

Agenda

PLANNING COMMISSION REGULAR DOCKET TUESDAY, June 12, 2012 – 5:30 P.M. CITY COUNCIL CHAMBERS

- I. **PLANNING COMMISSION GATHERING -- 4:30 P.M. (Held in the NDS Conference Room)** Commissioners gather to communicate with staff. (4:30-5:30 P.M.)
- II. **REGULAR MEETING -- 5:30 P.M.**
 - A. **COMMISSIONERS' REPORTS**
 - B. **UNIVERSITY REPORT**
 - C. **CHAIR'S REPORT**
 - D. **DEPARTMENT OF NDS**
 - E. **MATTERS TO BE PRESENTED BY THE PUBLIC NOT ON THE FORMAL AGENDA**
 - F. **CONSENT AGENDA**

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

 1. Minutes - May 8, 2012 – Regular meeting
 2. Minutes - May 8, 2012 – Pre meeting
- III. **JOINT PUBLIC HEARINGS (Beginning at 6:00 P.M.)**
 - G. **JOINT PUBLIC HEARINGS**
 1. **ZM-12-03-04 - (Lochlyn Hill PUD):** A petition to rezone the property located off of Rio Road and Penn Park Lane from R-2 Residential District to Planned Unit Development (PUD) with proffers for affordable housing and multimodal construction and connections. The property is further identified on City Real Property Tax Map #48A as parcels 39 & 40 having no current road frontage, but proposing a road extension from Penn Park Lane for access and containing approximately 1,115,136 square feet of land or 25.6 acres. The PUD zoning allows an applicant to present a proposal independent of established zoning categories for consideration by the governing body. This proposal includes a residential development with a mix of housing types and dedicated open space with the full site containing a density of no greater than 5.9 DUA. The general uses called for in the Land Use Plan of the Comprehensive Plan are for Two-Family Residential. **Report prepared by Michael Smith, Neighborhood Planner.**
 2. **ZM-12-04-05 – (Rose Hill/Cynthianna Rezoning)** - A petition to rezone the property located at the corner of Cynthianna Avenue and Rose Hill Drive from R-1 Residential District to R-3 Residential District. The property is further identified on City Real Property Tax Map #35 as parcel 6 having approximately 125 feet of road frontage on Rose Hill Drive and containing approximately 12,502 square feet of land or 0.287 acres. The general uses called for in the Land Use Plan of the Comprehensive Plan are for Single-Family Residential. **Report prepared by Michael Smith, Neighborhood Planner.**
 3. **ZT-12-01-01 Zoning Waiver Provisions** - An ordinance to amend and reordain Chapter 34 Zoning Ordinance of the Code of the City of Charlottesville, 1990, as amended, to revise provisions governing waivers, exceptions and modifications. **Report prepared by Missy Creasy, Planning Manager.**

IV. REGULAR MEETING ITEMS (Cont.) – 9:00 P.M.

H. McIntire Park East Side Master Plan Presentation

I. Preliminary Discussion
1. 1536 Rugby Road PUD

J. FUTURE MEETING SCHEDULE

Date and Time	Type	Items
Tuesday, June 26, 2012 – 4:00 PM*	Work Session	Livability Grant, CIP Process *Meeting to be one hour earlier than usual
Tuesday July 10, 2012 – 4:30 PM	Pre- Meeting	
Tuesday, July 10, 2012 – 5:30 PM	Regular Meeting	Rezoning –Stonehenge PUD, 1536 Rugby Road PUD SUP – Waterhouse Amendment LID Guideline Review

Anticipated Items on Future Agendas

- Entrance Corridor – Belmont Cottages PUD,
- Preliminary Site Plan and Critical Slopes – Willoughby Place

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 Council Action on Items with
Planning Commission Recommendation
May 2012

May 7, 2012

Consent Agenda

- a. RESOLUTION: 2211 Hydraulic Road SUP for laboratory and research testing (1st of 1 reading)
- h. RESOLUTION: Definition of Adult Day Care – Zoning Initiation (1st of 1 reading)

- 2. PUBLIC HEARING /** Appropriation of Funds for HOME FY 2012-2013 - \$95,182 (1st of 2 readings)
- APPROPRIATION /** Approval of the 2012-2013 Action Plan for Charlottesville and Thomas Jefferson
- RESOLUTION*** HOME Consortium (1st of 1 reading)

These items were approved or moved to second reading if appropriate.

May 21, 2012

- 7. Report/ Appropriation - Appropriation of Funds for HOME FY 2012-2013 - \$95,182 (2nd of 2 readings)

Approved on second reading

**LIST OF SITE PLANS APPROVED ADMINISTRATIVELY
5/1/2012 TO 5/31/2012**

- | | |
|--------------|--|
| 1. Amendment | 518 17 th Street (Alpha Phi Sorority) |
| 2. Final | 600 Preston Place (Theta Chi) |
| 3. Final | Wertland 2 (1115 Wertland Street) |

**LIST OF SUBDIVISIONS APPROVED ADMINISTRATIVELY
5/1/2012 TO 5/31/2012**

- | | | |
|----|--|---|
| 1. | TMP 30- 55, 59-62
850 Estes Street
File No. 1499 | 17 Residential Lots
Lincoln Surveying
Final |
| | Final Signed: 5/10/12
Signed by: Brian Haluska & Genevieve Keller | |
| 1. | TMP 55A – 148, 149
Riverside Avenue
File No. 1500 | Boundary Line Adjustment
Draper Aden
Final |
| | Final Signed: 5/22/12
Signed by: Brian Haluska & Genevieve Keller | |



**CITY OF CHARLOTTESVILLE
NEIGHBORHOOD DEVELOPMENT SERVICES
MEMO**

To: City of Charlottesville Planning Commission
From: Brian Haluska, AICP
CC: Jim Tolbert, AICP; Missy Creasy, AICP
Date: June 1, 2012
Re: Adult Day Care Zoning Text Amendment

At their meeting on May 7, 2012, City Council voted to initiate a review of the definition of “Adult Day Care” in the Zoning Ordinance. Staff has completed the review and concluded that no changes are warranted to the current definition of “Adult Day Care” in the City. No further action is necessary on this item.

MINUTES
CITY OF CHARLOTTESVILLE
PLANNING COMMISSION
TUESDAY, May 8, 2012 -- 5:30 P.M.
CITY COUNCIL CHAMBERS

Commissioners Present:

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

Not Present:

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

Staff Present:

Ms. Missy Creasy, AICP, Planning Manager
Mr. Michael Smith, Planner

Also Present

Mr. Richard Harris, Deputy City Attorney

II. REGULAR MEETING

Ms. Keller convened the meeting.

A. COMMISSIONERS' REPORT

- Ms. Sienitsky –Attended the Neighborhood representative meeting last month. They were pleased with the increase police presence on the downtown mall.
- Ms. Green –Will be attending the MPO TECH meeting on Tuesday May 15th. She also gave an overview of events that will be taking place during bike week.
- Mr. Osteen-BAR had their regularly scheduled meeting with a full agenda. He also attended the Arbor Day activity at Forest Hills Park.
- Mr. Rosensweig-HAC didn't meet last month, but will be meeting this month. The Parks and Recreation committee will be meeting and providing a recommendation to the Planning Commission for the east side of McIntire Park.
- Mr. Keesecker-PAC Tech did not meet.
- Mr. Santoski-Nothing to report

B. UNIVERSITY REPORT

No Report

C. CHAIR'S REPORT

Ms. Keller went on the Hemoshear tour and felt it was very informative.

D. DEPARTMENT OF NDS/STAFF REPORTS/WORK PLAN

Ms. Creasy informed the Planning Commission of a number of upcoming worksessions. Summer Frederick from the TJPDC will be speaking at the June session. June 7th will be a joint session with City Council on Land Use planning. Staff has been attending different events around the community to gain input on community land use issues. They

attended Friday's after Five and Martha Jefferson neighborhood annual picnic. Those two events went well and staff will be attending more in the future including "Movies in the Park".

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

Colette Hall, 101 Roberson Lane, read a letter of concern relating to the rezoning application for Lochlyn PUD.

F. CONSENT AGENDA

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

1. Minutes - April 10, 2012 – Regular meeting
2. Minutes - April 10, 2012 – Pre meeting
3. Minutes – April 17, 2012 – Work Session
4. Minutes – April 24, 2012-Work Session

Mr. Rosensweig made a motion to approve the Consent Agenda

Ms. Green seconded the motion

All in favor

Consent Agenda passes

Ms. Keller gavelled into Entrance Corridor Review Board

G. ENTRANCE CORRIDOR REVIEW

1. Special Permit recommendation for 1719 Hydraulic Road

Mary Joy Scala presented the staff report.

The applicant Jonathan Schultzman was present and asked to give his presentation during the public hearing.

Questions or Comments from Commission

- The Commission felt the recommendation was very appropriate.

Mr. Rosensweig said "I move to find that the proposed Special Use Permit to allow an electrical substation facility at 1718 Hydraulic Road will have an adverse impact on Hydraulic Road frontage from Meadowcreek to the Western property line. That impact can be mediated with an S-3 buffer including large and medium canopy streetscapes trees, understory trees, evergreen trees and shrubs."

Ms. Green seconded the motion

Ms. Keller asked for any further discussion

There was none

Ms. Creasy called the question;

Sienitsky	Yes
Green	Yes
Osteen	Yes
Rosensweig	Yes
Keesecker	Yes
Santoski	Yes
Keller	Yes

Motion Carries

Ms. Keller gaveled out of Entrance Corridor Review Board back into the Planning Commission meeting.

III. JOINT PUBLIC HEARINGS

1. G. JOINT PUBLIC HEARINGS

1. SP-12-03-03 – (1719 Hydraulic Road) An application from Dominion Virginia Power for a special use permit to locate a utility facility. The property is further identified on City Real Property Tax Map 40A Parcel 3 having road frontage on Hydraulic Road. The site is zoned Highway Corridor with Entrance Corridor Overlay and is approximately 9.11 acres or 39,832 square feet. The Land Use Plan generally calls for Commercial. **Report prepared by Michael Smith, Neighborhood Planner.**

Mr. Smith presented the staff report. The applicant was present and provided his presentation.

Questions from City Council

Mr. Norris wanted additional information on what the new facility would mean for Charlottesville. The applicant stated that the new facility would be better able to handle all of the power from the University and other parts of the City of Charlottesville to cut down on a lot of power outages.

Discussion from the Commission

The Commission felt that the packet given to them was very detailed and appreciated the pictures. It really helped to know and see exactly what was taking place and where.

Mr. Santoski said “I move to recommend the approval of the Special Use Permit application for a utility facility at 1719 Hydraulic Road with the following conditions; screening of the property conforms to the motion in the Entrance Corridor Review on the basis that the proposal serve the interest of the general public welfare and good zoning practice”.

Mr. Osteen seconded the motion

Ms. Creasy called the question

Sienitsky	Yes
Green	Yes
Osteen	Yes
Rosensweig	Yes
Santoski	Yes
Keesecker	Yes
Keller	Yes

Motion carries

2. ZM-10-08-24 – (2712 Eton Road) A petition to rezone the property located at 2712 Eton Road from R-1 Residential District to Planned Unit Development (PUD). This property is further identified on City Real Property Tax Map #19 as parcel 10 having approximately 50 feet of frontage on Eton Road and containing approximately 112,123 square feet of land (2.574 acres). The PUD zoning allows an applicant to present a proposal independent of established zoning categories for consideration by the governing body. This proposal includes a residential cluster development with dedicated open space containing a density of 3.5 DUA. The general uses called for in the Land Use Plan of the Comprehensive Plan are for Single Family Residential. **Report prepared by Brian Haluska, Neighborhood Planner.**

Mr. Santoski recused himself and left the room.

Ms. Creasy presented the staff report in Mr. Haluska's absence. During her report, she answered a few questions and concerns that have come forward.

Questions from the Commission

- Has anyone spoken with Engineering about the slopes?
- Is the road wide enough to handle off street parking?
- Is there an appropriate turn around for emergency vehicles?

Ms. Creasy stated that engineering does not have a problem with the slopes.

The applicant and owner of the property Alex Hancock was present and gave a time line of events which took place over the past 2 years concerning this property.

Questions or Comments from the Commission

- Wanted an explanation of what the engineering staff felt about the driveway elevation
- Has an agreement been made concerning the sanitary sewer line that runs through adjacent properties

The applicant stated that he had not gotten to the engineering part of the plan yet nor the sanitary sewer line. He does feel that his application meets all five of the criteria to become a PUD.

Ms. Smith wanted to know if the property is rezoned would that rezoning stay in place if the property was sold.

Ms. Creasy confirmed that if the property is sold in the future, that the zoning would stay with the property.

Ms. Keller opened the Public Hearing

William Niebel, 2707 Eton Rd, stated that Mr. Hancock did not give enough notice to the public to come and view the property. He also felt the property should stay R-1 because that is what the local citizens want.

Jane Smith, 2707 Eton Rd, read a letter from her neighbor at 2708 Eton Rd and he is against the rezoning.

Judy Thomas, 2739 McElroy Dr., stated that there is a lovely stretch of trail near the property and it is used by residents in the area. She felt that closing down the trail by the owner was a hostile act.

Peggy King, 2607 Jefferson Park Circle, stated that she was introduced to a trail when she purchased her house and felt it was a great asset to the neighborhood.

James King, 2607 Jefferson Park Circle, agreed with the staff report. He feels that this development would increase traffic and cause more trips during the day.

Brian Hogg, 2611 Jefferson Park Circle, noted that Jefferson Park Circle is the only way to get to Eton Rd. Little houses and big house do co-exist in the area and he feels there is a better way to do a subdivision on this property.

Jim Mustin 2706 Eton Rd, agrees with what has already been said. He also stated that there was no discussion at the open house. He feels the applicant is trying to maximize a return and ruin a beautiful neighborhood.

Rob McGinnis 2710 Eton Rd, opposes the rezoning. He feels that more than an open house is needed to discuss issues.

Jean Chase, 223 Old Lynchburg Rd, feels there are some very steep slopes at the end of Eton Rd and this development would disrupt vegetation.

Ms. Keller closed the public hearing

Discussion

- Commissioners have different opinions on which criteria may be met.
- The site is unique and the applicant needs to respond to existing neighbors
- Having the cars stored away from the house would be more compelling.

Ms. Green said “I move to recommend the denial of the application to rezone property from R-1 to a PUD on the basis that the proposal would not serve the interest of the general public welfare and good zoning practice.”

Ms. Sienitsky seconded the motion.

Ms. Keller called any further discussion

There was none

Ms. Creasy called the question

Sienitsky	Yes
Green	Yes
Osteen	Yes
Rosensweig	Yes
Keesecker	Yes
Keller	Yes

Motion carries

IV. REGULAR MEETING ITEMS

I. Preliminary Discussion

1. Stonehenge PUD

Mr. Smith presented the staff report

The applicant, Justin Shimp was present to answer any questions

Preliminary Discussion

The Commission would like to see more connectivity to Druid Avenue. They felt the application was responsive to the topography. The Commission felt a mix of housing types would be very interesting and they are looking forward to seeing the actual plan in the future.

The applicant stated that he would take every suggestion into consideration when bringing future plans back to the Planning Commission.

Mr. Rosensweig made a motion for adjournment until the second Tuesday in June.

Meeting adjourned at 8:14pm

CITY OF CHARLOTTESVILLE
PLANNING COMMISSION PRE MEETING
TUESDAY, May 8, 2012 -- 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. John Santoski
Mr. Michael Osteen

Staff Present:

Mr. Jim Tolbert, NDS Director
Ms. Missy Creasy, Planning Manager
Ms. Mary Joy Scala, Preservation Planner
Mr. Michael Smith, Neighborhood Planner
Mr. Richard Harris, Deputy City Attorney

The Commission began to gather at 4:30 and was called to order at 4:58. Ms. Keller reviewed the agenda. Commissioners asked questions for clarity concerning the Eton Road PUD application. Mr. Rosensweig asked for additional background on the ERBs role in the Hydraulic Road Special Permit and that information was provided. Mr. Santoski asked about the height of the Dominion substation. The process for gathering comments on the Stonehenge PUD preliminary discussion was outlined in case there are members of the public interested in speaking this evening on that topic.

The discussion adjourned at 5:23pm.

CITY OF CHARLOTTESVILLE
DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES
STAFF REPORT



APPLICATION FOR REZONING OF PROPERTY

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

DATE OF HEARING: June 12, 2012

APPLICATION NUMBER: ZM-12-03-04

Project Planner: Michael Smith
Applicant: Milestone Partners, LLC
Applicants Representative: L.J. Lopez

Application Information

Property Street Address: Penn Park Lane

Tax Map/Parcel #: 48A/ 39, 40

Total Acreage Site: 25.6 Acres

Comprehensive Plan (Land Use Plan) Designation: Two-Family Residential

Current Zoning Classification: R-2 (Two-family)

Applicant's Request:

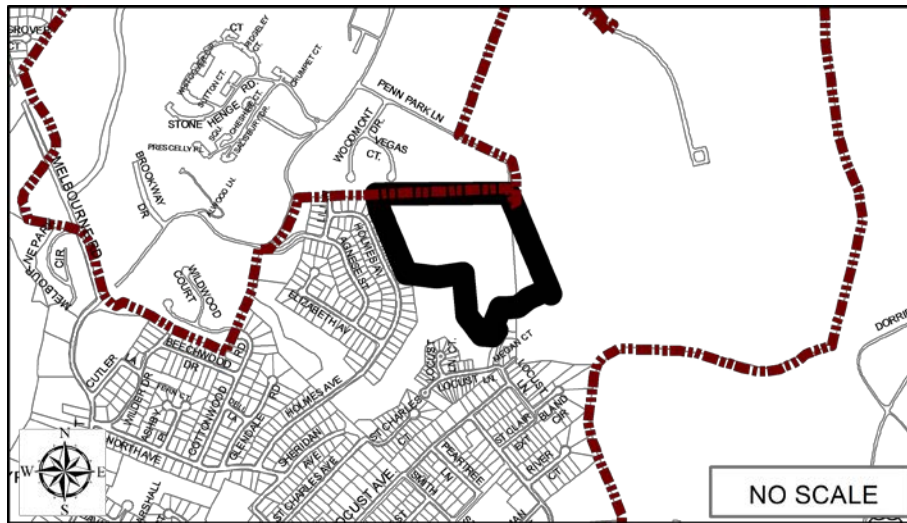
The applicant is requesting to rezone the former Meadow Creek Wastewater Treatment Plant at Penn Park Lane from R-2 Residential to Planned Unit Development (PUD) with proffers. Proffers include the provision of affordable housing, as well as bike and pedestrian improvements. This property is further identified on City Real Property Tax Map #48A as parcels 39 and 40, containing approximately 1,115,136 square feet of land (25.6 acres). This proposal includes a residential development containing a density of up to 5.9 DUA. The general use called for in the Land Use Plan of the Comprehensive Plan is for Two-Family Residential

In accordance with the zoning ordinance, the developer is not required to submit a detailed engineering plan at this point in the PUD approval process, but to submit a concept plan that would show number and types of dwelling units, points of ingress and egress for vehicles and pedestrians as well as describe the street system. The detailed engineering plans will be submitted in the site plan if the project is approved for development.

All site plans for planned unit developments are required to be brought before the Planning Commission in accordance with Section 34-820(d)(1) of the City Code.

The PUD zoning is necessary to allow reduced lot sizes, and reduced front, side, and rear yard setbacks, and amended frontage requirements.

Vicinity Map



Rezoning Standard of Review

The planning commission shall review and study rezonings 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.

Planned Unit Development Standard of Review

In reviewing an application for approval of a planned unit development (PUD) or an application seeking amendment of an approved PUD, in addition to the general considerations applicable to any rezoning the city council and planning commission shall consider whether the application satisfies the following objectives of a PUD district:

- To encourage developments of equal or higher quality than otherwise required by the strict application of zoning district regulations that would otherwise govern;
- To encourage innovative arrangements of buildings and open spaces to provide efficient, attractive, flexible and environmentally sensitive design.
- To promote a variety of housing types, or, within a development containing only a single housing type, to promote the inclusion of houses of various sizes;

- To encourage the clustering of single-family dwellings for more efficient use of land and preservation of open space;
- To provide for developments designed to function as cohesive, unified projects;
- To ensure that a development will be harmonious with the existing uses and character of adjacent property, and/or consistent with patterns of development noted with respect to such adjacent property;
- To ensure preservation of cultural features, scenic assets and natural features such as trees, streams and topography;
- To provide for coordination of architectural styles internally within the development as well as in relation to adjacent properties along the perimeter of the development; and
- To provide for coordinated linkages among internal buildings and uses, and external connections, at a scale appropriate to the development and adjacent neighborhoods;
- To facilitate access to the development by public transit services or other single-vehicle-alternative services, including, without limitation, public pedestrian systems.

Project Review:

Overall Analysis:

1. Proposed Use of the Property.

The property will primarily be used for residential use, however, the applicant has proposed some non-residential uses be allowed. There are 148 residential units proposed, dispersed throughout the property in various types. The 148 units are divided as such: 62 single-family detached, 48 multi-family, 20 townhome, and 15 cottages.

In addition to the residential uses noted above, the applicant has proposed uses not currently shown on the concept plan. The following uses are proposed by special use permit or provisional use permit:

- Houses of worship
- Farmers' Market
- Home Occupation
- Educational Facilities

The City Code allows "houses of worship" as a by-right use within the R-2 residential district. "Home occupation" is permitted through provisional use permit and "educational facilities" are permitted by special use permit. "Farmers' market" is not allowed within the R-2 district.

The applicant has proposed the following uses as by-right:

- Stormwater management facilities
- Utility facilities
- Utility lines

Stormwater management facilities are uses currently unaddressed in city code. Utility facilities are only in R-2 districts by special use permit, while utility lines are a by-right use in the R-2 district.

2. Zoning History

This property has been zoned R-2 Residential since annexed into the City.

3. Character and Use of Adjacent Properties

Direction	Use	Zoning
North	Vacant Land(Albemarle County)	R-4
South	Vacant	R-2
East	Park(Pen Park)	R-1S
West	Single-Family Residential	R-1S

* Uses allowed by-right in R-4 Residential(Albemarle County) are attached to the staff report.

4. Reasonableness/Appropriateness of Current Zoning

The current zoning is reasonable and appropriate as this area is currently surrounded by low to medium-density residential uses.

5. Reasonableness/Appropriateness of Proposed Zoning

The proposed zoning is reasonable and appropriate for this property. R-2, or medium density residential, is defined in the comprehensive plan as containing a density of 7-12 units an acre. The PUD proposes a density of 4.7 to 5.9 dwelling units per acre (DUA), consistent with the comprehensive plan definition of low-density residential (3-7 units an acre). The proposed density is also consistent with the low-density residential east and south of the property,

6. Consistency with Comprehensive Plan

The proposed PUD is consistent with the following chapters: Housing, Land Use and Urban Design, Community Facilities, and the Locust Grove Neighborhood Plan. The three comprehensive plan chapters, and neighborhood plan, reflect consistency with this proposal for the following reasons:

Housing Chapter:

Goal I: *Continue to maintain, improve and grow the city's housing stock.*

Land Use Chapter:

Goal III: *Promote land use that maintains and enhances the City's role as a regional market place, without sacrificing the quality of life and environment.*

- *Objective D: Encourage the use of Planned Unit Development for large sites and Infill SUP for smaller areas as a way to protect the natural environment and allow flexibility and variety in development.*

Community Facilities(Parks and Recreation):

Goal IV: *Connect the park system to the community through the development of trails and through the effective and appropriate design of park and recreation facilities.*

- Objective D: *Increase pedestrian and bike connectivity*
- Objective E: *Encourage land acquisition along trail corridors to ensure permanent use as a trail and ability to manage land as park space and green infrastructure resource.*

Locust Grove Neighborhood Plan:

Centers: Pen Park needs a better connection - the only way is an adventurous path along the Rivanna and is not for the weary. It is also informal. Potentially use new development for access to park.

