates cemetery uses for 4.73 trips per day per acre. Thus, this site would have 4 vehicle trips per weekday based on the size of the parcel. In reality, this would probably be even less given that this is only a 900 square foot crypt.

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

The primary concern which might come about regarding this use is the odor from the 9 burial vaults which would need to be vented continuously to allow for airflow. However, the Friars will be entombed sporadically, likely over decades. Staff has called 3 locations which have indoor crypts or mausoleums, The Cathedral of the Sacred Heart and The Westhampton Memorial Park in Richmond as well as Monticello Gardens just south of Charlottesville. None of these facilities site odor as a problem from the venting of the

facility. The applicant has provided information on their proposed venting system and its odor reducing properties. Staff also contacted Tribute Cemetery Systems, an industry leader in planning, developing and managing cemeteries. They also manufacture crypts. The Vice President of Operations gave an overview of crypts and venting. Staff was assured that the odor to the outside should not be a problem, and if there is any odor, it is usually contained to the chambers.

c. Conformity with federal, state and local laws

Staff contacted the Virginia Cemetery Board. Church Cemeteries are not regulated by the Virginia Cemetery Board. (According to § 54.1-2312. Exemptions. )

d. Massing and scale of the project

The building that this use is housed in is already approved and under construction. The square footage of this use within the building is small and will comprise less than 10% of the building area.

**Attachments:** Site Plan, SUP Narrative

**Public Comments Received:**

None

**Staff Analysis**

The only impact that staff can identify regarding this use is the potential odor from venting the vaults. Staff has been assured by four sources that odor from venting should not be a problem. This can be absorbed as a minor and infrequent impact of this use.

**Staff Recommendation**

Staff recommends approval.

**Suggested Motions:**

1. “I move to recommend the approval of this Special Use Permit application for an indoor cemetery at 98 Midmont Lane on the basis that the proposal would serve the interests of the general public welfare and good zoning practice.”
2. “I move to recommend the approval of this Special Use Permit application for an indoor cemetery at 98 Midmont Lane with the following conditions:
  - a)
  - b)

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

3. I move to recommend denial of this Special Use Permit application for an indoor cemetery at 98 Midmont Lane on the basis that the proposal would not serve the intent of the general public welfare due to the following:
  - a)

**CITY OF CHARLOTTESVILLE**  
**DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES**  
**STAFF REPORT**



**ZT-11-04-05: REQUEST FOR A ZONING TEXT  
AMENDMENT**

**PLANNING COMMISSION REGULAR MEETING**  
**DATE OF PLANNING COMMISSION MEETING: May 10, 2011**

**Author of Staff Report:** Brian Haluska, AICP, Original Report; Jim Tolbert, AICP, Current Report

**Date of Staff Report:** November 29, 2011

**Applicable City Code Provisions:** §34-41 (Amendments to the Zoning Ordinance), §34-1120 (Lot regulations, general), §34-1200 (Definitions)

**Executive Summary**

This is a proposed zoning text amendment which would amend the critical slope ordinance.

**Background**

The Planning Commission has been discussing the revision of the critical slope ordinance for the City of Charlottesville over the past 18 months, in an effort to make the waiver process for the ordinance easier to understand for applicants, staff and Commissioners. The amendments are also intended to reduce the number of applications that come to the Commission for review where the slopes are not significant. Finally, the amendments are written to clarify the purpose and intent of the ordinance.

In reviewing the ordinance, the goals of the Attorneys and NDS staff have been:

- Encouraging development that works with the topography through utilization of development standards;
- The bigger and steeper the slope, the less likely a waiver will be granted;
- More specificity in the ordinance – stating that a waiver will not be granted unless certain enumerated findings are made;
- An applicant should be able to read the code section and know with relative certainty whether a waiver application will be necessary;
- The protection of significant or unique topographical features should not be a threshold issue necessitating a waiver, but instead it should be a factor to be considered vis-à-vis granting a waiver.

We believe the format clearly states (1) when a waiver will be necessary, (2) what circumstances will most likely prevent a waiver from being granted, and (3) what types of conditions may be expected. These should give an applicant the information needed to put together an informed application.



## **Standard of Review**

As per §34-42 of the City Code, 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 Change**

The full text of the proposed ordinance is attached to this report. Major changes include:

- 1) Redrafting the purpose and intent of the ordinance to clarify why the City protects critical slopes.
- 2) Altering the definition of a critical slope so that a site must not only contain an area with a slope of 25% or greater, but it must exceed certain dimensions, be within a certain distance of a stream, and be shown on the attached map.
- 3) The waiver process has been modified. Under the amended ordinance, the Commission may only grant a waiver after “a finding that a waiver would serve a public purpose of greater import than would be served by a strict application of the requirements of these critical slopes provisions”, or a finding of unnecessary hardship.

## **Standard of Review Analysis**

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

The Environmental chapter of the Comprehensive Plan lists the following goals:

- “Promote, protect and restore riparian (streamside) and stream ecosystems to protect habitat and water quality for people and animals.”
- “Improve public and private stormwater infrastructure to protect natural systems from flooding due to extreme stormwater volumes and velocities and protect public health by reducing contaminants in stormwater runoff.”

The existing ordinance conforms to the guidelines of the Comprehensive Plan, and the amendment does so as well.

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

The current critical slope ordinance addresses the general welfare of the community by providing an additional layer of scrutiny on developments that propose to disturb critical slopes. The amendment will further this by exempting select sites that the Commission feels should not be subject to the ordinance, permitting the Commission to focus their time on reviewing sites that merit careful consideration.

The amendment also requires applicants make an argument based on the benefit of project to the City, rather than simply proving that their project is feasible based on current engineering practices. These arguments should be more accessible and understandable to members of the public, and permit for an open debate on how these sites should be treated.

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

The current critical slope ordinance does not include any size limitation with regards to the slopes being reviewed by the Commission. This raises the prospect of slopes the size of a sheet of notebook paper needing to go before the Commission prior to disturbance.

Additionally, applicants and the Commission frequently felt confused by the current purpose and intent in the critical slope ordinance, and by the standards for granting a waiver of the ordinance. The amendment aims to address this, and make the process more straightforward.

**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.**

This zoning text amendment does not include a change in the zoning district classification of any particular property.

**Public Comment**

Staff has received a large amount of public comment during the process of drafting the proposed ordinance. The comments generally fall into two broad categories:

1. Members of the public that would like to see a relatively strict standard of review, with most sites with critical slopes being reviewed by the Planning Commission, and with deference towards denying critical slope waivers.
2. Members of the public that raised some concern about the level of ambiguity in the ordinance, and urged the Commission to recommend an ordinance that had easy to understand guidelines so the developers had some certainty when approaching the process.

**Recommendation**

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 Sections 34-1120 and 34-1200 of the Code of The City of Charlottesville, 1990, as amended, to amend the critical slope regulations and associated definitions 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 Section 34-389 of the Code of The City of Charlottesville, 1990, as amended, to amend the critical slope regulations and associated definitions 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 Section 34-389 of the Code of The City of Charlottesville, 1990, as amended, to amend the critical slope regulations and associated definitions 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.

## **Attachments**

Current Critical Slope Ordinance

Draft Proposed Critical Slope Ordinance

Waterway Map

**[Additional attachments for this item are located adjacent to this PDF on the website or at http://www.charlottesville.org/index.aspx?page=3140.](http://www.charlottesville.org/index.aspx?page=3140)**