Connectivity: The new development near Pen Park could provide better access to the park.

Housing: There is a need for a greater mix of housing than is currently in the neighborhood.

This rezoning would improve and grow the City's housing stock. The PUD would allow a mix of housing types, as opposed to the current R-2 zoning which restricts development to single and two-family residential. The rezoning would also respond to other goals noted above by locating density adjacent to parks and natural resources.

7. Potential Uses of the Property

An approved PUD would allow for the uses outlined in an approved PUD development plan. The proposed PUD provides a variety of housing types, including single-family detached, cottages, townhomes, and apartments. In addition, the PUD ordinance allows for flexibility in review procedures and design standards for lots, setbacks, coverage, streets, etc.

8. Access, Circulation, and Traffic:

Automobile access will be dependent upon two Albemarle County roads, Pen Park Lane and Vegas Court. Pen Park Ln would serve as the main access to the PUD, as Pen Park is currently the singular access point to Rio Road East. The internal road network will consist of primary roads and alleys. The specifications for the streets and alleys are noted in the Code of Development. Additionally, the applicant has proposed trail networks that would border the internal road network and connect the PUD to Meadowcreek Golf Course, Penn Park Ln, and existing trails along Meadow Creek.

Traffic will be a concern for a development of this intensity, particularly at the intersection of Rio Road and Pen Park Lane. The applicant has submitted a Traffic Impact Analysis (TIA) which concludes the traffic volumes proposed for this rezoning will not warrant signalization at the intersection. The report stated that a traffic signal would relieve the potential delay on Pen Park Ln, however, only in the peak hours. Staff requested that the findings of the TIA be reviewed by VDOT and are awaiting their response to the analysis.

9. Process

If the rezoning is approved, and before any site development, the applicant would be required to submit for review a preliminary site plan that is in substantial conformance with the approved PUD.

10. Impact Mitigation

The applicant has submitted three (3) proffers in an effort to offset and mitigate certain impacts anticipated as a result of the proposed development.

*Proffer 1. **Affordable Housing** – Owner/Applicant proffers that no less than fifteen percent (15%) of the units sold and/or leased within City portion the project will meet the requirements for an Affordable Dwelling Unit as defined below. No less than one third 1/3 of the minimum required qualifying units shall be owner occupied housing. Affordable Dwelling Units may include single family detached units, single family attached units, attached or detached accessory dwellings, apartments or condominiums.*

***For-Sale Affordable Units** - Affordable units shall be affordable to households with incomes less than eighty percent (80%) of the area median family income (the "Affordable Unit Qualifying Income"), such that the housing costs consisting of principal, interest, real estate taxes, and homeowner's insurance (PITI) do not exceed thirty percent (30%) of the Affordable Unit Qualifying Income. The Owner/Applicant or it's successor in interest may at its option provide down payment assistance or soft seconds (silent second mortgages) to reduce the costs to the homebuyer, so that the resultant first mortgage and housing costs remain at, or below, the parameters described above. All financial programs or instruments described above must be acceptable to the primary mortgage lender. Any Soft second (silent second mortgage) executed as part of the affordable housing proffer shall be donated into a Lochlyn Hill Affordable Housing Trust to be structured and managed by the Piedmont Housing Alliance or another qualified organization designated by the Owner and approved by the City Attorney. Each dwelling unit qualifying under these parameters counts as one (1) affordable unit.*

Each subdivision plat and site plan for the land within the Property which includes affordable or other price-restricted units shall designate the lots or units that will be subject to the terms and conditions of this proffer. Prior to the issuance of the thirty-sixth (36th) building permit for a market rate dwelling unit within the City portion of the property, the then-current owner/builder shall have obtained certificates of occupancy for three (3) owner occupied affordable dwelling units within the Property. Prior to the issuance of the seventy second (72) building permit for a market rate dwelling unit within the Property, the then current owner/builder shall have obtained certificates of occupancy for three additional owner occupied affordable dwelling units. Prior to the issuance of the last 4 building permits for market rate dwelling units within the City Property, the Owner shall have obtained certificates of occupancy for the remaining 5 affordable owner occupied dwelling units within the City Property.

Owner Financing will be provided to builders who commit to constructing Affordable Dwelling Units and offering them to purchasers who have Affordable Unit Qualifying

Income. This Owner financing shall be assumable for the purchaser and subordinate to the first deed of trust. Qualifying Purchasers will pay interest only at a rate of Prime plus 1% for as long as the loan is outstanding. All loans shall be donated to a Lochlyn Hill Housing Trust Fund (to be established by the Owner/Applicant prior to conveyance) or another qualified receiver designated by the Owner and approved by the City Attorney. The Lochlyn Hill Housing Trust Fund shall be managed by the Piedmont Housing Alliance or another qualified manager designated by the Owner/applicant and approved by the City Attorney. Upon resale of a property on which Owner Financing has been provided, the full amount of the loan plus a proportional share of the property appreciation shall be paid into the Lochlyn Hill Housing Trust Fund. Interest on the Owner Financed loans, shall also be paid into the Lochlyn Hill Housing Trust Fund, from which, a loan servicing fee may be charged by the appointed manager. The remaining interest proceeds shall be paid to the note holder of record at the time of payment. All funds held in the Lochlyn Hill Housing Trust Fund shall be used to promote affordability within the neighborhood.

All purchasers of the affordable units shall be approved by the Charlottesville Department of Neighborhood Development Services or its designee. The then-current owner/builder shall provide the City or its designee a period of ninety (90) days to identify and pre-qualify an eligible purchaser for the affordable units. The ninety (90) day period shall commence upon written notice from the then-current owner/builder that the unit is within one hundred twenty (120) days of completion and, that on or before the end of such one hundred twenty (120) day period, shall be ready for occupancy. If the City or its designee does not provide a qualified purchaser who executes a contract of purchase during this ninety (90) day period, the then current owner/builder shall have the right to sell the unit without any restriction on sales price or income of the purchaser(s), provided, however, that any unit sold without such restriction shall, nevertheless, be counted toward the number of affordable units required to be provided pursuant to the terms of this proffer. The requirements of this proffer shall apply only to the first sale of each of the affordable unit offered for sale.

For Lease Accessory Dwelling Units – Owner/Applicant proffers to construct a minimum of 15 and a maximum of 50 Accessory Dwelling Units (ADU) on the City Property. These dwelling units can be attached or detached and shall be permitted, constructed and sold with the primary dwelling unit. Owners of the primary dwelling may offer the units for lease or retain the units for personal use.

Proffer #1 states that the applicant will provide 11 affordable units. This equates to roughly 7.4% of the 148 units proposed as affordable. Staff appreciates the recognition of affordable housing by the applicant, but finds the proffer as drafted lacks adequate, concrete language to ensure accountability. The applicant has included language that requires Neighborhood Development Services (NDS), or its designee, to identify and provide qualified purchasers to the owner of the affordable unit 90 days prior to the issuance of a certificate of occupancy. This is not a role that city staff currently has nor should adopt. Staff also feels the applicant needs to expand the details of the “Lochlyn Hill Housing Trust” mentioned in the proffer and the specific means in which the trust will “promote affordability within the neighborhood” for clarity as to what is being proposed.

Staff believes Proffer #1 contains language that could address PUD Objective #3 and the Comprehensive Plan goal of promoting an assortment of affordable housing initiatives, however, at this time, staff is concerned that the language does not provide sufficient detail on how the proposal can be reasonably accomplished and does not recommend accepting the proffer as written.

*Proffer 2. **Pedestrian Connection to Rio Road** – Where adequate right-of-way is available and necessary approvals can be secured from Albemarle County and the Virginia Department of Transportation, Owner/Applicant will build a sidewalk along one side of Pen Park Lane to its intersection with Rio Road.. This proffer shall not require the Owner/Applicant to purchase any additional property or easements to build off-site improvements needed to make this pedestrian connection.*

The proximity of this proposal to Charlottesville High School facilities, Pen Park, and the Downtown Mall contributes to the potential of a PUD rezoning at this location. To ensure the future residents of this proposed PUD have the ability to access the public amenities noted above, as well as many others, staff believes connectivity will be critical. Proffer #2 responds to Objective #10 of the PUD standards, however doesn't consider the impact 148 dwelling units will have on the surrounding neighborhood and existing infrastructure via motorized vehicles. Staff supports the intent of Proffer #2, but believes additional details are necessary to adequately respond to potential impacts. Staff does not recommend accepting the proffer as written.

*Proffer 3. **Bicycle Path and Greenway Dedication** – Owner/Applicant proffers to fund a paved bike trail along its entire Meadowcreek frontage and dedicate the path, together with a parallel greenway of not less than 50 feet and not more than 100 feet to the City of Charlottesville. Owner/Applicant will pay the City of Charlottesville Fifteen Thousand Dollars (\$15,000) cash upon notice from the City to Owner/Applicant that all necessary right-of-way has been acquired to extend the path as described herein and that the necessary funds have been allocated, and that it is prepared to move forward with the construction of the path within 12 months from the date of notice.*

Proffer #3 responds to Objective #7 of the PUD standards and should enhance trail connectivity to public facilities and adjacent communities, however, staff believes there is unnecessary language regarding right of way acquisition. Staff believes that language is unrelated to the dedication of the bicycle path and greenway and does not recommend accepting the proffer as written.

Public Comments Received:

Roger Davis, Holmes Ave resident, stated that he was not in support of this development, He believes this development will increase noise and traffic. He believes this PUD is not in a good location.

John Blatz, Bill Coburn, Katha Bollfrass, Harriet Resio, and Kim Blatz, residents of River Run in Albemarle County, had general questions regarding processes, critical slopes, and stormwater management/ E&S measures.

Laurie Barrett, property owner on Penn Park Lane, and Julie Harlan, resident of Locust Grove, were curious about any road improvements planned for Penn Park Ln as a measure to support the increased traffic.

Staff Recommendation:

The standard of review for Planned Unit Developments states ten objectives that potential PUDs should aspire to meet. While it is not necessary for a PUD to meet all ten objectives, the development must be evaluated based on those objectives.

Staff finds that the proposed PUD meets aspects of the following seven objectives contained in the PUD ordinance:

- To encourage developments of equal or higher quality than otherwise required by the strict application of zoning district regulations that would otherwise govern;
- To encourage innovative arrangements of buildings and open spaces to provide efficient, attractive, flexible and environmentally sensitive design.
- To encourage the clustering of single-family dwellings for more efficient use of land and preservation of open space;
- To provide for developments designed to function as cohesive, unified projects;
- To ensure preservation of cultural features, scenic assets and natural features such as trees, streams and topography;
- To provide for coordination of architectural styles internally within the development as well as in relation to adjacent properties along the perimeter of the development; and
- To provide for coordinated linkages among internal buildings and uses, and external connections, at a scale appropriate to the development and adjacent neighborhoods;

The proposal for this PUD offers the City a dense, eclectic mix of housing that would not possible with the strict application of the current R-2 zoning. The adjacency of this property to parks and environmental features will facilitate activity within the PUD, potentially creating a healthy, engaged community that will benefit the overall social health of the City.

Staff finds that the proposed PUD does not fully address aspects of the following three objectives contained in the PUD ordinance:

- To promote a variety of housing types, or, within a development containing only a single housing type, to promote the inclusion of houses of various sizes;
- To ensure that a development will be harmonious with the existing uses and character of adjacent property, and/or consistent with patterns of development noted with respect to such adjacent property;
- To facilitate access to the development by public transit services or other single-vehicle-alternative services, including, without limitation, public pedestrian systems.

Staff believes the impact this develop will have on traffic, particularly at the Rio Road/Pen Park Lane intersection, have not been sufficiently addressed at this time. This development projects growth that will greatly change the character of the existing Pen Park/Vegas Court neighborhood and the applicant needs to supply adequate information that will mitigate those impacts. Furthermore, the community this applicant is attempting to create with this development is one that is inclusive and reflective of a socially and economically diverse neighborhood. The variety of housing types proposed within the development shows that this proposal is moving in the right direction, however, staff feels the lack of clarity, at this time, concerning housing affordability provides uncertainty as to whether the character being proposed within this application can be achieved.

For the reasons noted above, staff recommends denial of the proposed PUD rezoning. Staff feels the applicant can make adjustments to this application, as noted throughout the report, and with these adjustments there is potential for a favorable recommendation in the future.

Attachments

Application materials.

Suggested Motions:

1. "I move to recommend denial of this application to rezone the subject properties from R1-S and R-2 to PUD."
2. "I move to recommend the approval of this application to rezone the subject properties from R-2 to PUD, 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 application to rezone the subject properties from R1-S and R-2 to PUD."
4. Alternate motion.

BEFORE THE CITY COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA
IN RE: PETITION FOR REZONING (City Application No. _____)
STATEMENT OF PRELIMINARY PROFFER CONDITIONS
For the LOCHLYN HILL PUD

Dated as of May 7, 2012

TO THE HONORABLE MAYOR AND MEMBERS OF THE COUNCIL OF THE CITY OF CHARLOTTESVILLE:

The undersigned individual is the owner of land subject to the above-referenced rezoning petition ("Subject Property"). The Owner/Applicant seeks to amend the current zoning of the property subject to certain voluntary development conditions set forth below. In connection with this rezoning application, the Owner/Applicant seeks approval of a PUD as set forth within a PUD Development Plan dated May 8, 2012.

The Owner/Applicant hereby proffers and agrees that if the Subject Property is rezoned as requested, the rezoning will be subject to, and the Owner will abide by, the approved PUD Development Plan as well as the following conditions:

1. **Affordable Housing** – Owner/Applicant proffers that no less than fifteen percent (15%) of the units sold and/or leased within City portion the project will meet the requirements for an Affordable Dwelling Unit as defined below. No less than one third 1/3 of the minimum required qualifying units shall be owner occupied housing. Affordable Dwelling Units may include single family detached units, single family attached units, attached or detached accessory dwellings, apartments or condominiums.

For-Sale Affordable Units - Affordable units shall be affordable to households with incomes less than eighty percent (80%) of the area median family income (the "Affordable Unit Qualifying Income"), such that the housing costs consisting of principal, interest, real estate taxes, and homeowner's insurance (PITI) do not exceed thirty percent (30%) of the Affordable Unit Qualifying Income. The Owner/Applicant or it's successor in interest may at its option provide down payment assistance or soft seconds (silent second mortgages) to reduce the costs to the homebuyer, so that the resultant first mortgage and housing costs remain at, or below, the parameters described above. All financial programs or instruments described above must be acceptable to the primary mortgage lender. Any Soft second (silent second mortgage) executed as part of the affordable housing proffer shall be donated into a Lochlyn Hill Affordable Housing Trust to be structured and managed by the Piedmont Housing Alliance or another qualified organization designated by the Owner and approved by the City Attorney. Each dwelling unit qualifying under these parameters counts as one (1) affordable unit.

Each subdivision plat and site plan for the land within the Property which includes affordable or other price-restricted units shall designate the lots or units that will be subject to the terms and conditions of this proffer. Prior to the issuance of the thirty-sixth (36th) building permit for a market rate dwelling unit within the City portion of the property, the then-current owner/builder shall have obtained certificates of occupancy for three (3) owner occupied affordable dwelling units within the Property. Prior to the issuance of the seventy-second (72) building permit for a market rate dwelling unit within the Property, the then-current owner/builder shall have obtained certificates of occupancy for three additional owner

occupied affordable dwelling units. Prior to the issuance of the last 4 building permits for market rate dwelling units within the City Property, the Owner shall have obtained certificates of occupancy for the remaining 5 affordable owner occupied dwelling units within the City Property.

Owner Financing will be provided to builders who commit to constructing Affordable Dwelling Units and offering them to purchasers who have Affordable Unit Qualifying Income. This Owner financing shall be assumable for the purchaser and subordinate to the first deed of trust. Qualifying Purchasers will pay interest only at a rate of Prime plus 1% for as long as the loan is outstanding. All loans shall be donated to a Lochlyn Hill Housing Trust Fund (to be established by the Owner/Applicant prior to conveyance) or another qualified receiver designated by the Owner and approved by the City Attorney. The Lochlyn Hill Housing Trust Fund shall be managed by the Piedmont Housing Alliance or another qualified manager designated by the Owner/applicant and approved by the City Attorney. Upon resale of a property on which Owner Financing has been provided, the full amount of the loan plus a proportional share of the property appreciation shall be paid into the Lochlyn Hill Housing Trust Fund. Interest on the Owner Financed loans, shall also be paid into the Lochlyn Hill Housing Trust Fund, from which, a loan servicing fee may be charged by the appointed manager. The remaining interest proceeds shall be paid to the note holder of record at the time of payment. All funds held in the Lochlyn Hill Housing Trust Fund shall be used to promote affordability within the neighborhood.

All purchasers of the affordable units shall be approved by the Charlottesville Department of Neighborhood Development or its designee. The then-current owner/builder shall provide the City or its designee a period of ninety (90) days to identify and pre-qualify an eligible purchaser for the affordable units. The ninety (90) day period shall commence upon written notice from the then-current owner/builder that the unit is within one hundred twenty (120) days of completion and, that on or before the end of such one hundred twenty (120) day period, shall be ready for occupancy. If the City or its designee does not provide a qualified purchaser who executes a contract of purchase during this ninety (90) day period, the then-current owner/builder shall have the right to sell the unit without any restriction on sales price or income of the purchaser(s), provided, however, that any unit sold without such restriction shall, nevertheless, be counted toward the number of affordable units required to be provided pursuant to the terms of this proffer. The requirements of this proffer shall apply only to the first sale of each of the affordable unit offered for sale.

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greenway of not less than 50 feet and not more than 100 feet to the City of Charlottesville. Owner/Applicant will pay the City of Charlottesville Fifteen Thousand Dollars (\$15,000) cash upon notice from the City to Owner/Applicant that all necessary right-of-way has been acquired to extend the path as described herein and that the necessary funds have been allocated, and that it is prepared to move forward with the construction of the path within 12 months from the date of notice.

WHEREFORE, the undersigned Owner(s) stipulate and agree that the use and development of the Subject Property shall be in conformity with the conditions hereinabove stated, and requests that the Subject Property be rezoned as requested, in accordance with the Zoning Ordinance of the City of Charlottesville.

Respectfully submitted this 7th day of May, 2012.

Owner/Applicant: Meadowcreek Development, LLC

By: _____
Frank R. Stoner, IV
Managing Member

By: _____
John N. Stoner
Managing Member

Owner/Applicant's Address: 300 Second Street NE
Charlottesville, VA 22902

June 4, 2012



City of Charlottesville
Neighborhood Development
Attn: Mike Smith
PO Box 911, City Hall
Charlottesville, VA 22902

RE: Lochlyn Hill Rezoning – Prelim Planning Commission and Staff Comment
Resubmission

Dear Mike:

Please find enclosed the following:

- Comment Response Memo dated June 4, 2012
 - o Addresses Staff Comments from 5.8.12 resubmission
 - o Includes appropriate additional information
- Updated Code of Development dated June 4, 2012
- Exhibits 1-7

These are submitted in preparation for the Joint Public Hearing to be held on June 12, 2102. We look forward to working with you on this exciting residential development project that spans both the City and County jurisdictions. If there are any questions, please do not hesitate to contact me directly at llopez@milestonepartners.co or 434.245.5803 (o) or 434.409.1005 (c).

Very truly yours,

A handwritten signature in black ink that reads "LJ Lopez III".

Louis J. Lopez III

- SUBMITTED ELECTRONICALLY



300 2nd Street NE, Charlottesville VA 22902
T 434.245.5805 | F 866.948.7684



LOCHLYN HILL

CODE OF DEVELOPMENT

MEADOWCREEK DEVELOPMENT, LLC



May 8, 2012
as revised June 4, 2012
County of Albemarle
City of Charlottesville

milestone

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- B - Minimum and Maximum Residential Density
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- E - Minimum Planting Requirements
- F - Minimum Planting Sizes at Time of Installation

List of Exhibits:

- 1 - Existing Conditions
- 2 - Illustrative General Development Plan
- 3 – 3L – Neighborhood Perspectives
- 4 - Typical Mid-Block Street Sections
- 5 – 5A – Conceptual Site Section
- 6 - Phasing / Block Plan
- 7 - Conceptual Grading Plan

LOCHLYN HILL -- CODE OF DEVELOPMENT

Purpose and Intent

Pursuant to the City of Charlottesville's Code of Ordinances under the Zoning Code – Planned Unit Development Districts (PUD), this document constitutes Lochlyn Hill's General Development Plan and Code of Development.

The current City Zoning Ordinance and Comprehensive Plan calls for residential development for this property. Currently, Tax Map 48A Parcels 39 and 40 (25.8 acres) are zoned R-2 which allows single family detached and attached housing with a feasible density range of 4-12 units per acre. The Lochlyn Hill project proposes a residential PUD (Planned Unit Development) with 4.7 to 5.9 dwelling units per acre, well within the by-right density under R-2 zoning.

Meadowcreek Development, LLC also owns 7.7 acres of land in Albemarle County that adjoin the subject property. This land (Tax Map 61A Parcels 2, 6, 7, 9, 10, 11, 13, 34A and 34B), together with an additional 3.6 acres owned by others (Tax Map 61A Parcels 3, 3A, 3B, 4, 5 and 12) are all contained within the Lochlyn Hill project and will be developed in accordance with the design principles stated herein. The County property is currently zoned R-4 and allows single family, duplex, triplex, and townhouses. It is the intent of Meadowcreek Development, LLC to unify the neighborhood under one Owners' Association and make the constructed amenities available to all residents.

Existing Conditions

The 25.8 acre Lochlyn Hill site is located in the Locust Grove Neighborhood at the end of Penn Park Lane and adjacent to the Meadowcreek Golf Course. It is the site of the former Meadowcreek Treatment Plant property, which was sold by the City of Charlottesville in 1996 to the current owner, Meadowcreek Development, LLC. The two (2) parcels that constitute the project (Tax Map 48A Parcels 39 and 40) contained the Meadowcreek Treatment Plant facilities and infrastructure when purchased but have since been remediated, demolished and removed from the site. The site is currently mixed open space and overgrown weed trees. There is a portion of one remaining structure from the Meadowcreek Treatment Plant remaining on the property; it was formerly an aeration tank during operation of the treatment facility and now exists as a gravel pit. The gravel will be used as temporary lay down material during site construction and the structure will be removed during Phase 2 site construction (Existing Conditions – Exhibit #1).

The existing topography and proximity to Meadowcreek and the Golf Course present minor design challenges but also tremendous opportunities. Starting at 450 feet in elevation, the site gently drops from the entrance off Penn Park Lane until it reaches the floodplain of the Meadowcreek at an elevation of 330 feet. Proximity to the Meadowcreek floodplain will provide access to the City of Charlottesville's planned greenway and the Rivanna Trail Foundation's trail that circumnavigates the City. The adjacency to the Golf Course provides a dramatic view shed and perpetual open space to the east but also allows the RTF trail network, that crosses Meadowcreek, to maintain its natural character as it winds around the eastern border of Lochlyn Hill rather than having to switch to an urban section trail.

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Lochlyn Hill's Location and Context within Locust Grove

The Lochlyn Hill property is bordered to the west by the residential housing on Holmes Avenue. The eastern boundary is adjacent to holes 12 and 13 of the 18-hole public Meadowcreek Golf Course and the 280 acre Penn Park, the largest of the City's Parks. To the south, Lochlyn Hill is bordered by Meadowcreek; which will provide greenway access to Charlottesville High School, the Meadowcreek Parkway trail, Penn Park, and Darden Towe Park. Across Meadowcreek is the Locust Meadow neighborhood. The northern boundary of the property owned by Meadowcreek Development, LLC, is the City/County boundary. Meadowcreek Development, LLC owns additional property in the County which it intends to develop in accord with the development pattern established by the Lochlyn Hill PUD.

The Vision for Lochlyn Hill

Successful neighborhoods and communities are not random, unplanned events. In the past, relatively simple planning and controls over time have produced places of such charm and warmth that they have a place in this nation's collective subconscious. This memory and those places that survive today have in many ways set the standard for what our new neighborhoods and communities should be. The difficulty lies in creating in a few years what in the past took several decades. Lochlyn Hill will be a neighborhood and not a subdivision.

In an effort to work with the existing terrain and be sensitive to existing natural features, Lochlyn Hill's plan responds to the surrounding neighborhoods, Meadowcreek, and the golf course. Pedestrian access will be provided along the Meadowcreek with a bridge connection to support the efforts of the Rivanna Trail Foundation and the City Parks and Recreation department in creating greenway connections throughout the City. The Lochlyn Hill master plan works to protect and enhance the natural resources of the area through careful planning and development and creates designated and perpetual Natural Areas where development can never occur.

Additionally the plan responds to the socio-economic needs and desires of the City. By integrating a variety of housing types (single family, townhouse, cottage, and flats), the Lochlyn Hill plan will promote and support social and economic diversity in a way that homogeneous subdivisions cannot.

Structure of this Document

This document is comprised of both narrative and graphic information pursuant to the information required under the City of Charlottesville's Code of Ordinances – Zoning Code – Planned Unit Development Districts (PUD). The narrative portions of this document are broken into four major categories. The first regulates the location, density and intensity of land uses within Lochlyn Hill. The second regulates the form of these uses. The third section regulates the project's streetscape (e.g., typical street and sidewalk cross sections) and parking. The fourth regulates items that do not fit neatly into the above categories. In support of this narrative section, the Code of Development contains graphical exhibits March 13, 2012. Per City Zoning Section 34-517, only the following documents constitute Lochlyn Hill's General Development Plan:

LOCHLYN HILL -- CODE OF DEVELOPMENT

1. Illustrative General Development Plan (Exhibit #2)
2. Phasing / Block Plan (Exhibit #6)
3. Conceptual Grading Plan (Exhibit #7)

At the site plan or subdivision stage, the following items shall be located generally as shown on the General Development Plan and other 3 Exhibits above: Lot locations and boundaries; Building footprints; Parking Areas; Landscaping (except as general construed as major elements in the narrative section pertaining to Amenity, Green Space, or specifically identified landscape areas); Grading; Trail alignments; Stormwater management structures; Utilities; Block location, size, and shape; Road, intersection, and sidewalk alignments. However, the exact locations, boundaries, and/ or shapes of these items may be adjusted per the regulations established within the City Ordinance and this Code of Development.

This Code of Development package includes an Illustrative General Development Plan (Exhibit #2), Neighborhood Perspective (Exhibit #3), Typical Mid-Block Street Sections (Exhibits #4), Conceptual Site Sections (Exhibits #5), and other exhibits. The purpose of these exhibits is to indicate how the project's scale, massing, pedestrian orientation and landscape treatment **may** be achieved at the site plan or subdivision stage. Furthermore, these exhibits can be used by the Director of Neighborhood Development Services as a tool to determine a site plan's or subdivision plat's relative conformity with the Application / Illustrative General Development Plan. However, these exhibits do not represent the specific form of the final product nor do they describe final design requirements.

As stated in the introduction, Lochlyn Hill will provide a rational transition between the existing residential neighborhoods to the north and west and the Meadowcreek and Meadow Creek Golf Course to the south and east. The site's existing topography, road network, and phasing strategy serve as the basis in determining the breaks between the individual blocks. The Illustrative General Development Plan (Exhibit #2) delineates the block's location and shape (Blocks 1, a portion of 3 & 5, and 6 contained within the jurisdiction of the County of Albemarle).

Description of Land Use by Block

This section identifies the most important features and structures within each block. The features in this section must be provided to meet the requirements of the Ordinance.

Block 1

Block 1 is situated solely in Albemarle County and is the primary point of access. This block will serve as the gateway to the Lochlyn Hill neighborhood. When entering the neighborhood, the first element experienced will be a pocket park and entrance signage. These elements are important as they will demonstrate the significance of public open space and set the character of design for the neighborhood. Additionally, the main street cross section will also provide the basis for design of the remainder of the neighborhood, with residential housing close to the street, sidewalks, and street trees combining to create a very inviting and pedestrian friendly streetscape. The entry sequence of Block 1 will terminate at the neighborhood Village Green. This will serve as a visual focal point on the entry drive and also the central public amenity to include programmable green space for active recreation and a possible swim feature. The residential character of this block will be indicative of the

LOCHLYN HILL -- CODE OF DEVELOPMENT

balance of the neighborhood, as it will offer single family detached and townhouses in both a front loaded and rear alley loaded condition.

Block 2A

Block 2A is situated solely in the City of Charlottesville and will be a continuation of the development pattern established in Block 1. Small set backs, street trees, and pedestrian friendly streets will continue in this block and throughout the neighborhood. Larger, front loaded, single family detached lots will comprise the majority of the product type in this block with a few smaller, rear loaded, single family detached.

Block 2B

A sub-block, 2B, will support a third residential use, Cottages. The Cottages will be small foot print and small square footage single family detached homes centralized around a common green space. Parking will be relegated from the primary street as much as possible.

Block 3

Block 3 is situated with a majority of the block in the City and a portion in the County. The Albemarle County portion of the block is comprised of the remainder of the Village Green. Again, this will provide for central green space that is flexible and programmable for both passive and active recreation. This is anticipated to be a central meeting place for residents. The City of Charlottesville portion of Block 3 continues the already established pattern of development with mid-sized single family detached lots and townhouses. The units in this block are all anticipated to be rear loaded.

Block 4A

Block 4A includes single family detached and townhouses, both rear and front loaded. Block 4 is located entirely within the City and will have direct access to the Meadowcreek and pedestrian access to the Rivanna Trail will be made possible by the installation of a bridge to cross the Meadowcreek. A pocket park will also be included in this block.

Block 4B

Block 4B is comprised solely of luxury apartments or condos. This block is also adjacent to the Meadowcreek Golf Course and the multifamily use will take advantage of the grades on site to provide spectacular views of the golf course and surrounding mountain vistas.

Blocks 5 and 6

In Blocks 5 and 6 the pedestrian friendly, tree lined streets, alley access, integrated townhome and single family pattern of development continues. This block is adjacent to greenspace on its north and south boundaries. To the north is the Meadowcreek Golf Course, offering great views, and to the south is the central Village Green, offering active and passive recreation.

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Land Uses Permitted/ Prohibited by Block

Table A establishes the uses that are permitted or prohibited by block. If the column under a Block has a “B” filled in, then the use in that row is permitted (i.e., it is by-right) within that block. If the column under a Block has a “S” filled in, then the use in that row is permitted within that block only through a Special Use Permit and a separate Special Use Permit would need to be filed and a separate legislative action would need to be taken by the City of Charlottesville City Council to permit that use. Finally, if a column is left blank, then the use is prohibited within that block.

Table A – Permitted/ Prohibited Uses by Block								
Residential Uses	Block Number							
	1	2A	2B	3	4A	4B	5	6
Detached single family		B	B	B	B	B		
Duplex, Triplex, Townhouse		B	B	B	B	B		
Multi-family		S	S	S	S	B		
Boarding house (rooming house)		S	S	S	S	S		
Accessory building structures and uses		B	B	B	B	B		
Accessory Apartment - Internal		B	B	B	B	B		
Accessory Apartment - External		B	B	B	B	B		
Non-Residential Uses	Block Number							
	1	2A	2B	3	4A	4B	5	6
Houses of Worship		S	S	S	S	S		
Clubs, private - lodges, civic, fraternal, patriotic		S	S	S	S	S		
Farmers’ market		S	S	S	S	S		
Home Occupation ¹		P	P	P	P	P		
Education Facilities		S	S	S	S	S		
Stormwater management facilities shown on an approved final site plan or subdivision plat		B	B	B	B	B		
Utility Facilities		B	B	B	B	B		
Utility Lines		B	B	B	B	B		

1. Home Occupation shall be reviewed in accordance with the City’s Provisional Use Permit regulations and section 34-1172 of the zoning code.

LOCHLYN HILL -- CODE OF DEVELOPMENT

Special Single-Family Dwelling and Duplex Unit Regulations

Special single-family dwelling and duplex units are defined below and shall be allowed within Lochlyn Hill only under the following conditions:

Carriage Houses:

Carriage House Units are defined as separate, detached, independent living units which are included on a single family attached or detached unit's lot, but are clearly subordinate to the primary residence. While Carriage House Units may have a distinct street address and may be provided with separate utility meters if utilized as a rental unit, they may not be subdivided from the primary residence. Carriage house units must be located to the rear of the primary residence and must meet all architectural guidelines applicable to the primary residence.



ACCESSORY DWELLING UNITS:

Accessory Dwelling Units are defined as a separate, secondary residential unit that is subordinate to the owner-occupied principal unit. The secondary units are restricted as follows:

- The secondary unit shall always be contained within the same structure as the principle unit.
- The secondary unit may not be subdivided from the principle unit.
- Both units shall meet all fire code and building regulations for a two-family dwelling as defined by the International Residential Code.

Typically, the secondary unit will be located as an efficiency apartment on the ground floor of a walkout structure with the secondary unit's parking provided on-street and the principle unit's parking provided off of a rear-loaded alley. However, depending on grade conditions, the secondary unit might be provided on upper floors or all parking might be provided off-site.

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Block Use Density

Tables B sets the minimum densities required and the maximum densities allowed for residential uses in the Lochlyn Hill Neighborhood.

	TABLE B – MINIMUM and MAXIMUM RESIDENTIAL DENSITY				
	Primary Dwelling Unit			Accessory Dwelling Unit ¹	
	MINIMUM	SHOWN ON ILLUSTRATIVE DEVELOPMENT PLAN	MAXIMUM	MINIMUM	MAXIMUM
City of Charlottesville	135	148	175	15	50
County of Albemarle	40	56	60	-	-
TOTAL	175	204	235	25	50

1. The accessory dwelling units are not provided for in the primary dwelling unit counts. They are additive.

Required Green Space, Civic and Amenity Areas

The Lochlyn Hill proposal provides an extensive open space and amenity system that creates recreational opportunities and a sense of space throughout the community. The Green Space, Civic and Amenities Areas will include pedestrian corridors which are designed to interconnect centralized amenities, such as the Community Center and the Village Green, with numerous pocket parks, formal public greens, and less formal Conservation Areas. These public spaces are designed to not only provide users with outdoor space, but also to create focal points within the community and allow for vistas of the surrounding mountains. Moreover, Lochlyn Hill's green space and amenity system is designed to integrate with the surrounding neighborhoods and the amenities at the adjoining Meadowcreek Golf Course

Description of Green Space and Amenity Areas

The Developer shall provide the following formal green spaces and amenity areas:

Entry Park (County)

The Entry Park will serve multiple functions. It will exhibit the character of the neighborhood and serve as a gateway to the Lochlyn Hill neighborhood from the existing housing on Pen Park Lane. It will be naturally landscaped with opportunities for passive recreation. Monument signage will be incorporated into the Entry Park to delineate the neighborhood and will reflect the architectural

LOCHLYN HILL -- CODE OF DEVELOPMENT

character of residential housing. This park will be adjacent to the sales center and at some point in the future, the sales center will be converted into a residence.

The Village Green (County)

The Village Green will include a central, multipurpose lawn that will be the focal point of the neighborhood and will serve as the community gathering space and primary recreational amenity. Additionally, the Green may include a swim feature. The edges of the Village Green will be lined with trees. The Director of Neighborhood Development may approve alterations to final program elements if the alterations better respond to neighborhood interests at the time of construction.

Pocket Park

They are usually developed on irregular pieces of land. Surrounded by existing development on three sides, they literally form a small “pocket” among other buildings. These little parks can bring shade, quiet, and they often turn up in unexpected places. Growing in popularity, pocket parks are easily constructed and provide a space where people can stop to relax, read, eat a packed lunch, or meet friends. In the Lochlyn Hill neighborhood they will function primarily as passive recreation places.

Meadowcreek Greenway Trail

The Meadowcreek Greenway Trail is intended to connect to the larger City of Charlottesville greenway trail that is currently in the planning phase. The trail on the Lochlyn Hill property will be coordinated with the Charlottesville Parks and Recreation Department to determine the surface, width, and final location. A bridge across the Meadowcreek will be provided to connect the Rivanna Trail to the Greenway and to the neighborhood. Additionally, this trail will extend north on the Meadowcreek Golf Course boundary and its final location will be coordinated with Parks and Recreation.

Lot and Building Height Regulations

The following tables and footnotes establish the lot widths, build-to lines, setbacks, minimum frontage requirements, and height restrictions for uses within Lochlyn Hill.

Table C -- Lot Regulations				
Unit Type	Lot Width	Front Build-to Line Range ^{1,2,3,4,11}	Min. Setbacks ^{5,6,7,8,9}	
			Side	Rear
Single Family	61-80	15-30	5	10
Single Family	25-60	10-30	3	10
Townhouse	16-35	5-25	3	10
Multi-Family	n/a	5-25	4	15
Freestanding Signage	n/a	1	1	1

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1. The following structures: porches (1&2 story), porch stairs, decks, balconies, bay windows, raised dooryards, entrance stoops, planters, entry steps and other similar structures are permitted to extend in an attachment zone (i.e., the area in front of the build-to line) by no more than ten (10) feet. Under no circumstances may these structures extend into either the right-of-way or within one (1) foot of the sidewalk (whichever is more restrictive).
2. For single family detached units that are front loaded, the garaged door shall be recessed more than three (3) feet from the established build-to line.
3. Under no circumstances shall the garage door be any closer than eighteen (18) feet to the sidewalk.
4. For Corner Lots, front build-to line shall apply to both segments of the lot facing either street. The side yard setbacks shall apply to the other segments of the lot facing away from the streets.
5. Townhouses and Multi-family unit types may be built along the side yard property line if construction methods are used that allow for a common wall. For townhouse and multifamily structures built on the property line, the structure's footing may cross onto the adjacent lot a maximum of eight (8) inches
6. In front and corner yards, accessory structure setbacks shall be the same as the established build-to line for that Building Block. In side yards, accessory structure setbacks shall be three (3) feet.
7. Covered porches, balconies, chimneys, eaves, and like architectural features may not project into the side yard setback and may not project more than two (2) feet into any rear yard setback. HVAC units are allowed only in the side and rear yards and cannot be within (2) feet of any property line.
8. The regulations of accessory structures are as follows: In front and corner yards, accessory structure setbacks shall be the same as the established build-to-line. In side yards, accessory structure setbacks shall be three (3) feet, except with garages and carports, where the side setback shall be zero (0) feet. In rear yards, accessory structure setbacks shall be five (5) feet.
9. Garages and Carriage Houses may be connected to the main structure under the following conditions: If connected with unconditioned space (e.g. screened porch, covered breezeway, etc.) the modified accessory structure setbacks established in item eight (8) above shall be followed. If connected with conditioned space then the minimum setbacks established in Table C – Lot Regulations shall be followed.
10. No structure shall encroach into any utility, drainage or other easement.
11. The minimum frontage requirement for lots shall be three (3) feet at the public right of way or private easement.
12. The Director of Neighborhood Development Services, in consultation with the appropriate staff, may recommend to the Planning Commission and City Council an amendment to the Lot Regulations in Table C as part of the site plan review, so long as an applicant makes the request in writing and modifying the Lot Regulations would not adversely harm the public health, safety and welfare.

Landscape Standards

Landscaping is a fundamental component of the overall structure of the plan and the establishment of a sense of place. Requirements listed in Chapter 34, Division 2 "Landscape and Screening" if the City Zoning Ordinance shall be adhered to during the site plan review. The Lochlyn Hill Code of Development establishes specific landscaping standards for the following critical landscaped areas on the General Development Plan:

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Residential Yards

Landscaping in residential yards should be chosen from the City of Charlottesville recommended species list. Landscaping efforts should concentrate planting efforts adjacent to the house, especially near the entry. A better effect will be achieved using increased quantities of a few species rather than a few plants each of many species. Individual residential dwelling planting plans shall sufficiently screen utility areas, break up the foundation of the building, buffer driveway and parking areas adjacent to property lines, and provide cover for areas disturbed during construction. Adjacent to decks, foundation plantings shall screen foundations or voids.

Sod is required in the front yard of all houses and between the curb and the sidewalk and between the sidewalk and the front façade of the structure. Beds for trees can break the sod along the property line. Corner lots are considered to have two front yards. Sod is required along the side street from the curb to sidewalk and from the sidewalk to the build-to line.

The following tables establish the minimum number and size of trees that will be required in the front yards of residential dwellings. These quantities are minimums for the front of houses; additional plants beyond these numbers are encouraged. If a significant number of existing trees are retained in the front of the lot then this requirement may be reduced or waived. Note: These minimum planting requirements include any trees planted in the right of way immediately in front of or adjacent to the lot.

TABLE D - MINIMUM PLANTING REQUIREMENTS

Lot Width	Deciduous Trees	Evergreen Tree	Shrubs
60' - 80'	2	1	30
50' - 59'	2	1	20
40' - 49'	1	1	15
30' - 39'	1	0	10
< 30'	0	0	5

TABLE E - MINIMUM PLANT SIZES AT TIME OF INSTALLATION

Tree	Size
Deciduous	2-inch caliper
Evergreen	6' height
Shrubs	3 gallon container

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Grading

The layout of Lochlyn Hill is in large part a response to the existing topographic conditions of the site. The goal in the planning of Lochlyn Hill is to address the topography of the site not as a constraint but as an opportunity to create vistas, unique roads and development patterns that work with the land and create visual interest. Terracing is an integral element of the site design. Building splits and walkouts shall be used to take up grade. The roads shall be oriented to respond to steeper conditions. The road and development pattern is, in most areas, parallel with the direction of the topography to facilitate the terracing concept.

A Conceptual Grading Plan (Exhibit #8) is included as part of the Illustrative General Development Plan (Exhibit #2).

1. Grading shall provide smooth transitions between the existing topography and newly created slopes.
2. Reconstructed slopes will be no greater than 3:1 unless landscaped. Landscaped slopes can be no greater than 2:1

Retaining walls will be a necessary element of the project and they will be addressed so that they are highly designed and developed as project features and amenities rather than afterthoughts. With retaining walls, the following standards shall be applied:

- Walls over 6-feet tall, as measured from top of wall to the top of the footer, shall be allowed only at recommendation of the Director of Neighborhood Development Services, in consultation with the appropriate staff, to the Planning Commission and City Council for approval.
- Landscaping shall be used at the base and/ or top of walls to integrate these structures into the site and reduce their massing.
- Retaining walls visible from the street or other public area shall be of a higher material quality and shall be compatible with the adjacent building architecture materials and/or colors (e.g., shall be finished with brick, interlocking concrete block, stacked fieldstone, etc.). Retaining walls not visible from the street may be constructed of smooth plaster, finished concrete, or pressure treated wood.

Signage

The signage regulations established in the City Zoning Ordinance shall govern all signage within the Lochlyn Hill PUD.

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SUPPLEMENTAL TABLES REQUESTED BY STAFF AND PLANNING COMMISSION

For Additional Information and Clarification Purposes

Table A1 – Permitted/ Prohibited Uses by Block – Compared to City Code									
Residential Uses	Block Number								
	1	2A	2B	3	4A	4B	5	6	R-2
Detached single family		B	B	B	B	B			B
Attached single family (duplex)		B	B	B	B	B			B
Townhouse		B	B	B	B	B			
Multi-family		S	S	S	S	B			
Boarding house (rooming house)		S	S	S	S	S			
Accessory building structures and uses		B	B	B	B	B			B
Accessory Apartment - Internal		B	B	B	B	B			P
Accessory Apartment - External		B	B	B	B	B			P
Residential Treatment Facility		S	S	S	S	S			B
Non-Residential Uses	Block Number								
	1	2	3	4	5	6	R-2		
Houses of Worship		S	S	S	S	S			B
Clubs, private - lodges, civic, fraternal, patriotic		S	S	S	S	S			S
Farmers' market		S	S	S	S	S			
Home Occupation¹		P	P	P	P	P			P
Education Facilities		S	S	S	S	S			S
Stormwater management facilities shown on an approved final site plan or subdivision plat		B	B	B	B	B			B
Utility Facilities		B	B	B	B	B			B
Utility Lines		B	B	B	B	B			B

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TABLE B1 – Density by Block						
	Primary Dwelling Unit			Accessory Dwelling Unit		Block Area and Density
	MINIMUM ¹	SHOWN ON ILLUSTRATIVE DEVELOPMENT PLAN	MAXIMUM	MINIMUM	MAXIMUM	
2A	15	15	19	0	5	6.29 Acres 2.38 Units/Acre
2B	15	15	18	0	5	1.79 Acres 8.37 Units/Acre
3	40	30	40	7	15	5.77 Acres 5.19 Units/Acre
4A	50	40	50	8	15	6.4 Acres 5.47 Units/Acre
4B	15	48	48	0	5	1.93 Acres 24.87 Units/Acre
City of Charlottesville	135	148	175	15	50	
County of Albemarle	40	56	60	-	-	
TOTAL	175	204	235	25	50	

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OPEN SPACE	
Total Site	38 Acres
Total Open Space	9.71 Acres (25.5%)
County Area	12.14 Acres
County Open Space	2.65 Acres (21.8%)
City Area	25.86 Acres
City Open Space	7.06 Acres (27.3%)

BLOCK AREA DENSITY			
BLOCK	ACRES	UNITS	UNITS/ACRE
1	5.39	18	3.34
2A	6.29	15	2.38
2B	1.79	15	8.37
3	5.77	30	5.19
4A	6.4	35	5.47
4B	1.93	48	24.87
5	3.59	23	6.41
6	3.05	20	6.56

June 4, 2012



MEMORANDUM

City of Charlottesville – NDS
Michael Smith – Neighborhood Planner
605 E. Main Street
Charlottesville, VA 22902

RE: Lochlyn Hill 5.8.12 PUD Resubmission Package Staff Comment - Responses

Existing Conditions

Please expand on the “remaining structure” noted in paragraph 1. Your response in the response letter dated May 8 is appropriate and should be included in the COD.

Additional language added.

Structure of this Document

The COD states, “Per City Zoning Section **34.5.3.517**, only the follow documents constitute Lochlyn Hill’s General Development Plan.” This zoning reference should read **Sec. 34-517**.

Corrected as requested.

“Director of Planning” noted in paragraph 3 should instead read “Director of Neighborhood Development Services.”

Corrected as requested.

Description of Land Use by Block

Block 2B contains a minor typo and lists “Block 2A” instead of “Block 2B.” Please make the necessary change.

Corrected as requested.

Table A1 lists “Residential Treatment Facility” as permitted via SUP. The City currently does not allow that use within the R-2 zone.

Corrected as requested.

Lot and Building Height Regulations

Footnote #1 states that HVAC units will be permitted into the front yard. Is this your intent? Our zoning disallows the location of accessory structures within the front yard setback.

HVAC references were removed from Footnote #1 and added to Footnote #7.

Footnote #9 references “setbacks established in item nine (9) above shall be followed.” That statement should read, “item eight (8)”.

Corrected as requested.



Landscape Standards

Instead of the statement within the first paragraph reading as “Requirements listed in Division 2,” please make the minor change to “Requirements listed in Chapter 34, Division 2(“Landscape and Screening”) of the City zoning ordinance.”

Corrected as requested.

Housing Comment regarding Proffers

The current language outlines the potential types of Affordable Dwelling Units, as well as a “minimum” that will be owner occupied; however, use of a housing trust for soft seconds / down payment assistance and possible owner financing to builders does not ensure affordability for any period of time. In fact, the only tie to affordability is the income level of the initial buyer of “for sale” units (which equates to only 4 houses). There is no assurance that the unit will remain affordable and in fact an initial income qualified buyer (in this type of development) would quickly realize that they could turn around and likely sell their home for a “profit” – unless there are some restrictions placed on term of ownership.

As to potential units for lease/rent (which could be 7 out of the 11), there is no information relative to how the income level of renters be tracked. In theory all of these units could be owned by a different owner and there would be NO way for the City to track compliance. There needs to be some discussion about the period of time that the units will remain affordable (e.g., tax credit units are 15 years) and how affordability to renters will be ensured/tracked. In short, there needs to be some way to hold landlords accountable for this proffer to have real merit.

The commitment to construct 15 to 50 “for lease” Accessory Dwelling Units is confusing. Specifically the Affordable Dwelling Units can (by Milestone definition) be attached or detached accessory dwellings also. I think the proposal would be much stronger to eliminate the option of using Accessory Dwelling Units as qualified Affordable Dwelling Units. This way there will be no overlap/confusion.

On a positive note, I like the idea of the owner/applicant being willing to finance the affordability through use of loans; however, the long term possible use(s) of the funds in the housing trust should be spelled out (ideas include: homeowner loans for repairs, down payment assistance for re-sales of affordable units, etc...). Note there is a statement that says that the Trust Fund shall be used to promote affordability in the neighborhood, but this is pretty nebulous as there are no specifics identified.

Lastly, Milestone is putting all of the responsibility for selling the affordable units on the City. This will never work and essentially gives Milestone an “out” if the City can’t identify an income qualified buyer within 90 days. We are not real estate brokers or developers and I would totally advise against the City setting a precedent like this. It would be bad policy on our part.

I have offered to meet and/or speak with Milestone previously about how to improve the proffer; however, they have yet to take me up on this. I’m still glad to do this, but they need to start with the basics relative to affordability if this effort is to be truly meaningful and successful.



A meeting has been setup with Kathy for the week of May 28th to discuss her comments, questions, and concerns in greater detail. We will revise the proffer accordingly per the outcome of the meeting. Additionally, we will have a revised proffer submitted to City NDS on or before June 4th in order to meet the Staff Report deadline.

Miscellaneous Comments from Meeting on 5.24.12

1. Additional Tables have been incorporated into the COD as requested
2. Language referencing NDS Director approval of 300' of retaining wall has been struck from COD
3. Exhibit 1A and Exhibit 1 have been merged into a single exhibit



CITY OF CHARLOTTESVILLE
DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES
STAFF REPORT



APPLICATION FOR REZONING OF PROPERTY

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

DATE OF HEARING: June 12, 2012
APPLICATION NUMBER: ZM-12-04-05

Project Planner: Michael Smith
Date of Staff Report: May 24, 2012
Applicant: Rosanna Danna, LLC
Applicant's Representative: Mark Green
Current Property Owner: Rosanna Danna, LLC

Application Information

Tax Map/Parcel #: Tax Map 35 Parcel 6
Total Square Footage/Acreage Site: 12,501 sf (0.287 acres)
Comprehensive Plan (Land Use Plan) Designation: Single Family
Current Zoning Classification: R1-S - Single Family Residential "Small Lot"

Applicant's Request:

The applicant is seeking approval of a rezoning from R-1S to R-3 to construct a 6-unit apartment building

Vicinity Map:



Standard of Review: The Planning Commission must make an advisory recommendation to the City Council. Council may amend the zoning district classification of this property upon finding that the proposed amendment would serve the interests of “*public necessity, convenience, general welfare, or good zoning practice.*” To advise Council as to whether those interests would be served, the Planning Commission should inquire as follows: (1) The initial inquiry should be whether the *existing* zoning of the property is reasonable; (2) the Commission should then evaluate whether the *proposed* zoning classification is reasonable. One factor relevant to the reasonableness of a particular zoning district classification is whether that classification is consistent with the City’s Comprehensive Plan designation for the property. Other relevant factors include: the existing use and character of the subject property and adjacent properties; suitability of the property for various uses; zoning classification(s) of adjacent properties; the intent and purposes of the proposed zoning district classification; trends of growth and change (including, without limitation, recent patterns of development of other circumstances which may have changed since the current zoning classification was originally enacted).

Project Review:

Overall Analysis:

1. Proposed Use of the Property.

The use proposed for this property is multi-family. The applicant has submitted architectural renderings, as well as a preliminary site plan drawings, depicting a two-story apartment building with parking located beneath the structure. The structure is proposed to house 6 units within the structure.

2. Zoning History

History shows that this property has experienced numerous rezonings. In 1949 the property was designated A-1 residential, then rezoned to R-3 in 1958. The parcel remained R-3 until 1991, when it was rezoned to R-2. In 2003, the property was downzoned to R-1S.

3. Character and Use of Adjacent Properties

Cynthianna Avenue is primarily R-1S, aside from a parcel bookending Cynthiana to the east that is M-1 industrial. The uses on Cynthianna are all residential, mostly single-family detached or duplex.

Direction	Use	Zoning
North	Multi Family Residential	R-3
South	Vacant	R-1S
East	Single Family Residential	R-1S
West	Public(Jackson P. Burley Middle School)	R-1S

4. Reasonableness/Appropriateness of Current Zoning

The current zoning is appropriate due to a majority of parcels adjacent to this property having similar zoning. Additionally, the zoning of this property is consistent with the single family land use shown on the 2025 Land Use Map.

5. Reasonableness/Appropriateness of Proposed Zoning

With the adjacent parcel to the north having R-3 zoning and multi-family use, staff believes this proposed zoning reasonable.

6. Consistency with Comprehensive Plan

The Comprehensive Plan designates this site for single family use, however, staff believes that there are goals and policies provided within the comprehensive plan that justify the appropriateness of this proposed rezoning.

Within the Land Use chapter, this parcel is highlighted within the “Infill SUP Map.” Although this application is not seeking an infill SUP, the proposed use of an apartment building, which will be located in close proximity to public transit, public facilities, and commercial uses, responds appropriately to the density the comprehensive plan desires for infill development.

Along with the language currently present within the Land Use chapter, staff believes Housing Goal II(“*Promote an assortment of affordable housing initiatives to meet the needs of owners and renters with varying levels of income*”), Objective B(“*Link housing options and employment opportunities in City land use decisions*”), which is stated within the Housing Chapter of the comp plan, encourages development consistent with the proposal. As Charlottesville continues to diversify demographically and culturally, the City will need housing options available to all, particularly young professionals and two person households. Staff believes this proposed rezoning could meet those needs.

7. Potential Uses of the Property

The applicant has proffered to develop a multi-family use that closely resembles the size and intensity of the apartment building shown in the subsequent attachments.

8. Impact Mitigation

The applicant has submitted three (3) proffers in an effort to offset and mitigate certain impacts anticipated as a result of the proposed development.

Proffer 1- The applicant shall only construct a single apartment building of not more than six units, similar in design to the site plan and renderings submitted with the application.

Proffer 2- Pursuant to city code 34-420, the applicant acknowledges that in addition to multi-family use, an R-3 zoning would permit certain other residential and non-residential uses beyond those currently allowed in the R-1S zone. Applicant hereby

agrees that it will develop the property only for multi-family use and for no other such R-3 uses.

Proffer 3- Low Impact Development(LID) techniques, as defined by the United States Environmental Protection Agency(<http://www.epa.gov/owow/NPS/lid>) shall be employed during development of the Property. LID employs principals such as preserving natural landscape features and minimizing effective imperviousness to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product. Proposed LID techniques shall be shown on the Site Plan and shall be coordinated with the City Engineer for approval

Staff believes proffer #1 and proffer #2 restrict the development of this property to a multi-family use, and structure, consistent with the existing multi-family structure adjacent to this property. Additionally, proffer #3 proposes the installation of LID techniques which reflect consistency with the city's infill development standards.

Attachments: Rezoning Narrative, Preliminary Site Plan, Site Photos, and Design Rendering.

Public Comments Received:

Elizabeth Williams, 806 Cynthiana Avenue, does not agree with the proposal. She believes the proposed apartment is not appropriate due to the potential property devaluation and undesirable tenants the apartment may bring. Ms. Williams acknowledged that the property was an eyesore, however, she would like to see something that is desirable for everyone.

Staff Recommendation:

Staff understands that this proposed rezoning diverts from current zoning and land use established for this parcel. The proposed rezoning is also counter to the surrounding zoning and land use designations. However, the Rose Hill corridor currently possesses infrastructure supporting multi-family uses. This property is in close proximity to the commercial areas of Preston Avenue and Downtown Mall, as well as environmental amenities like Washington Park. Staff believes this rezoning will strengthen pedestrian activity and centers of Rose Hill, as noted within the 2006 Rose Hill Neighborhood Plan.

Staff recommends approval with proffers.

Suggested Motions:

1. "I move to recommend the approval of this application to rezone property from R-1S to R-3, 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 application to rezone property from R-1S to R-3 for the following reasons:
 - a. _____
 - b. _____
3. Alternate Motion

Proposed Rezoning of Tax Map 35, block 25, lots 5 and 6.



The Property:

The subject property consists of two lots at the northeast corner of the intersection of Rose Hill Drive and Cynthianna Avenue. The lots are currently zoned R-1S. In total, the two lots have 100 feet of frontage on Cynthianna and 125 feet on Rose Hill.

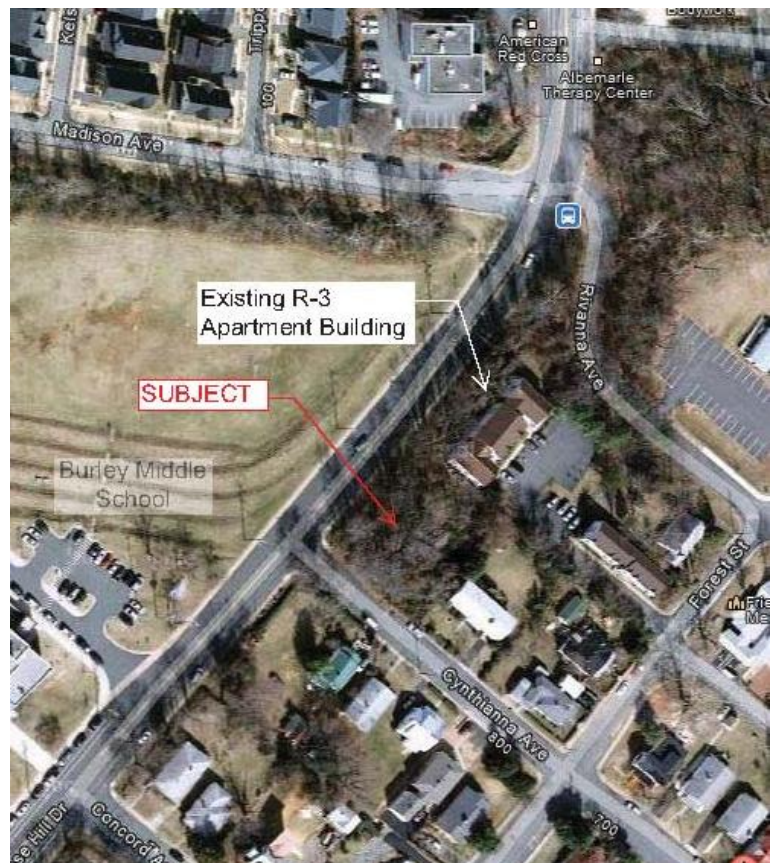
The property has never been developed. If developed by-right under its existing R-1S zoning, the developer could

build two single family residences with driveways on the steep portion of Cynthianna Avenue. The corner lot would have it's 125-foot deep side yard on Rose Hill.

The Area Surrounding the Property

To the northeast, the subject property is adjacent to an R-3 zoned apartment building with frontage on Rose Hill and access from a private rear driveway off Forest Street. To the southeast is a single family residence on a double lot. Across Cynthianna to the southwest is single family residence on with a large yard extending onto the corner lot at Rose Hill. Across Rose Hill Drive to the northwest are the athletic fields and facilities of Burley Middle School.

The portion of Cynthianna Avenue in front of the lots is steep with an approximate 18% grade. As a result, the subject lots sit significantly below



the existing residences on Cynthianna. Rose Hill is also falling toward the back of the lots at a 10% slope. (Nevertheless, the amount of steep slope on the properties does not rise above the 25% threshold in the Steep Slopes ordinance).

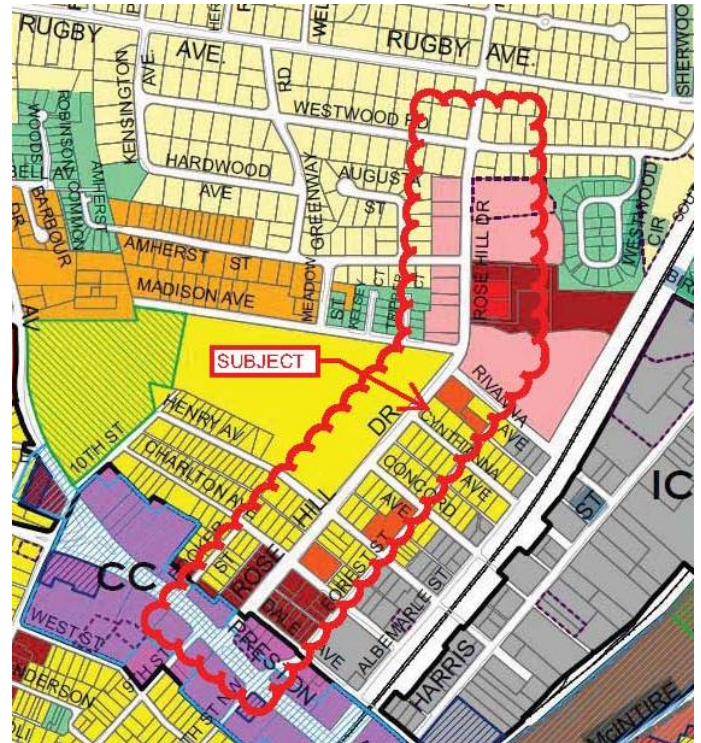
Nearby Zoning

Between Preston and Rugby Avenues, Rose Hill Drive encompasses an eclectic mix of uses. Within approximately 1,000 yards, one finds the following zoning classifications:

- Entrance Corridor
- Central City Mixed Use
- B1, B2 and B3
- R3
- R-1S and R-1

Rose Hill is signalized at both ends of this stretch and, as a wide commercial corridor, carries a higher volume of traffic than surrounding residential streets.

In addition to the current by-right zoning, several nearby R-1S properties are in use as non-conforming multi-family structures having been grandfathered under prior zoning.



By-Right Uses

In addition to the residential uses permitted under the existing R1-S zoning, the proposed rezoning to R-3 would add the following potential *residential* by-right uses of the site:

- Multifamily (1-21 DUA)
- Single Family Attached
- Townhouse
- Two Family

R-3 also allows certain non-residential uses by-right. Excluding those that are allowed under R-1S, the additional permitted uses are:

- Access to adjacent multifamily, commercial, industrial or mixed use
- Accessory Buildings or Structures
- Health Clinics
- Day Care facilities
- Education facilities

The applicant has proffered that if granted an R-3 designation, he will limit the proposed development of the property to a single apartment building of no more than 6 units, similar to the conceptual drawings included in the submission.



Analysis

The applicant makes the following observations:

- *Is by-right development appropriate?* Given the existing adjacent apartment building and the commercial zone to the north, developing a new single family home on the corner lot with its side yard facing onto Rose Hill drive would seem out of place.

If developed as R-1, the corner house lot would have difficult access given the proximity to the intersection and steep slope of Cynthianna.

- *Does the proposed building fit into the neighborhood?* The massing of the proposed building is in keeping with the size of the existing R-3 to the north, when viewed from Rose Hill, but presents a 2-story profile to the R-1 neighborhood on Cynthianna. This design creates an attractive transition from the existing apartment building to the single family homes on Cynthianna.

The conceptual drawings show a building profile on Cynthianna that architecturally appears very “house-like” and accessible to the neighborhood

The topography of the subject property and surrounding area is unique, allowing an apartment building that fronts on Rose Hill to blend into the neighborhood.

The topography also allows the majority of parking to be hidden under the building.

- *Is there precedent for R-3 in the neighborhood?* With over 19 R-3 lots and numerous grandfathered multi-family uses within 500 feet of the property, there is precedent for multifamily zoning in this area.

Recent single family development two blocks south of subject with side yard facing onto Forest



- Is the location appropriate? As the northernmost R-1S lot in the neighborhood before the R-3 and B zoning, this property sits on the perimeter of the R-1 neighborhood and its topography causes it to face away from the neighborhood toward the school.
- Does the rezoning improve or address potential traffic issues? The proposed site plan would move the property access to Rose Hill, keeping related traffic off Cynthianna and moving the driveway away from the intersection of Cynthianna and Rose Hill.
- Is a small multi family building out of place on Rose Hill Drive? The Rose Hill Drive corridor is an eclectic mix of uses, including existing R-3 mixed into the R-1 neighborhood. As a result, additional R-3 density fronting on Rose Hill would not seem out of place, especially with the adjacent apartment building to the north.

Public Utilities and Infrastructure

The proposed site plan shows the location of existing utilities and proposed access to those utilities.

Zoning of Properties within 500 feet

Appendix A has a list of properties within a 500 foot radius of the subject property, including tax map numbers, addresses and zoning.

A summary of this information is as follows:

<u>Zoning</u>	<u>Number of Lots</u>
R-1S	37
R-3	19
PUD	11
B-1	3
B-2	1
B-3	2
M-1	8

It should be noted that several R-1S lots are being used as grandfathered multi family properties, adding to the number of multi family uses in the described area.

Public Facilities

The following public facilities are located within a half mile radius of the subject property:

Washington Park

Burley Middle School

Murray High School

Bus Stops:

13001	Preston Avenue at Forest Street
14325	Preston Avenue at Harris Street (eastbound)
14244	Preston Avenue at Harris Street (westbound)
14024	Preston Avenue at Madison Avenue (northbound)
11833	Preston Avenue at Madison Avenue (southbound)
13713	Preston Avenue at Preston Plaza
14271	Preston Avenue at Rose Hill Drive
13979	Rose Hill Drive at Dale Avenue (northbound)
13824	Rose Hill Drive at Dale Avenue (southbound)
13967	Rose Hill Drive at Health Department
13807	Rose Hill Drive at Henry Avenue (northbound)
13811	Rose Hill Drive at Henry Avenue (southbound)
13980	Rose Hill Drive at Madison Avenue
13853	Rose Hill Drive at Oxford Road
13869	Rose Hill Drive at Rugby Avenue
13848	Rose Hill Drive at Westwood Road (northbound)
13830	Rose Hill Drive at Westwood Road (southbound)
13882	Rose Hill Drive opposite Health Department



Appendix A – List of All Properties within a 500 Foot Radius

Properties of common zoning are color coded and grouped.

Underlined properties are grandfathered multi-family in an R-1 zone.

Bolded residential properties are those that appear to be owner occupied, in that the tax billing address is the same as the property address.

440032000	B-3	Walaw LLC / 1106 Rose Hill Dr. Charlottesville VA
440032400	B-3	Rose Hill Property LLC / 335 Grassmere Rd. Charlottesville VA
440032300	B-2	Rinehart Properties, LLC / 1110 Rose Hill Dr. Charlottesville VA
350003000	R-1S	Charlottesville Friends / 1104 Forest St. Charlottesville VA 22903
350004000	R-3	MACAA / 1025 Park Street Charlottesville VA 22901
350004100	R-1S	Sally Jackson / 1109 Forest St. Charlottesville VA 22903
350005000	R-3	MACAA / 1025 Park Street Charlottesville VA 22901
350007000	R-1S	Robert Tinsley / 11909 Shady Hills Ct. Glen Allen VA 23059
350007100	R-1S	Henry Cabell / 1101 Forest St. Charlottesville VA 22903
350008000	R-1S	Rick Feggans / 1107 Forest St. Charlottesville VA 22903
350009000	R-1S	Gertrude Fraser / 113 Robinson Woods Charlottesville VA 22903
350010000	R-1S	PHS LLC / VHDA Multi/Family Housing PO Box, Richmond VA 23220
350011000	R-1S	Horrace Boykins / 804 Cynthianna Ave Charlottesville VA 22903
350012000	R-1S	Lewis Williams / 806 Cynthianna Ave Charlottesville VA 22903
350013000	R-1S	Harrison Cowan / 808 Cynthianna Ave Charlottesville VA 22903
350013100	R-1S	Harrison Cowan / 808 Cynthianna Ave Charlottesville VA 22903
350014000	R-1S	Luvenia Wigginton / 811 Concord Ave Charlottesville VA 22903
350014100	R-1S	Annie Murray / 809 Concord Ave Charlottesville VA 22903
350015000	R-1S	Kimberly Wendel / 807 Concord Ave Charlottesville VA 22903
350016000	R-1S	Cyrus Wells / 805 Concord Ave Charlottesville VA 22903
350017000	R-1S	Claudette Barlow / 801 Concord Ave. Charlottesville VA 22903
350019000	R-1S	Sharon Beauford / 804 Concord Ave. Charlottesville VA 22903
350020000	R-1S	Benée Marshall / 8800 Three Chopt Rd. Henrico VA 23229
350021000	R1-S	Dorothy Gardner / PO Box 7073 Charlottesville VA 22906
350022000	R-1S	Isaac Carey / 805 Rose Hill Dr. Charlottesville VA 22903
350026160	R-3	Wayne Clark / 802 Concord Ave. Charlottesville VA 22903
350026150	R-3	Lewis Johnson / 800 Concord Ave. Charlottesville VA 22903
350026140	R-3	Terri Payne / 923 Forest Ave. Charlottesville VA 22903

350026130	R-3	Janet Tillage / 921 Forest Ave. Charlottesville VA 22903
350026120	R-3	Mary Walker / 919 Forest Ave. Charlottesville VA 22903
350026110	R-3	Ruby Jacobs / 917 Forest Ave. Charlottesville VA 22903
350026100	R-3	Bessie Conway / 915 Forest Ave. Charlottesville VA 22903
350026090	R-3	Joyce Calloway / 913 Forest Ave. Charlottesville VA 22903
350026800	R-3	Ronetta Rush / 911 Forest Ave. Charlottesville VA 22903
350026700	R-3	Leona Brown / 909 Forest Ave. Charlottesville VA 22903
350026600	R-3	Thelma Carey / 907 Forest Ave. Charlottesville VA 22903
350026500	R-3	Roger Becks / 905 Forest Ave. Charlottesville VA 22903
350026400	R-3	Faustina Lee / 903 Forest Ave. Charlottesville VA 22903
350026300	R-3	Shirley Brown / 901 Forest Ave. Charlottesville VA 22903
350026200	R-3	Virginia Lee / 801 Henry Ave. Charlottesville VA 22903
350026100	R-3	Bessie Conway / 915 Forest Ave. Charlottesville VA 22903
350026000	R-3	Wanda Robinson / 38 Barberry Ct. Upper Marlboro MD 20774
350074000	R-1S	Phillip Brown / 1135 Free State Rd. Charlottesville VA 22901
350075000	R-1S	James Brown / 708 Concord Ave. Charlottesville VA 22903
350076000	M-1	Robert Craighurst / 710 Blemheim Ave. Charlottesville VA 22901
350081000	M-1	Jasper Bell / 1001 Albemarle Ave. Charlottesville VA 22903
350082000	M-1	John Hingeley / 106 Goodman St. A-1 Charlottesville VA 22902
350083000	M-1	Fund For The Virginia Organizing Project, Inc. / 703 Concord Ave. Charlottesville VA 22903
350084000	R-1S	Gladys Coles / 705 Concord Ave. Charlottesville VA 22903
350085000	R-1S	Rosa Burks / 1119 Raintree Dr. Charlottesville VA 22901
350085000	R-1S	Cuba Anderson / 709 Concord Dr. Charlottesville VA 22903
350086000	R-1S	Jefferson Lodge #20 / PO Box 24 Charlottesville VA 22902
350086100	R-1S	Jefferson Lodge #20 1006 Forest St. Charlottesville VA 22903
350087000	R1-S	Clevester Logan / PO Box 24 Charlottesville VA 22902
350088000	R1-S	Rochel Tyree / 716 Cynthianna Ave. Charlottesville VA 22903
350089000	R-1S	Chastity Kolb / 718 Cynthianna Ave. Charlottesville VA 22903
350089100	R-1S	Dorothy Waller / 1015 Albemarle St. Charlottesville VA 22903
350090000	R-1S	Dorothy Waller / 1015 Albemarle St. Charlottesville VA 22903
350091000	R-1S	John Hunter / 707 Cynthianna Ave. Charlottesville VA 22903
350092000	R-1S	Allen Joseph / 711 Cynthianna Ave. Charlottesville VA 22903
350093000	R-1S	Juniors Burton / 715 Cynthianna Ave. Charlottesville VA 22903
350094000	R-1S	Lewis Mason / 717 Cynthianna Ave. Charlottesville VA 22903
350095000	R-1S	Trio Properties, LLC / 813 East Jefferson St. Charlottesville VA 22902
350096000	M-1	1108 Forest Street, LLC / 1108 Forest Street Charlottesville VA 22903
350097000	M-1	David Gourley / 390 Buck Ridge Road Troy VA 22974

350098000	M-1	107 Rivanna LLC / PO Box 2315 Charlottesville VA 22902
350099A00	M-1	Weston Development Company LLC / 2157 Timber Meadows Charlottesville VA 22911

370081000	B-1	American National Red Cross / 1103 Rose Hill Dr. Charlottesville VA 22903
370081400	B-1	Alloy Construction / 112 Market St. STE 33M Charlottesville VA 22902
370082000	B-1	American National Red Cross / 1103 Rose Hill Dr. Charlottesville VA 22903
370085p00	PUD	Patrick Norton / 100 Tripper Court Charlottesville VA 22903
370085o00	PUD	David Kariel / 102 Tripper Court Charlottesville VA 22903
370085noo	PUD	Isabel McLean / 104 Tripper Court Charlottesville VA 22903
370085m00	PUD	Brandon Rose / 102 Tripper Court Charlottesville VA 22903
370085l00	PUD	Dargan Coggeshall / 107 Tripper Court Charlottesville VA 22903
370085k00	PUD	Stephanie Van Hoover / 105 Tripper Court Charlottesville VA 22903
370085j00	PUD	Melissa Ronayne / 103 Tripper Court Charlottesville VA 22903
370085i00	PUD	Bruce Holsinger / 101 Tripper Court Charlottesville VA 22903
370085h00	PUD	Edmund Russell / 100 Kelsey Court Charlottesville VA 22903
370085g00	PUD	Ronald Hendricks / 102 Kelsey Court Charlottesville VA 22903
370085f00	PUD	Christian McMillien / 104 Kelsey Court Charlottesville VA 22903

BEFORE THE CITY COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA
IN RE: PETITION FOR REZONING (City Application No. ZM-12-04-05)
STATEMENT OF PROFFER CONDITIONS
For the Proposed Rezoning of Tax Map 35, Parcel 6
Dated as of May 29, 2012

TO THE HONORABLE MAYOR AND MEMBERS OF THE COUNCIL OF THE
CITY OF CHARLOTTESVILLE:

The undersigned limited liability company is the owner of land subject to the above-referenced rezoning petition ("Subject Property"). The Owner/Applicant seeks to amend the current zoning of the property subject to certain voluntary development conditions set forth below. In connection with this rezoning application, the Owner/Applicant seeks approval of a R-3 designation for the properties.

The Owner/Applicant hereby proffers and agrees that if the Subject Property is rezoned as requested, the rezoning will be subject to, and the Owner will abide by the following conditions:

1. The Applicant shall only construct a single apartment building of not more than six units, similar in design to the site plan and renderings submitted with the application.
2. Pursuant to city code 34-420, the Applicant acknowledges that in addition to multi-family use, an R-3 zoning would permit certain other residential and non-residential uses beyond those currently allowed in the R-1S zone. Applicant hereby agrees that it will develop the property only for multi-family use and for no other such R-3 uses.
3. Low Impact Development (LID) techniques, as defined by the United States Environmental Protection Agency (<http://www.epa.gov/owow/NPS/lid/>) shall be employed during development of the Property. LID employs principals such as preserving natural landscape features and minimizing effective imperviousness to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product. Proposed LID techniques shall be shown on the Site Plan and shall be coordinated with the City Engineer for approval.

WHEREFORE, the undersigned Owner(s) stipulate and agree that the use and development of the Subject Property shall be in conformity with the conditions hereinabove stated, and requests that the Subject Property be rezoned as requested, in accordance with the Zoning Ordinance of the City of Charlottesville.

Respectfully submitted this 29th day of May, 2012.

Owner/Applicant:
Rosanna Danna, LLC

Address:
109 Robinson Woods
Charlottesville, VA 22903

By: 
Mark Green, Manager

CONCEPTUAL SITE PLAN FOR ROSE HILL, BLOCK 25, LOTS 5&6

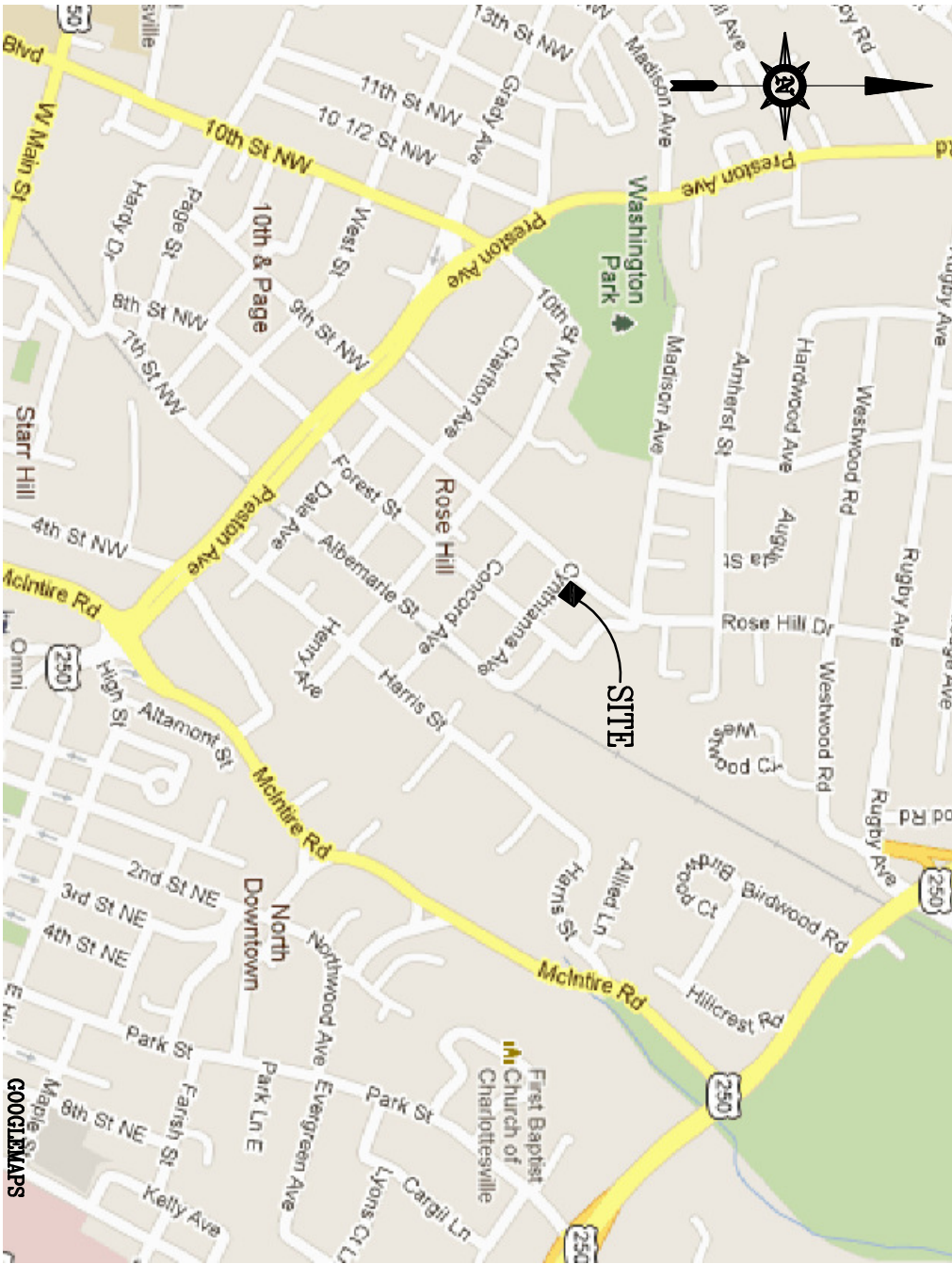
TAX MAP 35 PARCEL 6 CITY OF CHARLOTTESVILLE, VIRGINIA

SITE DATA

CONTRACT PURCHASER: ROSAUNA DANA, LLC 109 ROBINSON WOODS CHARLOTTESVILLE, VIRGINIA 22903		OWNER: JOHN SHOMER 5428 WHITED CHAPEL ROAD LANHAM, MD 20706	
LEGAL REFERENCE: WB 31 PG 285			
SOURCE OF BOUNDARY SURVEY: SURVEY PREPARED BY COMMON ENGINEERING, APRIL 2012.			
SOURCE OF TOPOGRAPHY: CHARLOTTESVILLE, VA GIS, ISSS DATUM NAD 88			
EXISTING ZONING: R-1S		PROPOSED ZONING: R-3	
SETBACKS: BUILDING 25'		SIDE YARD 10'	
MAXIMUM BUILDING HEIGHT: 35'		REAR YARD 25'	
MAXIMUM NUMBER OF UNITS: 6 UNITS			
MAX. DENSITY ALLOWABLE: 21.0 DU/ACRE			
PROPOSED DENSITY: 20.9 DU/ACRE (6 UNITS IN 0.287 ACRES)			
TRAFFIC CALCULATIONS: DAILY TRIP GENERATION: 42 TRIPS / DAY			
CURRENT USE: VACANT			
PROPOSED USE: RESIDENTIAL			
PARKING SCHEDULE: SPACES REQUIRED: 12 SPACES SPACES PROVIDED: 12 SPACES (INCLUDES 1 HANDICAP SPACE)			
RECREATION AREAS: ADULT SPACE 6 X 200 = 1,200 SF CHILD SPACE 6 X 40 = 240 SF TOTAL RECREATION SPACE: 1,440 SF		SQUARE FOOTAGE PROVIDED: 1,200 SF (960 SF INDOOR ACTIVE) 240 SF 1,440 SF (960 SF INDOOR ACTIVE)	
* INDOOR ACTIVE CONSISTS OF COVERED BALCONIES FOR EACH UNIT. (MIN. 80 SF PER UNIT)			
LAND SCHEDULE: BUILDINGS 0 PAVED 0 OPEN 12,500 (0.287 Acs.)		PRE-DEVELOPMENT (97) % 0 0 100%	
		POST-DEVELOPMENT (97) % 4,320 (0.099 Acs.) 1,130 (0.025 Acs.) 7,050 (0.162 Acs.)	
TOTAL DISTURBED AREA: 0.125 Acs.		12,500 (0.287 Acs.) 100%	

VICINITY MAP

SCALE: 1" = 1000'



SHEET INDEX

C1
C2
COVER SHEET
CONCEPTUAL SITE PLAN

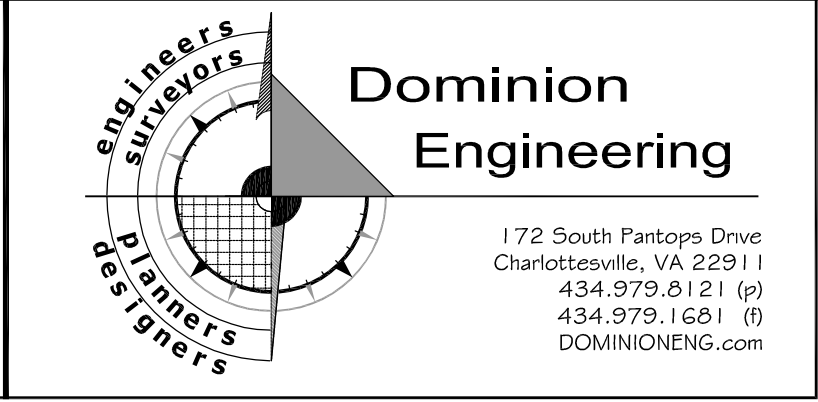
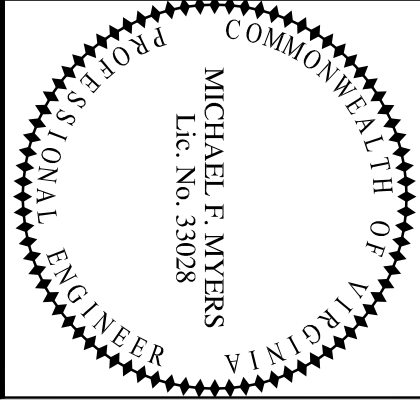
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DATE

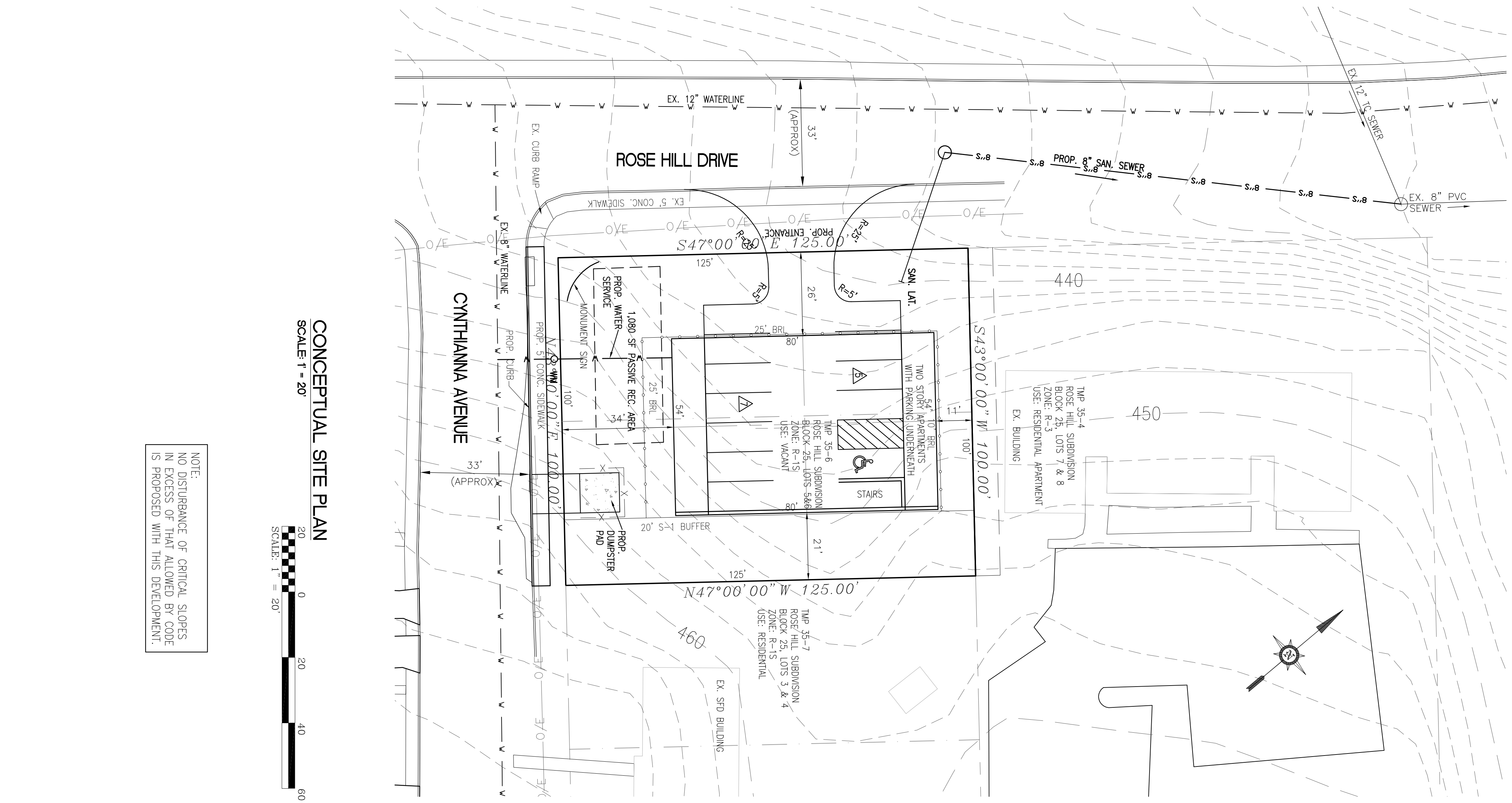
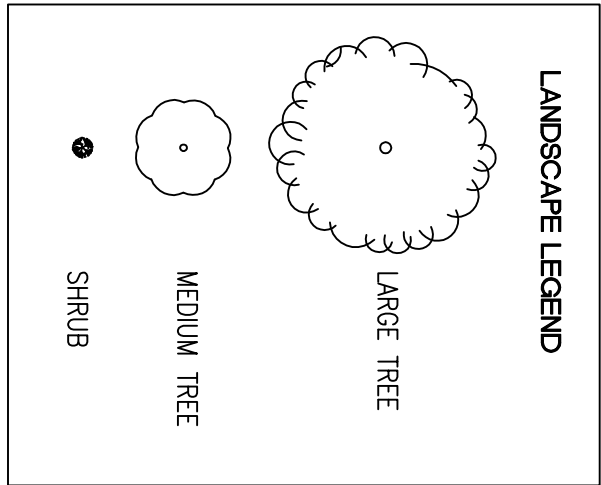
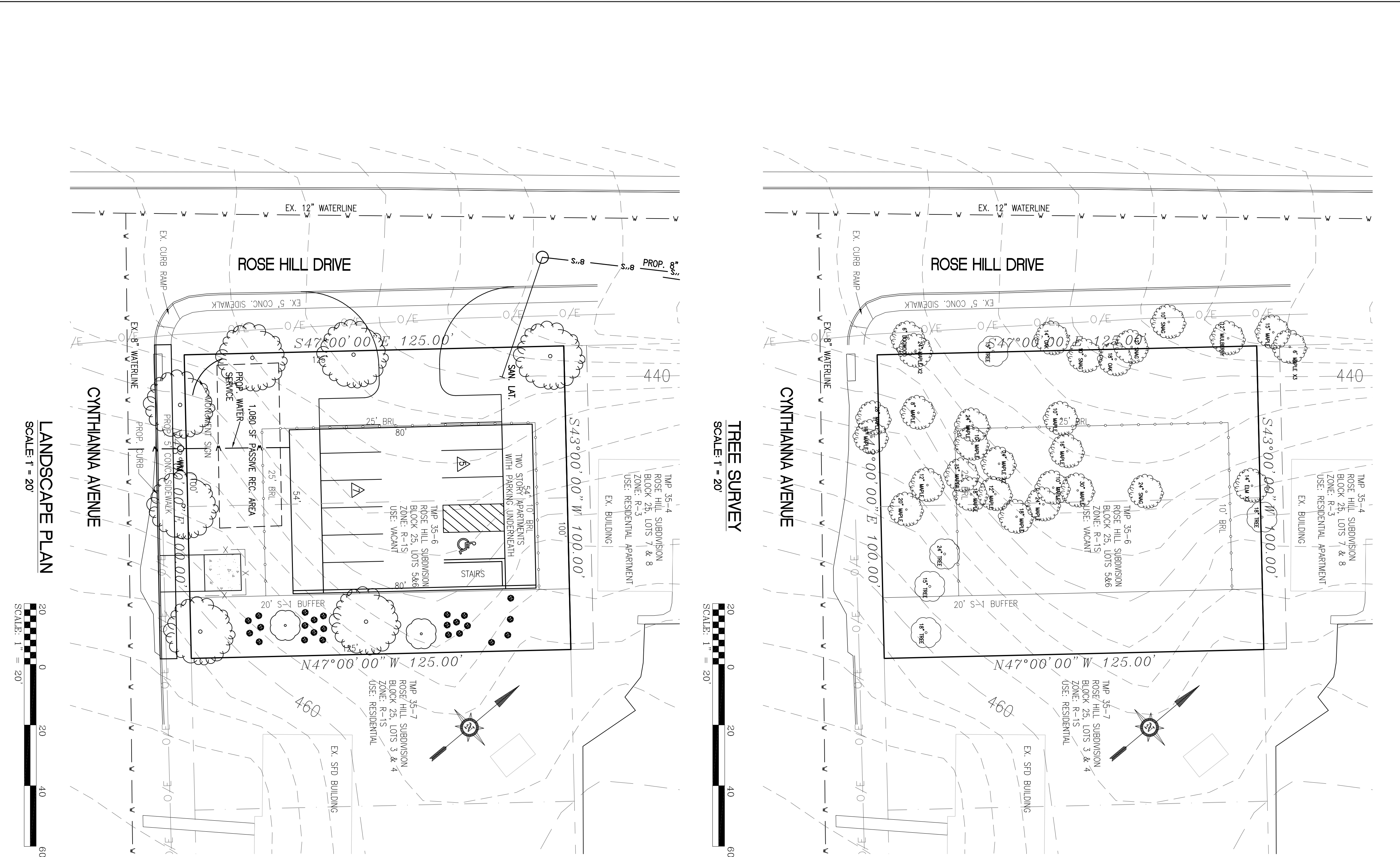
DIRECTOR OF NEIGHBORHOOD DEVELOPMENT SERVICES

PROJECT TITLE: CONCEPTUAL SITE PLAN FOR ROSE HILL, BLOCK 25 LOTS 5&6 CITY OF CHARLOTTESVILLE, VIRGINIA	SHEET TITLE: COVER SHEET
---	-----------------------------

REVISIONS			REVISIONS		
NO.	DESCRIPTION	DATE	NO.	DESCRIPTION	DATE
FILE NAME: Char35-6-GIS-B.dwg		SCALE: As Shown	DESIGNED BY: MPM	DRAWN BY: ARC	CHECKED BY: MPM



D.E. PROJECT NO.: 12.0048	INDEX TITLE: C1
SHEET NO.: 1 of 2	
DATE: 04-20-2012	



NOTE:
NO DISTURBANCE OF CRITICAL SLOPES
IN EXCESS OF THAT ALLOWED BY CODE
IS PROPOSED WITH THIS DEVELOPMENT.

PROJECT TITLE: CONCEPTUAL SITE PLAN FOR ROSE HILL, BLOCK 25 LOTS 5&6 CITY OF CHARLOTTESVILLE, VIRGINIA		REVISIONS		REVISIONS	
SHEET TITLE: CONCEPTUAL SITE PLAN		NO. DESCRIPTION DATE		NO. DESCRIPTION DATE	
D.E. PROJECT NO. 12.0048		FILE NAME: Char\35-6-GIS-B.dwg		SCALE: As Shown	
INDEX TITLE: C2		DESIGNED BY: MFM		DRAWN BY: ARC	
SHEET NO. 2 of 2		CHECKED BY: MFM		COMMONWEALTH OF VIRGINIA MICHAEL F. MYERS Lic. No. 30023 REGISTERED PROFESSIONAL ENGINEER	
DATE: 04/20/2012		engineers surveyors planners designers		Dominion Engineering 172 South Pantops Drive Charlottesville, VA 22911 434.979.8121 (p) 434.979.1681 (f) DOMINIONENG.COM	



REZONING PETITION

Please Return To: City of Charlottesville
Department of Neighborhood Development Services
PO Box 911, City Hall
Charlottesville, Virginia 22902
Telephone (434) 970-3182 Fax (434) 970-3359

REC-113
APR 24 2012
NEIGHBORHOOD DEVELOPMENT SERVICES

For a PUD please include \$2,000 application fee. For any other type of project, please include \$1,500 application fee. All petitioners must pay \$1.00 per required mail notice to property owners, plus the cost of the required newspaper notice. Petitioners will receive an invoice for these notices and approval is not final until the invoice has been paid.

I (we) the undersigned property owner(s), contract purchaser(s) or owner's agent(s) do hereby petition the Charlottesville City Council to amend the City Zoning District Map for the property described below from R-1S (Current Zoning Classification) to R-3 (Proposed Zoning Classification).

Reasons for Seeking This Change To construct 6 apartments on the 0.287-acre parcel

Information on Property Applied for Rezoning - Please note any applicable deed restrictions

1. 125 feet of frontage on Rose Hill Drive (name of street)
2. Approximate property dimensions: 125 feet by 100 feet.
3. Property size: 0.287 (square feet or acres)
4. Present Owner: John Snowden (Name) as evidenced by deed recorded in Deed Book Number WB31 Page 285, with the Clerk of the Circuit Court.
5. Mailing Address of Present Owner: 5428 Whitfield Chapel Road, Lenham, MD 20706
6. City Real Property Tax Map Number 35, Parcel(s) 6 Block 25; Lot(s): 5 + 6

A. PETITIONER INFORMATION

Petitioner Name (Print or Type) Rosanna Danna, LLC c/o Mark Green
Petitioner Mailing Address: 109 Robinson Woods, Charlottesville, VA 22903
Work Phone: 434-409-3313 Fax: _____
Home Phone: _____ Email: markwgreen@gmail.com
Does Petitioner currently own the property where the rezoning is requested? closing tomorrow (4-25-12)
If no, please explain _____

B. ADJACENT PROPERTY OWNERS ADDRESSES (use additional paper if necessary)

Property Owner Name	Mailing Address	City Tax Map and Parcel #
<u>Robert Tinsley</u>	<u>1025 Park St. Charlottesville, VA 22901</u>	<u>35-7</u>
<u>MACAA</u>		<u>35-4</u>

* 11909 Shady Hills Ct.
Glen Allen, VA
23059

C. ATTACHMENTS TO BE SUBMITTED BY THE PETITIONER

1. A sketch plan filed with this petition showing property lines of the property to be rezoned, adjoining property, buildings, land uses, zoning classifications and streets.
2. Other attachments as required by Section 34-41 or Section 34-516 of the City Code (office use: Submitted _____)
3. A rezoning petition filing fee of \$2,000 for a PUD, OR \$1,500 for all others, made payable to the City of Charlottesville; (Signature also denotes commitment to pay the invoice for the required mail and newspaper notices).

[Signature]
Signature of Petitioner(s)

For Office Use Only (Sign Posting)

I certify that the sign(s) as required by Section 31-44 of the City Code as amended has been posted on the following date: _____

Signature _____

Date Paid: _____ Amt. Paid: _____ Cash/Check #: _____ Recorded by: _____



SITE DIAGRAM SCALE : N.T.S April 23, 2012



WASSENAAR DESIGN GROUP

A PROFESSIONAL CORPORATION

Architecture

107 Vincennes, Charlottesville, Va 22911

5904 Howardsville Turnpike, Afton, VA 22920

Planning

Telephone(434) 973-0662

Telephone/Fax (540) 941-3567

Engineering

Rose Hill, Block 25 Lots 5 & 6 Charlottesville, Virginia 22901



CONCEPTUAL DESIGN - VIEW A SCALE : N.T.S

April 23, 2012



WASSENAAR DESIGN GROUP
A PROFESSIONAL CORPORATION

Architecture Planning Engineering

107 Vincennes, Charlottesville, Va 22911 Telephone (434) 973-0662
5904 Howardsville Turnpike, Afton, VA 22920 Telephone/Fax (540) 941-3567

Rose Hill, Block 25 Lots 5 & 6
Charlottesville, Virginia 22901

2

Sheet 2 of 5



CONCEPTUAL DESIGN - VIEW B SCALE : N.T.S

April 23, 2012



WASSENAAR DESIGN GROUP
A PROFESSIONAL CORPORATION

Architecture Planning Engineering
107 Vincennes, Charlottesville, Va 22911 Telephone(434) 973-0662
5904 Howardsville Turnpike, Afton, VA 22920 Telephone/Fax (540) 941-3567

Rose Hill, Block 25 Lots 5 & 6
Charlottesville, Virginia 22901

3

Sheet 3 of 5



CONCEPTUAL DESIGN - VIEW C SCALE : N.T.S

April 23, 2012



WASSENAAR DESIGN GROUP
A PROFESSIONAL CORPORATION

Architecture Planning Engineering
107 Vincennes, Charlottesville, Va 22911 Telephone(434) 973-0662
5904 Howardsville Turnpike, Afton, VA 22920 Telephone/Fax (540) 941-3567

Rose Hill, Block 25 Lots 5 & 6
Charlottesville, Virginia 22901

4

Sheet 4 of 5

CITY OF CHARLOTTESVILLE
DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES
STAFF REPORT



REQUEST FOR ZONING TEXT AMENDMENTS

PLANNING COMMISSION REGULAR MEETING
DATE OF PLANNING COMMISSION MEETING: June 12, 2012

ZT-12-01-01

Author of Staff Report: Missy Creasy, AICP

Date of Staff Report: February 14, 2012 – Updated May 18, 2012

Applicable City Code Provisions: §34 Zoning Ordinance and §29 Subdivision Ordinance

Executive Summary

On January 13, 2012 the Supreme Court of Virginia issued a ruling in the case of Sinclair v. New Cingular Wireless PCS, LLC, et al. that effectively invalidated waiver, exception and modification provisions found in the City Zoning Ordinance. Staff has reviewed the ordinance and found a number of instances where changes are required to comply with the court ruling. This item was removed from the February 14, 2012 meeting to allow for additional revisions. At that time, the Commission requested a work session on the proposed revisions which was held on April 24, 2012. The Commission reviewed changes as well as discussed additional considerations to address critical slopes as a result of the Town of Occoquan v. Elm Street Development, Inc., et al. case. All input received has been reviewed, considered, and integrated where possible in the proposed changes.

Staff recommends approval of the text amendment changes.

Background

The Court held that a Planning Commission is not enabled to approve waivers, that the approval of “departures” from a zoning ordinance is a legislative act, and that this authority could be delegated only to the zoning administrator under the administrative modification enabling authority in Virginia Code 15.2-2286(A)(4), or to the BZA under the special exception enabling authority, in Virginia Code 15.2-2309(6). Immediately following the court ruling, staff began a review of the zoning ordinance for sections which do not comply with the ruling. As this interpretation is different than many practices in Charlottesville and throughout the state, it was discovered that a number of code sections exist in violation of the current interpretation. Known instances in the zoning code were communicated to City Council as part of the initiation request for code changes and a more thorough review was conducted which uncovered additional sections for revision.

Staff requested initiation for study of both the Zoning and Subdivision ordinances. Revisions to the Zoning Ordinance are required because the modification or variance of a zoning ordinance is

a legislative act that cannot be delegated by the City Council. The administration and enforcement of a subdivision ordinance, however, has been specifically identified by the legislature as a duty to be delegated to the planning commission or otherwise [*ie*: the subdivision agent]. Code of Virginia §15.2-2255. In the Court opinion, the justices acknowledge this distinction.

Exceptions to subdivision regulations may be granted by the designee (Code of Virginia §15.2-2242(1), so long as adequate standards are provided in the ordinance. Logan v. City of Roanoke, 275 Va. 483 (2008). The City's subdivision ordinance provides sufficient standards for review, particularly through the criteria in City Code 29-36. As such, the directive in the Sinclair decision does *not* affect the City's subdivision ordinance.

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 the Court's interpretation of 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 Supreme Court has provided the justification through its January 13, 2012 ruling. Proposed changes allow us to be in compliance with interpretation of the law.

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

Public Comment

Morgan Butler has commented on behalf of the Southern Environmental Law Center. He has met with staff and generally supports the direction of proposed changes at this time. We have forwarded him the updated information for additional feedback.

The Commission reviewed draft text in a work session on April 24, 2012 and the following requests were made:

1. Take another look at landscaping, off street parking and sidewalk requirements to see if there is a way to incorporate increased flexibility.
 - a. Staff spent additional time reviewing these sections and have been able to provide the following changes:
 1. Landscaping: After further review, staff notes flexibility in the landscaping regulations and does not recommend any additional waiver provisions at this time.
 2. Off Street Parking: Provisions for waivers by City Council have been added for enlargements of existing structures and standards for off street parking regulations provided which match the previously used waiver criteria.
 3. Sidewalks: After much review, it was determined that due to the individual circumstances for each site, it makes sense for sidewalk waivers to be granted by City Council.
2. Provide a chart/ score sheet in the staff report which shows commonalities on the changes made including increase or decrease in public input, appeal process, timeline for approval etc.
 - a. Staff crafted the attached chart with the assistance of Kurt Keesecker which provides the data in a tabular format with answers to questions for each proposed change.

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 Chapter 34 Zoning Ordinance of the Code of the City of Charlottesville, 1990, as amended, to revise provisions governing waivers, exceptions and modifications to ordinances 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 Chapter 34 Zoning Ordinance of the Code of the City of Charlottesville, 1990, as amended, to revise provisions governing waivers, exceptions and modifications to ordinances 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.

Attachments:

1. Proposed text amendment details
2. Jan 13, 2012 Virginia Supreme Court Ruling
3. Summary Chart of proposed changes

Proposed Changes to Zoning and Subdivision Ordinances to address References to Waiver Provisions

Design Control

Waiver provisions designated for the Board of Architecture Review are removed and a code reference was corrected.

Sec. 34-282. - Application procedures.

(a)

Applications shall be submitted to the director of neighborhood development services, by a property owner, contract purchaser, or lessee of the property, or by the authorized agent of any such person. Each application shall be accompanied by the required application fee, as set forth within the most recent zoning fee schedule approved by city council.

(b)

Prior to submission of an application for a certificate of appropriateness, a property owner or his agent may request a conference with the full BAR, the chairman of the BAR or the director of neighborhood development services ("pre-application conference") to discuss and review a proposal for activities that require such certificate. The principal objective of the conference shall be to simplify and expedite the formal review process.

(c)

A pre-application conference with the entire BAR is mandatory for the following activities proposed within a major design control district:

(1)

Development by the City of Charlottesville, or on land owned by the city;

(2)

Development on property owned by the city that is being sold for private development;

(3)

Development being financed in whole or in part by the city, or by a related governmental authority (such as the Economic Development Authority or the Redevelopment and Housing Authority);

(4)

Development having a projected construction cost of three hundred fifty thousand dollars (\$350,000) or more; and,

(5)

Any other development deemed significant by the director of neighborhood development services or the chair of the BAR, due to its size, location or potential impact on surrounding properties.

The required pre-application conference shall take place prior to an applicant's submission of a completed application.

(d)

After the pre-application review, if any, has been completed, and at least twenty-one (21) days prior to the meeting at which an application will be considered by the BAR, a **property** owner or his agent may apply for a certificate of appropriateness. ~~The BAR may waive the twenty-one day requirement when necessary for reasons of public health or safety.~~ The following information and exhibits shall be submitted along with each application:

(1)

Detailed and clear descriptions of any proposed changes in the exterior features of the subject property, including but not limited to the following: the general design, arrangement, texture, materials, plantings and colors to be used, the type of windows, exterior doors, lights, landscaping, parking, signs, and other exterior fixtures and appurtenances. The relationship of the proposed change to surrounding properties will also be shown.

(2)

Photographs of the subject property and photographs of the buildings on contiguous properties.

(3)

Samples to show the nature, texture and color of materials proposed.

(4)

The history of an existing building or structure, if requested by the BAR or staff.

(5)

For new construction and projects proposing expansion of the footprint of an existing building: a three-dimensional model (in physical or digital form) depicting the site, and all buildings and structures to be located thereon, as it will appear upon completion of the work that is the subject of the application.

(6)

In the case of a demolition request where structural integrity is at issue, the applicant shall provide a **structural** evaluation and cost estimates for rehabilitation, prepared by a professional engineer. ~~The BAR may waive the requirement for a structural evaluation and cost estimates in the case of an emergency, or if it determines that the building or structure proposed for demolition is not historically, architecturally or culturally significant under the criteria set forth in section 34-274.~~

(e)

The director shall establish submission deadlines for applications. For purposes this division, a complete application shall be deemed to be "officially submitted" on the date of the next submission deadline following the date on which the application was received by the director.

(9-15-03(3); 4-13-04(2), § 1; 6-6-05(2); 9-4-07)

Sec. 34-283. - Administrative review.

(a)

Notwithstanding any contrary provision of this article, the director of neighborhood development services may review, and may approve or deny, applications for certificates of appropriateness, in the following situations:

(1)

Exterior alterations which are shown, through adequate documentation, to have been approved for a tax credit under either the federal rehabilitation tax credit program or the similar Virginia state tax credit program;

(2)

- (3) The repainting of an existing building or structure in a different color;
- (4) The addition or deletion of awnings, canopies, storm windows, storm doors, gutters, and similar appurtenances;
- (5) The addition, alteration or removal of any sign(s) where such sign(s) are the sole subject of the application, or where all other improvements comprising part of the application are subject to administrative review under this section or sections 34-1049 and 34-1052 34-1041 through 34-1043; and
- (5) Structural changes to a building or structure which do not require issuance of a building permit under the Uniform Statewide Building Code except for the following, which must be reviewed by the BAR: replacement of roof coverings and installation or replacement of siding on any buildings or structures, and replacement of windows and doors on any buildings or structures.

Certificate of Appropriateness

The waiver provisions have been removed and the requirement for building elevations added to 34-312(a) (1).

Sec 34-309 (c) (3)

(c) All applications for the certificates required by subparagraph (a)(3) above shall be reviewed and approved by the ERB following the process set forth within sections 34-310 through 34-313

- (1) The ERB shall approve or disapprove an application and, if approved, shall issue a certificate of appropriateness with any reasonable conditions as it may deem necessary to ensure compliance with this division. Failure of the ERB to act upon an application within sixty (60) days from the date of its original submission shall be deemed to constitute approval of the application.
- (2) Nothing contained in this subsection shall be deemed to compromise, limit, or otherwise impair the planning commission in its exercise of preliminary or final site plan review as set forth within Article VII, section 34-800, et seq. of this zoning ordinance.
- (3) It is the express intent of the city council in enacting the provisions of this subsection that matters related to public health and safety, as may be defined by the planning commission, shall prevail over issues within the purview of the ERB. Therefore, the planning commission in its review of any preliminary or final site plan may modify, vary or waive any requirement of the certificate of appropriateness as issued by the ERB, upon finding that such action would serve the interests of public health or safety.

Sec. 34-312. - Application requirements.

(a)

Application for a certificate of appropriateness pursuant to this division shall be filed with the director of neighborhood development services by the owner, contract purchaser, or lessee of the property, or by the authorized agent of any such person, of the subject property.

(1)

A complete application shall include all plans, maps, studies, reports, photographs, drawings, **building elevations**, and other informational materials which may be reasonably required in order to make the determinations called for in a particular case.

~~(2)~~

~~Building elevations shall be provided, unless waived by the director.~~

(2) ~~(3)~~

Each application for a certificate of appropriateness shall be accompanied by the required application fee, as set forth within the most recent zoning fee schedule approved by city council.

(b)

The director shall establish submission deadlines for applications. For purposes of this division a complete application shall be deemed to be "officially submitted" on the date of the next submission deadline following the date on which the application was received by the director.

(c)

Each application shall include a landscaping plan, for the uses described following below.

(1)

For development subject to site plan review, such plan shall meet the requirements set forth below as well as those required within Article VII, section 34-867

(2)

For other applications, the landscaping plan shall consist of drawings, documents and information sufficient to allow the director to determine whether the following requirements are satisfied:

a.

Uses to be screened: Parking lots, loading areas, refuse areas, storage areas, detention ponds and mechanical equipment shall be screened from view from the adjacent EC street.

b.

Standards for screening: When required, screening shall consist of the following:

(i) A planting strip of vegetation or trees, an opaque wall, an opaque fence or a combination of these.

(ii) Where only vegetative screening is provided, such screening strip shall not be less than twenty (20) feet in depth and shall consist of a double staggered row of evergreen trees on fifteen-foot centers, a minimum of five (5) feet in height when planted, or a double staggered row of evergreen shrubs on five-foot centers, a minimum of twenty-four (24) inches in height when planted. Alternative methods of vegetative screening may be approved by the ERB or the director in connection with approval of a certificate of appropriateness.

(iii) Where a fence or wall is provided for screening, it shall be a minimum of six (6) feet in height with planting required at ten-foot intervals along such structure.

(3)

Landscaping. All nonresidential uses, including parking lots and vehicular display areas, shall have all of the street frontage, exclusive of driveways and walkway connections, landscaped with trees and other varieties of plant material at least eighteen (18) inches in height at

maturity. ~~The planning commission or the planning director may allow a deviation from these requirements if, in its judgment, such deviation is consistent with the intent of this article.~~ The tree varieties shall conform to those recommended in the city's List of Approved Plantings. All uses shall have the side and rear property edges defined with a fence, wall or curbed planting strip of trees and other plantings a minimum of twenty-four (24) inches in height at maturity.

(d)

Each application shall include information about proposed lighting. Lighting fixtures shall be harmonious with the character of existing and proposed structures fronting along the EC street, and shall not exceed the height of any buildings on the site. Further, lighting shall comply with the provisions of Article IX, Division 3, section 34-100, et seq.

(9-15-03(3); 6-6-05(2))

Public Park Overlay

Provision for a reduction or waiver of parking regulations in the Public Park Overlay has been designated to City Council. Since Council has more authority to provide changes, they do not have be limited by specific criteria so those have been removed.

Sec. 34-328. - Regulations.

(a)

No park property within the PPO district shall be sold except by an ordinance passed by a recorded affirmative vote of three-fourths (¾) of all the members elected to city council, following a public hearing on the proposed sale. Nothing herein shall prohibit the use of property within the PPO district for public parking, public utilities, improvements for storm water management, streets, roads or any other public improvements as may be authorized by city council.

(b)

~~The planning commission~~ **City Council** may grant a reduction or **waiver** of off-street parking regulations required in section 34-984 of this Code in the Public Park Protection Overlay District (PPO) ~~upon a determination that: (i) there is adequate on-street parking available; and/or (ii) the amount of parking required by section 34-984 would be unreasonable to serve the proposed use of the property and would be inconsistent with the park classification as identified in the City of Charlottesville Comprehensive Plan.~~

(9-15-03(3); 9-2-08)

Conservation Districts

The waiver provision has been removed while maintaining alternate requirements for properties used as an applicant's primary residence

Sec. 34-343. - Standards for review of demolition, razing or moving of a contributing structure.

The following factors shall be considered in determining whether or not to permit the demolition, razing or moving, in whole or in part, of a contributing structure:

(1)

The historic, architectural or cultural significance, if any, of the specific building or structure, including, without limitation:

a. The age of the building or structure;

b. Whether it has been listed on the National Register of Historic Places, or listed on the Virginia Landmarks Register;

c. Whether, and to what extent, the building or structure is associated with an historic person, architect or master craftsman, or with an historic event;

d. Whether the building or structure, or any of its features, represent an infrequent or the first or last remaining example within the city of a particular architectural style or feature;

e. The degree to which distinguishing characteristics, qualities, features or materials remain;

(2)

Whether, and to what extent, a contributing structure is linked, historically or aesthetically, to other buildings or structures within the conservation district, and whether the proposed demolition would affect adversely or positively the historic or aesthetic character of the district;

(3)

The overall condition and structural integrity of the building or structure, as indicated by studies prepared by a qualified professional engineer and provided by the applicant ~~(studies may be waived by the director if the building is the applicant's primary residence)~~, or other information provided to the BAR;

(4)

Whether, and to what extent, the applicant proposes to preserve portions, features or materials that are significant to the property's historic, architectural or cultural value; and

(5)

Any applicable provisions of the city's conservation district design guidelines.

(3-16-09(2))

Sec. 34-345. - Application procedures.

(a)

Applications shall be submitted to the director by a property owner, contract purchaser, or lessee of the property, or by the authorized agent of any such person. Each application shall be accompanied by the required application fee, as set forth within the most recent zoning fee schedule approved by city council.

(b)

The director shall require the applicant to submit sufficient information for the preliminary review to make a determination whether further review and a certificate of appropriateness is required. If the director determines that review and approval by the BAR is required, then the applicant shall submit a complete application that includes the following information:

(1)

A written description of proposed exterior changes;

(2)

A general sketch plan of the property including: the location of existing structures; property and setback lines; and any proposed new construction, additions or deletions, parking areas, and fences;

(3)

The total gross floor area of the existing building and of any proposed additions;

(4)

Elevation drawings depicting existing conditions and proposed exterior changes;

(5)

Photographs of the subject property in context of the buildings on contiguous properties;

(6)

In the case of a demolition request where structural integrity is at issue, the applicant shall provide a structural evaluation and cost estimates (unless the building is the applicant's primary residence) for rehabilitation, prepared by a professional engineer. ~~The director may waive the requirement for a structural evaluation and cost estimates in the case of an emergency, or if the building is the primary residence of the applicant.~~

(3-16-09(2))

Site Plans

Waiver provisions have been removed and links to critical slopes regulations have been outlined.

Sec. 34-801. - Administration.

(a)

Except as otherwise expressly provided within this article, the city council hereby designates the planning commission as the approval body for site plans. Recognizing that not all plans may require review and deliberation by the commission, council also provides for an administrative review under which the director of the city's department of neighborhood development services (hereinafter, "director") is authorized to act on behalf of the commission. The director shall have no authority to act on behalf of the commission to modify, vary, waive or accept substitution for any requirement of this chapter, ~~except where expressly provided.~~

Sec. 34-802. - Site plans—When required.

(a)

In all zoning districts, a site plan shall be required for any construction, use or change in use, for any development, and prior to the removal of trees having a caliper of fifteen (15) inches or more, except that no site plan shall be required for the following:

(1)

The construction, addition to, or location of any single-family detached dwelling upon a lot whereon there are located, or proposed to be located, an aggregate of two (2) or fewer dwellings.

(2)

The construction or location of a two-family dwelling on any lot not occupied by any other dwellings.

(3)

Any accessory structure to a single-family detached or two-family dwelling.

(4)

Any change of a use, provided that:

a.

Such change does not occasion additional parking under the requirements of this chapter;

b.

No additional ingress/egress, or alteration of existing ingress/egress is recommended by the city, based on intensification of use; and

c.

No additional ingress/egress, or alteration of existing ingress/egress is proposed.

d.

No removal of trees having a caliper of fifteen (15) inches or more is proposed.

~~(b)~~

~~The planning commission may waive the requirement of a site plan in a particular case, or one (1) or more submission requirements, upon a finding that the requirement of such site plan or submission would not forward the purposes of this chapter or otherwise serve the public interest. No such waiver shall be granted until the commission has considered the recommendation of the director. In the event the director recommends a conditional approval, the director shall, within his recommendation, state the relationship of the recommended condition to the provisions of this article.~~

~~(e)~~

~~The director may waive the requirement of a site plan, or one (1) or more particular submission requirements, for an addition to any existing building, structure or use, upon a determination that such addition will not adversely impact:~~

~~(1)~~

~~Other existing buildings and land uses in the surrounding area;~~

~~(2)~~

~~The existing natural environment;~~

~~(3)~~

~~The safety or convenience of traffic and pedestrian circulation in the surrounding area;~~

~~(4)~~

~~Drainage and public utilities; or~~

~~(5)~~

~~Existing trees having a caliper of eight (8) inches or more.~~

~~Alternatively, the director, in his sole discretion, may refer any waiver request to the planning commission for consideration. Any decision of the director denying a waiver request may be appealed by the developer to the planning commission.~~

~~(9-15-03(3))~~

Sec. 34-820. - Preliminary plan submittal and review.

(a) Applications for preliminary site plan approval shall be submitted to the department of neighborhood development services. Each application and each re-submittal of an application previously submitted shall be accompanied by the required fee for a site plan, as set forth within the most recent fee schedule adopted by city council. The director shall establish submission deadlines for such applications. For the purposes of section 34-823, a preliminary site plan shall be deemed "officially submitted" on the date of the next submission deadline following the date on which the application was received by the department.

- (1) Plans that lack the information required by section 34-827 shall be deemed incomplete and shall be denied by the director, in writing, within ten (10) days after the applicable submission deadline.

- (2) Within ninety (90) days after receiving a notice of denial ("grace period"), a developer may resubmit the preliminary site plan, without application fees, and request reinstatement of review of the plan ("resubmittal").
- (3) The date of the next submission deadline following such re-submittal shall be deemed to be the original date on which the application was "officially submitted" for purposes of section 34-823
- (4) In the event the developer fails to resubmit a proposed preliminary site plan within the ninety-day grace period, a new application and fee shall be required for a subsequent submission.
- (b) Upon receipt of a complete application for preliminary site plan approval:
 - (1) The director shall circulate the plan for review and comment by the following city officials, employees and departments, together with notice of the date on which the plan has been scheduled for a preliminary site plan conference: the city engineer, the department of public works, the fire department, the building code official, the zoning administrator, and other city or state officials, employees, departments or agencies whose review and comments are deemed necessary by the director. All resulting requirements and recommendations shall be forwarded to the director by city staff prior to the date of the required preliminary site plan conference. For purposes of this article, the term "requirements" shall be deemed to mean regulatory provisions of this chapter, and any duly adopted rules and regulations of a reviewing department, and "recommendations" shall be deemed to include suggestions for design changes deemed to be in the public interest by a reviewing official in the area of his expertise.
 - (2) The director shall schedule a preliminary site plan conference, in accordance with section 34-821
- (c) Upon conclusion of the preliminary site plan conference:
 - (1) For plans reviewed administratively by the director, at such time as the director determines that the preliminary site plan complies with the requirements of this article, the director shall issue a letter to the developer communicating that the plan has been approved and stating the conditions which must be satisfied prior to submittal of the final site plan.
 - (2) For plans reviewed by the planning commission, the director shall transmit the preliminary site plan, together with the recommendations of city staff and the developer's written statement(s) concerning the staff recommendations, to the planning commission for review.
- (d) The planning commission shall review the following preliminary site plans:
 - (1) Those submitted in connection with existing or proposed planned unit developments
 - (2) Those reflecting proposed development of property that is the subject of any existing or proposed special permit
 - (3) Those referred to the planning commission at the request of the director, an applicant, or any two (2) members of the planning commission
 - (4) Those which are the subject of an appeal from a decision of the director, as allowed by section 34-823

(5) Those which propose to disturb a critical slope in which the applicant must submit a request for modification or waiver pursuant to section 34-1120.

Landscaping

Waiver provisions have been removed. Additions to the tree/plant listing may be done administratively with arborist approval so if an additional species is proposed, it could be added to the list if appropriate.

Sec. 34-862. - Approved list of plantings.

The director shall, from time to time, promulgate a list of trees and other plant materials acceptable for use in meeting the landscaping requirements of this division ("list of approved plantings"). This list shall be maintained in the department of neighborhood development services and shall be available for inspection. ~~Except where otherwise authorized by the director as an approved variation or waiver, all~~ All trees and other plant materials required by this article shall be selected from the current list of approved plantings.

~~(9-15-03(3))~~

Sec. 34-865. -- Variations, waivers.

(a)

~~The director may vary or waive the requirement of a landscape plan, in whole or in part, or any improvements required by this article, upon a finding that the requirement of such plan and/or improvements would not forward the purposes of this chapter or otherwise serve the public interest; provided that such variation or waiver shall result in a plan substantially in compliance with the approved site plan, together with all conditions imposed by the director or commission; and provided further that any such variation or waiver shall have no additional adverse visual impact on adjacent properties or public areas, nor otherwise would be inconsistent with the stated purposes of this section.~~

(b)

~~A developer requesting a variation or waiver pursuant to this section shall file with the director a written request that shall state reasons and justifications for the request, together with such alternatives as may be proposed by the developer. The director may approve, approve with conditions, or deny such request. In the case of conditional approval, or of denial, the director shall notify the developer in writing as to the reasons for such action within five (5) days of such decision. Thereafter, the developer may appeal the director's decision to the commission, by submitting a written notice of appeal to the director.~~

~~(9-15-03(3))~~

Drainage

Remove waiver provision and replaced with reference to proper source per engineering review.

Sec. 34-913. - Drainage; stormwater management; soil erosion.

(a)

Slopes in excess of ten (10) percent shall be treated in a manner acceptable to the director of neighborhood development services or the planning commission. All disturbed areas shall be stabilized in accordance with the current edition of the Virginia Erosion and Sediment Control Handbook to prevent soil erosion and excessive runoff; provided, that measures taken for erosion and sedimentation

control shall conform to the standards and procedures set forth in Chapter 10 of this Code; and provided further that, in cases where an erosion and sedimentation control permit is required, the necessary plans and data shall be submitted, reviewed and approved concurrently with the site plan.

(b)

The following guidelines shall be followed in developing all site plans:

(1)

New drainage facilities or improvements to existing drainage facilities shall be designed to cope with storms having a ten-year recurrence interval.

(2)

Drainage improvements or those constructed in conjunction with site or subdivision plans shall be constructed downstream to a location where the receiving channel or conduit will convey the ten-year storm without overtopping its banks or eroding.

(3)

All site plans shall include provisions for on-site detention of runoff, or in lieu thereof the developers may be required to contribute the pro rata share for the site toward the estimated cost of a planned neighborhood or regional detention basin. Where on-site detention ponds are proposed, plans shall include a description of the maintenance to be provided for such ponds.

(4)

On-site detention design is intended to restrict post-development runoff to no more than the calculated predevelopment runoff. For new or redevelopment sites the design storm shall be the ten-year storm, or a two-year storm when calculated as if the site were totally vacant in the predevelopment stage, whichever is greater.

(e)

~~The director of neighborhood development services or the planning commission may waive or modify the above requirements on the basis of best engineering practices, or may require the installation of water quality devices in lieu of detention. Such devices can include but are not limited to: sand filters, bio swales, grassed swale with check dams, filter strips with level spreaders and other practices as defined in the Virginia Erosion Control Handbook.~~

(9-15-03(3))

Off Street Parking

Remove waiver provisions and retain objective criteria for location of off site parking. City Council is given the ability to modify parking requirements in some circumstances.

Sec. 34-971. - Applicability.

(a)

~~Except to the extent that an exemption is granted, O~~ff-street parking and loading spaces shall be provided in accordance with the provisions of this division, at the time of construction, erection, alteration, enlargement or change in use of any building, structure or use. Thereafter, such spaces shall be maintained and kept available for such use, to the extent of the minimum number of spaces required hereunder, unless there is a change of use or floor area.

(b)

Any use for which the required amount of parking was approved as of December 15, 1975 shall be considered as conforming as to the parking requirements, so long as the use remains unchanged. Otherwise, only those uses for which parking or loading space was approved and provided prior to the

effective date of this chapter shall be considered in conformance with this division, provided the intensity of such use remains unchanged.

(c) For enlargements of existing structures equal to or greater than 25% of the structures gross floor area, required parking must equal the sum of those spaces prior to the enlargement and the number of spaces required by these regulations for any additional use area, unless waived by City Council. ~~except in the following circumstances: Where the enlargement is less than twenty-five (25) percent of the structure's gross floor area no additional parking is required.~~

(1)

~~Where the enlargement is less than twenty five (25) percent of the structure's gross floor area no additional parking is required.~~

(2)

~~The director of neighborhood development services may grant a reduction or waiver of this requirement upon a determination that: (i) space limitations do not permit the provision of additional parking, (ii) there is adequate on street parking available, (iii) the provision of additional parking would necessitate the demolition of an existing structure, in whole or in part, and/or (iv) the provision of additional parking would necessitate excavation for underground parking.~~

(d)

For a change of use within an existing structure where there is no enlargement of the existing structure, no additional parking is required.

(e)

The following three (3) parking zones shall be subject to the specific requirements set forth hereunder:

(1)

The Urban Core Parking Zone is established as designated on the most recently approved City of Charlottesville Zoning Map. Provision of parking shall not be required for a development in the Urban Core Parking Zone unless such development requires a special use permit for increased residential density above that allowed by right. Parking required pursuant to Article IX shall be provided for all additional units allowed as a result of the increased density, unless such requirement is waived by council. Parking requirements may be fulfilled by the property owner or developer through any of the alternatives outlined in subsection (4) below.

(2)

The Corner Parking Zone is established as designated on the most recently approved City of Charlottesville Zoning Map. Provision of parking shall not be required for a development in the Corner Parking Zone unless such development requires a special use permit for increased residential density above that allowed by right. Parking required pursuant to Article IX shall be provided for all additional units allowed as a result of the increased density, unless such requirement is waived by Council. Parking requirements may be fulfilled by the property owner or developer through any of the alternatives outlined in subsection (4) below.

(3)

The Parking Modified Zone is established as designated on the most recently approved City of Charlottesville Zoning Map. Provision of parking for a development in the parking modified zone shall be computed using the provisions of sections 34-984 and 34-985. Only if a development requires more than twenty (20) parking spaces pursuant to Sec. 34-984 of this Code shall parking be required as follows: non-residential developments shall provide fifty (50) percent of the required parking, and residential developments shall provide one (1) space per unit. Parking requirements may be fulfilled by the property owner or developer through any of the alternatives outlined in subsection (4) below. Affordable housing units (as defined

by city council in its adopted affordable housing policy) created in any development shall not be included in the parking calculation, and parking shall not be required as a result of any such units as long as they remain affordable.

(4)

Required parking in the urban core parking zone, corner parking zone, and the parking modified zone shall be provided either:

a.

On site;

b.

Within one thousand (1,000) feet of the site, subject to all other conditions of section 34-973

c.

By payment into a city parking fund in a standard amount per space established by city council;

d.

By making a one-time contribution for transit improvements equivalent to the cost of each required parking space in a standard amount per space established by city council; or by

e.

Implementation of alternative transportation improvements equivalent to the cost of each required parking space in a standard amount per space established by city council, as approved by planning commission,

(5)

In addition to provision of parking as required herein, all developments requiring a site plan within the urban core parking zone, corner parking zone, and the parking modified zone shall provide bicycle storage facilities, other than bicycle racks, in accordance with section 34-881

(9-15-03(3); 9-21-09(2))

Sec. 34-973. - Off-site locations permitted, subject to conditions.

All off-street parking spaces shall be located on the same lot as the use or structure to be served, except as follows:

(1)

Off-site spaces shall be within one thousand four hundred (1,400) feet of the use or structure served. For the purpose of this requirement, distance from parking spaces to the use or structure served shall be measured in a straight line from the nearest parking space to the use served.

(2)

Off-site parking spaces may be located in a different zoning district than the use or structure served, if permitted by right or by special use permit in such zoning district.

(3)

An off-site location must either: (i) be located on land in the same ownership as that of the use or structure served, or in the case of cooperative provision of parking space, in the ownership of at least one (1) of the participants in such provisions, or (ii) be subject to arrangements (such as long-term lease, recorded easement, etc., providing the required parking arrangements for a

period of at least twenty-five (25) years) as will assure the availability of such space for the duration of the use or structure to be served.

(4)

No changes shall be made to any off-site parking lot that would reduce the parking available for a use or structure served by such lot, unless alternate parking arrangements are made to provide an equivalent number of spaces. ~~and such alternate arrangements are approved by the director of neighborhood development services.~~

(5)

~~Where a waiver has been granted pursuant to section 34-986, the director may alter some or all of the required off-street parking spaces for that use or structure.~~

(5) (6)

The use or structure must supply at least forty (40) percent of its required spaces on-site.

(6) (7)

~~The planning commission may, for reasonable cause shown, grant an exception to this requirement after consideration of the following factors: (i) proximity of proposed parking areas to the uses and structures served, (ii) ease of access between the proposed parking areas and the uses and structures served, (iii) present and future availability of on-street parking and/or cooperative parking facilities, and (iv) submission by the owner of the structure or use subject to the parking requirement of a parking management plan signed by a professional transportation engineer. All required handicapped parking spaces must be located on site unless This requirement may be waived by the director of neighborhood development services, upon a determination that space limitations do not permit the provision of the required handicapped spaces and , or the owner of the use or structure to be served by such spaces demonstrates that the proposed use can be adequately served by existing designated on-street handicapped space(s) within seventy-five (75) feet of such use or structure.~~

(8) (7)

All required loading spaces for a use or structure must be located on site, except as provided in section 34-983 (Off-street loading area requirements).

(9-15-03(3); 6-6-05(2))

Sec. 34-983. - Off-street loading areas.

(a)

In addition to any required off-street parking spaces, there shall be provided adequate off-street space for loading and unloading vehicles owned or leased and regularly used in the operation of any commercial (business or industrial) use. In addition, when any such vehicles are to be parked on-site when not loading or unloading, there shall be provided adequate parking spaces to accommodate the maximum number of vehicles that may be reasonably expected to be parked on the site of such use at any one (1) time.

(b)

Each loading space shall have a minimum dimension of twelve (12) by thirty-five (35) feet, and a vertical clearance of at least fourteen (14) feet.

(c)

Loading requirements ~~shall not apply~~ may be waived by the director of neighborhood development services under the following circumstances: (i) space limitations do not permit the provision of off-street loading areas, and (ii) the owner of the use of structure demonstrates that the proposed use can be adequately served by an existing designated on or off-street loading facility within two hundred (200) feet of the use served.

(d)

Loading spaces may be provided cooperatively for two (2) or more uses, subject to the approval by the director of neighborhood development services of the appropriate legal instruments (a long-term lease, recorded easement, etc.) to ensure the permanent availability of off-street loading for all such uses.

(9-15-03(3))

Sec. 34-986. - ~~Waivers.~~ Other Off-Street Parking Regulations

~~The planning commission may waive off street parking requirements, in whole or in part, in the following circumstances:~~

Off street parking requirements shall not apply in the following circumstances:

(1)

For a single-family detached dwelling, ~~upon a determination that~~ if (i) the dwelling is not located on a corner lot, (ii) the lot on which the dwelling is located has no access to a public alley, and (iii) the lot has fewer than thirty (30) feet of front yard street frontage.

(2)

For single-family attached and two-family dwellings, ~~upon a determination that~~ if (i) the owner of the property has demonstrated the availability of adequate on-street parking; ~~or~~ and (ii) the lot on which such dwelling is located cannot accommodate the required number of parking spaces.

(3)

For multi-family dwellings, commercial and industrial uses, and mixed-use developments, ~~upon a determination that~~ if (i) the use or structure is not located on a corner lot, (ii) the lot on which the use or structure is located has no access to a public alley, and (iii) the lot has fewer than 40 feet of front yard street frontage.

(9-15-03(3); 6-6-05(2))

Lighting

Remove waiver provision and add specific language to address lighted ball fields

Sec. 34-1003. - Standards.

The following standards shall apply to each outdoor luminaire:

(a)

~~Except as provided in section 34-1004,~~ Each outdoor luminaire subject to these outdoor lighting regulations shall be a full cutoff luminaire.

(b)

Measurement of lumens

(1)

For each outdoor luminaire subject to these outdoor lighting regulations, the maximum number of lumens emitted by such luminaire shall be determined from the information provided by the manufacturer of the lamp including, but not limited to, information on the lamp or on the lamp's packaging materials.

(2)

The following rated lamp wattages shall be deemed to emit three thousand (3,000) or more maximum lumens, unless the zoning administrator determines, based upon information provided by a lamp manufacturer, that the rated wattage of a lamp emits less than three thousand (3,000) maximum lumens:

a.

Incandescent lamp: one hundred sixty (160) or more watts.

b.

Quartz halogen lamp: one hundred sixty (160) or more watts.

c.

Fluorescent lamp: thirty-five (35) or more watts.

d.

Mercury vapor lamp: seventy-five (75) or more watts.

e.

Metal halide lamp: forty (40) or more watts.

f.

High pressure sodium lamp: forty-five (45) or more watts.

g.

Low pressure sodium lamp: twenty-five (25) or more watts.

(3)

If a luminaire is equipped with more than one lamp, the lumens of the lamp with the highest maximum lumens shall determine the lumens emitted.

(c)

Height.

(1)

No outdoor luminaire situated outside of a public right-of-way and within or immediately adjacent to any low density residential district shall be mounted or placed at a location more than twelve (12) feet in height.

(2)

No outdoor luminaire shall be mounted or placed at a location that is more than twenty (20) feet in height.

(d)

The spillover light from luminaires onto public roads and onto property within any low-density residential district shall not exceed one-half (½) foot candle. A spillover shall be measured horizontally and vertically at the property line or edge of right-of-way or easement, whichever is closer to the light source.

(e)

All outdoor luminaires, regardless of the number of lumens, shall be arranged or shielded to reflect light away from adjoining low density residential districts.

(f)

Illumination levels shall be measured with a photoelectric photometer having a spectral response similar to that of the human eye, following the standards spectral luminous efficiency curve adopted by the International Commission on Illumination. Within developments subject to the requirement of a site plan, all outdoor luminaires shall be of a type and size to provide sufficient illumination of a facility for its safe use, consistent with the recommended practices adopted by the Illuminating Engineering Society of North America for that facility.

(9-15-03(3))

Sec. 34-1004. -- Modification or waiver.

(a)

Any standard of this division may be modified or waived in an individual case, as provided herein:

(1)

The planning commission may modify or waive any standard set forth in this division in an individual case, and the planning commission may impose conditions on such a modification or waiver which it deems appropriate to further the purposes of these outdoor lighting regulations, in either of the following circumstances:

a.

Upon finding that strict application of the standard would not forward the purposes of this chapter or otherwise serve the public health, safety or welfare, or that alternatives proposed by the owner would satisfy the purposes of these outdoor lighting regulations at least to an equivalent degree.

b.

Upon finding that an outdoor luminaire, or system of outdoor luminaires, required for an athletic facility cannot reasonably comply with the standard and provide sufficient illumination of the facility for its safe use, as determined by recommended practices adopted by the Illuminating Engineering Society of North America for that type of facility and activity, or other evidence if a recommended practice is not applicable

(2)

Prior to considering a request for a modification or waiver, five (5) days' written notice shall be provided to the owner or owner's agent and to the occupant of each abutting lot or parcel and each parcel immediately across the street or road from the lot or parcel which is the subject of the request. The written notice shall identify the nature of the request and the date and time the commission will consider the request.

(b)

Appeals.

(1)

Where the planning commission considers a request for a modification or waiver as part of an application for approval of a site plan, the decision of the commission shall be deemed part of the decision on the site plan, appealable only as set forth within section 34-823

(2)

When the planning commission considers a request for a modification or waiver as part of an application for approval of a rezoning or special use permit, the commission's decision shall be subject to review by the city council. Otherwise, neither the grant or denial of a modification or waiver request may be appealed to the city council.

(9-15-03(3))

Section 34-1004 – Lighting for Recreational Facilities, Outdoor

An outdoor luminaire or system of outdoor luminaires required for an athletic facility may exceed the lumens and height standards in Section 34-1003 to the minimum extent necessary to provide sufficient illumination of the facility for its safe use as determined by recommended practices adopted by the Illuminating Engineering Society of North America for that type of facility and activity.

Signs

Waiver provisions and references to alternate appeal processes have been removed.

34-1038 General Sign Regulations

(c)

Marquee signs.

(1)

Signs on marquees for establishments other than theaters shall not exceed twenty (20) square feet on any side or front section of the marquee. Signs may extend above the top of the marquee on which they are located, provided that the vertical dimension of the marquee and sign, together, does not exceed five (5) feet. If such signs are illuminated, exposed light sources shall not be used.

(2)

Signs may be mounted or located underneath a marquee, subject to the following restrictions:

a.

There shall be only one (1) sign for each entrance to an establishment.

b.

Such signs shall not exceed twelve (12) inches in depth, with not more than an additional three (3) inches in depth to include the supports and hangers attaching the sign to the marquee.

c.

If such signs are illuminated, the illumination shall be by interior lighting only, subject to the interior lighting restrictions as set forth in this chapter.

(3)

Theatre marquees including readerboards shall not exceed five (5) feet in the vertical dimension. Such signs may extend above the top of the marquee; provided, the vertical dimension of the structure, including both marquee and sign, shall not exceed five (5) feet. If such signs are illuminated, exposed light sources shall not be used.

(4)

Unless otherwise provided within this article:

a.

No marquee sign shall exceed an area of sixty (60) square feet including all faces of the sign.

b.

No part of any marquee shall be lower than ten (10) feet from grade.

(5)

The height standards set forth in this section for marquees located within architectural design control or entrance corridor districts may be **modified** by the BAR or ERB, **as appropriate**, respectively, in approving a proposed comprehensive signage plan.

**Sec. 34-1041. - Downtown and University Corner architectural design control districts—
Special regulations.**

In addition to other applicable regulations set forth in this article, the following regulations shall apply to establishments located within the downtown and university corner architectural design control districts (reference section 34-272) except as approved with an optional comprehensive sign plan.

(a)

Freestanding and monument signs shall not be permitted.

(b)

Pole signs may be permitted with Board of Architectural Review approval.

(c)

Internally lit signs and neon signs shall not be permitted.

(d)

One (1) projecting sign is permitted for each separate storefront fronting on a public right-of-way at ground level.

(e)

No single sign face of any projecting sign shall have an area greater than ten (10) square feet.

(f)

Projecting signs shall have a projection of not more than thirty-six (36) inches beyond the facade of the building to which it is attached, except marquees, which shall be subject to regulations as provided in section 34-1038(c).

(g)

One (1) additional projecting sign may be permitted for a doorway entrance that provides primary access to a business located on an upper floor or basement level.

(h)

The character of all signs shall be harmonious to the character of the structure on which they are to be placed. Among other things, consideration shall be given to the location of signs on the structure in relation to the surrounding buildings; the use of compatible colors; the use of appropriate materials; the size and style of lettering and graphics; and the type of lighting

(i)

Except in the case of new construction, all signs in this district shall be subject to administrative review by the director of neighborhood development services, with appeals to the board of architectural review. The board of architectural review shall review all signs for new construction. ~~The director of neighborhood development or board of architectural review may, as part of the appropriate review, waive the requirements herein if necessary to permit the restoration or reconstruction of an original sign associated with a protected property.~~

(j)

~~Notwithstanding any contrary provisions of this article, the director of neighborhood development services may approve~~ A sign may be attached to the attachment or suspension of a sign from an existing freestanding or projecting sign. ~~or, in~~ In the case of a building on a site with more than one (1) street frontage or more than one (1) principal entrance, one (1) additional freestanding or projecting sign per additional street frontage or principal entrance is permitted. ~~, if the director of neighborhood development services determines that such an arrangement is in keeping with the architectural character of the property.~~

(k) Notwithstanding any contrary provisions of this article, the restoration or reconstruction of an original sign associated with a protected property is permitted, if the establishment identified in the sign is still in operation at that location.

(2-19-08)

Sec. 34-1042. - West Main Street architectural design control district—Special regulations.

In addition to other applicable regulations set forth within this article, the following regulations shall apply to certain signs within the West Main Street Architectural Design Control district (see section 34-272), except as approved with an optional comprehensive sign plan:

(a)

One (1) projecting sign is permitted for each separate storefront fronting on a public right-of-way at ground level. One (1) additional projecting sign may be permitted for a doorway entrance that provides primary access to a business located on an upper floor or basement level.

(b)

No single sign face of any projecting sign shall have an area greater than ten (10) square feet.

(c)

Projecting signs shall have a projection of not more than thirty-six (36) inches beyond the facade of the building to which it is attached, except marquees, which shall be subject to regulations as provided in section 34-1038(c).

(d)

No internally lit signs, except internally lit channel letters, or neon signs shall be permitted.

(e) The character of all signs shall be harmonious to the character of the structure on which they are to be placed. Among other things, consideration shall be given to the location of signs on the structure in relation to the surrounding buildings; the use of compatible colors; the use of appropriate materials; the size and style of lettering and graphics; and the type of lighting;

~~(e)~~ (f)

Except in the case of new construction, all signs in this district shall be subject to administrative review by the director neighborhood development, with appeals to the board of architectural review. The board of architectural review shall review all signs for new construction. The director of neighborhood development services or board of architectural review may, as part of the appropriate review, waive the requirements herein if necessary to permit the restoration or reconstruction of an original sign associated with a protected property.

(k) Notwithstanding any contrary provisions of this article, the restoration or reconstruction of an original sign associated with a protected property is permitted, if the establishment identified in the sign is still in operation at that location.

(2-19-08)

Sec. 34-1043. - North Downtown, Wertland Street, Ridge Street, Oakhurst Circle, and Rugby Road architectural design control districts—Special regulations.

In addition to other applicable regulations set forth in this article, the following regulations shall apply to establishments located within the North Downtown, Wertland Street, Ridge Street, Oakhurst Circle, and Rugby Road architectural design control districts (reference section 34-272), except as approved with an optional comprehensive sign plan:

(a)

The total area of all signs permitted for any establishment shall not be greater than twelve (12) square feet.

(b)

No single wall sign shall have an area greater than six (6) square feet.

(c)

Freestanding signs other than pole signs shall not be permitted.

(d) The character of all signs shall be harmonious to the character of the structure on which they are to be placed. Among other things, consideration shall be given to the location of signs on the structure in relation to the surrounding buildings; the use of compatible colors; the use of appropriate materials; the size and style of lettering and graphics; the type of lighting; and whether an original sign associated with a protected property is being restored or reconstructed.

~~(d)~~ (e)

Except in the case of new construction, all signs in this district shall be subject to administrative review by the director of neighborhood development, with appeals to the board of architectural review. The board of architectural review shall review all signs for new construction. The director of neighborhood development or board of architectural review may, as part of the appropriate review, waive the requirements herein if necessary to permit the restoration or reconstruction of an original sign associated with a protected property.

~~(e)~~ (f) Notwithstanding any contrary provisions of this article, the director of neighborhood development services may approve a sign may be attached to the attachment or suspension of a sign from an existing freestanding or projecting sign or, in the case of a building on a site with more than one (1) street frontage or more than one (1) principal entrance, one (1) additional freestanding or projecting sign per additional street frontage or principal entrance is permitted, if the director of neighborhood development services determines that such an arrangement is in keeping with the architectural character of the property.

~~(f)~~ (g)

No internally lit signs or neon signs shall be permitted.

(k) Notwithstanding any contrary provisions of this article, the restoration or reconstruction of an original sign associated with a protected property is permitted, if the establishment identified in the sign is still in operation at that location.

(2-19-08)

Sec. 34-1045. - Optional comprehensive signage plan.

(a)

For a proposed development subject to site plan review, and for any development that is subject to architectural review under Article II, Divisions 2 or 3, or 5 of this chapter, the reviewing official or public body may waive or City Council may modify requirements of this division by approving a

comprehensive signage plan for such development or project. ~~Where a particular development is subject to both site plan review and architectural review, the official or public body conducting the architectural review shall be the decision-maker upon a proposed comprehensive signage plan.~~

(b)

For the purposes of this section, the term "comprehensive signage plan" refers to a written plan detailing the type, quantity, size, shape, color, and location of all signs within the development that is the subject of the plan, where the number, characteristics and/or locations of one (1) or more signs referenced within the plan do not comply with the requirements of this division.

(c)

~~The official or public body~~ City Council may approve a comprehensive signage plan, upon a determination that:

(1)

There is good cause for deviating from a strict application of the requirements of this division, and

(2)

The comprehensive signage plan, as proposed, will serve the public purposes and objectives set forth within section 34-1021 of this division at least as well, or better, than the signage that would otherwise be permitted for the subject development.

(d)

Applications for approval of a comprehensive signage plan shall be submitted in writing to the director of neighborhood development services, and shall be accompanied by the required application fee, as set forth within the most recent zoning fee schedule approved by city council.

(e)

Each application for approval of a comprehensive signage plan shall include the following information:

(1)

A written narrative description of the overall plan, including, without limitation: a tally of the total number of signs included within the coverage of the plan, and a summary of how the applicant believes the comprehensive signage plan will serve the objectives set forth within section 34-1021

(2)

A color illustration or photograph of each sign included within the plan. For signs with multiple faces, an illustration or photograph shall be provided for each face. For monument and pole signs, an illustration or photograph of proposed landscaping shall be provided;

(3)

A written description of the type, size (dimensions), materials, and proposed location of each sign;

(4)

A map or other written identification and description of all existing signs on the property comprising the proposed development;

(5)

Color illustrations or photographs of signage existing on adjacent properties;

(6)

A written description (and illustration or photograph) of proposed lighting (for illuminated signs).

(f)

~~Appeals from decisions of a city official or public body reviewing a proposed comprehensive signage plan shall be taken in the same manner as provided within this chapter with respect to other decision(s) of that official or public body.~~

(2-19-08)

Telecommunications

Waiver provisions have been removed.

Sec. 34-1075. - Setback requirements.

(a)

All communications facilities shall comply with the minimum setback requirements of the zoning district in which they are located.

(b)

Support structures for freestanding communications facilities shall be located on a lot in such a manner that, in the event of collapse, the structure and supporting devices shall be contained within the confines of the property lines.

(c)

No portion of any freestanding communications facility shall project into a required setback more than the maximum projection permitted in the zoning districts in which the facility or antenna is located.

(d)

Where alternative tower, monopole tower, lattice tower or other self-supporting tower support structures are permitted, either by right or by special use permit:

(1)

The communications facility shall be set back from any existing residence, residentially-zoned property, public street or other public property, a distance of at least the height of the PWSF or communications facility, but in no event less than one hundred (100) feet.

(2)

~~The planning commission may waive or reduce setback requirements applicable to such support structures, if presented with engineering data that proves, to its satisfaction, that adjacent properties are reasonably protected from the potential impact of a support structure failure.~~

(e)

~~Upon receipt of evidence that the failure characteristics of a freestanding communications facility are such that the required setbacks would be insufficient to contain debris in the event of the failure of a facility or its support structure, the director of neighborhood development services or his designee shall have the authority to increase any required setback to a distance sufficient to contain debris in the event of a such failure.~~

(9-15-03(3))

Sec. 34-1077. - Screening and landscaping.

(a)

Landscaping shall be used to screen the view of freestanding communications facilities from adjacent public streets and public property, adjacent residentially-zoned property and adjacent residences. The minimum landscaping requirements shall be as follows:

(1)For facilities one hundred fifty (150) feet in height or less, at least one (1) row of evergreen shrubs capable of forming a continuous hedge at least five (5) feet in height within two (2) years of planting

shall be spaced not more than five (5) feet apart within ten (10) feet of the perimeter of the required setback area.

(2) For towers more than one hundred fifty (150) feet in height, in addition to the requirements set forth in subsection (a)(1), above, at least one (1) row of deciduous trees, with a minimum caliper of two and one-half (2½) inches at the time of planting, and spaced not more than forty (40) feet apart, shall be provided within twenty (20) feet of the perimeter of the required setback area.

(3) All security fencing shall be screened from view.

(b)

Landscaping materials shall consist of drought-resistant native species.

(c)

Landscaping materials shall be maintained by the owner and operator of the support structure for the life of the installation.

(d)

Existing vegetation on the site shall be preserved to the greatest practical extent. Existing vegetation, topography, walls and fences, etc., combined with shrubs or other features may be substituted for the required shrubs or trees, if the director of neighborhood development services or his designee finds that they achieve the same degree of screening as the required shrubs or trees.

(e)

In lieu of the landscaping requirements set forth within this section, an applicant may prepare a detailed plan and specifications for landscaping and screening, including plantings, fences, walls, topography, etc., to screen support structures and accessory uses. The plan shall accomplish the same degree of screening achieved by the requirements of this section, but may deviate from the specific requirements set forth if, in the opinion of the director of neighborhood development services, or his designee, the public interest will be equally served by such plan. In certain locations where the visual impact of a proposed facility would be minimal (such as a property surrounded by undevelopable land, or a site located within a heavily developed area of the city) the specific landscaping requirements set forth within this section may be reduced or waived by the director of neighborhood development services or his designee.

(9-15-03(3))

Sec. 34-1078. - Lighting and security.

(a)

No communications facility shall be artificially lighted, except for:

(1) Security and safety lighting of equipment buildings, if such lighting is appropriately down-shielded to keep light within the boundaries of the site.

(2) Such lighting as may be required by the FAA, FCC or other applicable governmental authority, installed in such a manner as to minimize impacts on adjacent residences. Where the FAA or FCC requires lighting "dual lighting" (red at night/strobe during day) shall be utilized unless otherwise recommended by FAA or FCC guidelines.

(b)

Security fencing shall be required around the perimeter of support structures and any accessory utility structures associated with freestanding communications facilities, in accordance with the following minimum requirements:

(1)

Security fencing shall be maintained by the owner and operator(s) of the communications facility, for the life of the facility.

Security fencing shall be constructed of decay-resistant materials, and shall be not less than six (6) feet in height.

(2)

Security fencing shall be equipped with anti-climbing devices.

(3)

~~Security fencing requirements may be waived by the director of neighborhood development services or his designee, for alternative tower structures.~~

For alternative tower structures where the support structure is secured so that the public cannot access the antenna array, equipment shelter and other apparatus for a PWSF or other communications facility, security fencing shall not be required.

(9-15-03(3))

Critical Slopes

Waiver provisions outlined in 34-1120 (6) have been shifted to City Council with Planning Commission recommendation.

Section 34-1120

(a) . . .

(b) *Critical slopes.*

- (1) *Purpose and intent.* The provisions of this subsection (hereinafter, "critical slopes provisions") are intended to protect topographical features that have a slope in excess of the grade established and other characteristics in the following ordinance for the following reasons and whose disturbance could cause one or more of the following negative impacts:
 - a. Erosion affecting the structural integrity of those features.
 - b. Stormwater and erosion-related impacts on adjacent properties.
 - c. Stormwater and erosion-related impacts to environmentally sensitive areas such as streams and wetlands.
 - d. Increased stormwater velocity due to loss of vegetation.
 - e. Decreased groundwater recharge due to changes in site hydrology.
 - f. Loss of natural or topographic features that contribute substantially to the natural beauty and visual quality of the community such as loss of tree canopy, forested areas and wildlife habitat.

These provisions are intended to direct building locations to terrain more suitable to development and to discourage development on critical slopes for the reasons listed above, and to supplement other regulations and policies regarding encroachment of development into stream buffers and floodplains and protection of public water supplies.

(2) *Definition of critical slope.* A critical slope is any slope whose grade is 25% or greater and:

- a. A portion of the slope has a horizontal run of greater than 20 feet and its total area is 6,000 square feet or greater; and
- b. A portion of the slope is within 200 feet of any waterway as identified on the most current City Topographical Maps maintained by the Department of Neighborhood Development Services."

Parcels containing critical slopes are shown on the map entitled "Properties Impacted by Critical Slopes"

maintained by the Department of Neighborhood Development Services. These critical slopes provisions shall apply to all critical slopes as defined herein, notwithstanding any subdivision, lot line adjustment, or other action affecting parcel boundaries made subsequent to the date of enactment of this section.

- (3) *Building site required.* Every newly created lot shall contain at least one (1) building site. For purposes of this section, the term building site refers to a contiguous area of land in slopes of less than twenty-five (25) percent, as determined by reference to the most current City Topographical Maps maintained by the Department of Neighborhood Development Services or a source determined by the city engineer to be of superior accuracy, exclusive of such areas as may be located in the flood hazard overlay district or under water.
- (4) *Building site area and dimensions.* Each building site in a residential development shall have adequate area for all dwelling unit(s) outside of all required yard areas for the applicable zoning district and all parking areas. Within all other developments subject to the requirement of a site plan, each building site shall have adequate area for all buildings and structures, parking and loading areas, storage yards and other improvements, and all earth disturbing activity related to the improvements.
- (5) *Location of structures and improvements.* The following shall apply to the location of any building or structure for which a permit is required under the Uniform Statewide Building Code and to any improvement shown on a site plan pursuant to Article VII of this chapter:
 - a. No building, structure or improvement shall be located on any lot or parcel within any area other than a building site.
 - b. No building, structure or improvement, nor any earth disturbing activity to establish such building, structure or improvement shall be located on a critical slope, except as permitted by a modification or waiver.
- (6) *Modification or waiver.*
 - a. Any person who is the owner, owner's agent, or contract purchaser (with the owner's written consent) of property may request a **modification or waiver** of the ~~Planning Commission to modify or waive~~ the requirements of these critical slopes provisions. Any such request shall be presented in writing and shall address how the proposed modification or waiver will satisfy the purpose and intent of these provisions.
 - b. The Director of Neighborhood Development Services shall post on the city website notice of the date, time and place that a request for a modification or waiver of the requirements of these critical slopes provisions will be reviewed and cause written notice to be sent to the applicant or his agent and the owner or agent for the owner of each property located within five hundred feet of the property subject to the waiver. Notice sent by first class mail to the last known address of such owner or agent as shown on the current real estate tax assessment books, postmarked not less than five days before the meeting, shall be deemed adequate. A representative of the department of neighborhood development services shall make affidavit that such mailing has been made and file the affidavit with the papers related to the site plan application.
 - c. All modification or waiver requests shall be submitted to the Department of Neighborhood Development Services, to be reviewed by the Planning Commission. In considering a requested modification or waiver the Planning Commission shall consider the recommendation of the director of neighborhood development services or their designee. The director, in formulating his recommendation, shall consult with the city engineer, the city's environmental manager, and other appropriate officials. The director shall provide the Planning Commission with an evaluation of the proposed modification or waiver that considers the potential for soil erosion, sedimentation and water

pollution in accordance with current provisions of the Commonwealth of Virginia Erosion and Sediment Control Handbook and the Virginia State Water Control Board best management practices, and, where applicable, the provisions of Chapter 10 of the City Code. The director may also consider other negative impacts of disturbance as defined in these critical slope provisions.

- d. ~~The Planning Commission shall make a recommendation to City Council. Thereafter, t~~ The Planning Commission shall make a recommendation to City Council in accordance with the criteria set forth in this section, and City Council may thereafter grant a modification or waiver upon making a finding that:

- (i) The public benefits of allowing disturbance of a critical slope outweigh the public benefits of the undisturbed slope (public benefits include, but are not limited to, stormwater and erosion control that maintains the stability of the property and/or the quality of adjacent or environmentally sensitive areas; groundwater recharge; reduced stormwater velocity; minimization of impervious surfaces; and stabilization of otherwise unstable slopes); or
- (ii) Due to unusual size, topography, shape, location, other unusual physical conditions, or existing development of a property, one or more of these critical slopes provisions would effectively prohibit or unreasonably restrict the use, reuse or redevelopment of such property or would result in significant degradation of the site or adjacent properties.

No modification or waiver granted ~~by the Commission~~ shall be detrimental to the public health, safety or welfare, detrimental to the orderly development of the area or adjacent properties, or contrary to sound engineering practices.

- ~~b. e.~~ In granting a modification or waiver, the ~~Commission~~ City Council may allow the disturbance of a portion of the slope, but may determine that there are some features or areas that cannot be disturbed. These include, but are not limited to:

- (i) Large stands of trees;
- (ii) Rock outcroppings;
- (iii) Slopes greater than 60%.

The ~~commission~~ City Council shall consider the potential negative impacts of the disturbance and regrading of critical slopes, and of resulting new slopes and/or retaining walls. ~~The Commission~~ City Council may impose ~~impose/recommend~~ conditions as it deems necessary to protect the public health, safety or welfare and to insure that development will be consistent with the purpose and intent of these critical slopes provisions. Conditions ~~applied by the Commission~~ shall clearly specify the negative impacts that they will mitigate. Conditions may include, but are not limited to:

- (i) Compliance with the “Low Impact Development Standards” found in the City Standards and Design Manual.
- (ii) A limitation on retaining wall height, length, or use;
- (iii) Replacement of trees removed at up to three-to-one ratio;
- (iv) Habitat redevelopment;
- (v) An increase in storm water detention of up to 10% greater than that required by City Development Standards;
- (vi) Detailed site engineering plans to achieve increased slope stability, ground water recharge, and/or decrease in stormwater surface flow velocity;
- (vii) Limitation of the period of construction disturbance to a specific number of consecutive days;
- (viii) Requirement that reseeded occur in less days than otherwise required by City Code.

~~e. In considering a requested modification or waiver the Planning Commission shall consider the recommendation of the director of neighborhood development services or their designee. The director, in formulating his recommendation, shall consult with the city engineer, the city's environmental manager, and other appropriate officials. The director shall provide the commission with an evaluation of the proposed modification or waiver that considers the potential for soil erosion, sedimentation and water pollution in accordance with current provisions of the Commonwealth of Virginia Erosion and Sediment Control Handbook and the Virginia State Water Control Board best management practices, and, where applicable, the provisions of Chapter 10 of the City Code. The director may also consider other negative impacts of disturbance as defined in these critical slope provisions.~~

~~e. A modification or waiver granted or denied by the commission in conjunction with an application for a special use permit shall be subject to review by the City Council. The denial of a modification or waiver, or the approval of a modification or waiver with conditions objectionable to the developer, considered in conjunction with an application for approval of a site plan or subdivision plat may be appealed as set forth within Article VII of this chapter or within Chapter 29 of the City Code, as may be applicable. All other decisions of the commission with respect to a requested modification or waiver may be appealed to the city council.~~

(7) *Exemptions.* A lot, structure or improvement may be exempt from the requirements of these critical slopes provisions, as follows:

- a. Any structure which was lawfully in existence prior to the effective date of these critical slopes provisions, and which is nonconforming solely on the basis of the requirements of these provisions, may be expanded, enlarged, extended, modified and/or reconstructed as though such structure were a conforming structure. For the purposes of this section, the term "lawfully in existence" shall also apply to any structure for which a site plan was approved or a building permit was issued prior to the effective date of these provisions, provided such plan or permit has not expired.
- b. Any lot or parcel of record which was lawfully a lot of record on the effective date of this chapter shall be exempt from the requirements of these critical slopes provisions for the establishment of the first single-family dwelling unit on such lot or parcel; however, subparagraph (5)(b) above, shall apply to such lot or parcel if it contains adequate land area in slopes of less than twenty-five (25) percent for the location of such structure.
- c. Driveways, public utility lines and appurtenances, stormwater management facilities and any other public facilities necessary to allow the use of the parcel shall not be required to be located within a building site and shall not be subject to the building site area and dimension requirements set forth above within these critical slopes provisions, provided that the applicant demonstrates that no reasonable alternative location or alignment exists. The city engineer shall require that protective and restorative measures be installed and maintained as deemed necessary to insure that the development will be consistent with the purpose and intent of these critical slopes provisions.

Sidewalks

Waiver provisions have been removed.

Sec. 34-1124. - Vacant lot construction—Required sidewalks, curbs and gutters.

(a)

The director of neighborhood development services shall, from time to time, promulgate criteria by which the utility and necessity (i.e., high-priority versus low-priority, taking into account public necessity versus cost to the property owner) of community sidewalks may be assessed ("sidewalk criteria"). A copy of these criteria shall be maintained within the department of neighborhood development services.

(b)

For the protection of pedestrians and to control drainage problems, sidewalks, curbs and gutters shall be required along all public rights-of-way when any building or structure is constructed upon a previously unimproved lot or parcel, or when any single-family dwelling is converted to a two-family dwelling **unless this requirement is waived by City Council.** ~~The director of neighborhood development services or planning commission may waive this requirement for sidewalks deemed unnecessary, or of only low priority, based on the sidewalk criteria established by the director pursuant to paragraph (a), above.~~

~~(1) If the director of neighborhood development services denies a request for a waiver, the applicant may appeal that decision to the planning commission. Any person who has been denied a waiver by the planning commission may appeal to the city council within thirty (30) days of the date of denial. The decision of the city council shall be final.~~

~~(2) If the director of neighborhood development services intends to grant an exemption to the requirements of this section, he shall first give written notice to the members of the planning commission who have expressed in writing a desire to be so notified, at least seven (7) days prior to granting the proposed exemption. The chair or any two (2) members of the commission may then direct that the application for the exemption be heard and decided by the planning commission.~~

(c)

Sidewalks, curbs and gutters required by this section shall be constructed in accordance with the standards set forth within the city's subdivision ordinance.

(9-15-03(3))

	Topic	Code Section	Description of change	Resolution of item	How will change affect public input? Increase/decrease/no change	Appeal process	What will be the affect on project timeline	Will LID proposal assist in restoring some flexibility	From applicants' point of view, does this change simplify process?	Does this change require any additional "workload" or research from the staff?	Does this change require Planning Commission / public hearing involvement? Is PC "workload" increased?	Does this change require City Council / public hearing involvement? Is Council "workload" increased?	Are any additional fees required from the applicant due to this change? *	Must the applicant prepare any specialized documents not typically associated with the application process as a result of this change? *
1	BAR Application Requirements	34-282(d)	Remove waiver of 21 day for reason of public health.	Addressed by the building code	no change	Building official and BZA	N/A	N/A	no	no	no	no	no	no
2	BAR Application Requirements	34-282(d)(6)	Remove waiver of structural report	In case of emergency, the building official will make a determination. There have been no cases where this has been waived in the past because a structural report is central to a historic property demolition request	no change	BZA	An appeal could add a month to the process	N/A	no	no	no	no	no	no
3	ERB requirement waiver	34-309 (c)(3)	Remove allowance for PC to vary COA requirements	This language was placed in the code when it was not clear that the PC would serve as the ERB. Since the membership is the same, this language is not needed	no change	N/A	N/A	N/A	no	no	no	no	no	no
4	ERB application requirement	34-312 (a)(2)	Remove waiver of building elevations	Building elevations are a key element of the application. There are no cases where this element would not be needed.	no change	BZA	Will add at least a month to the process if appeal	N/A	no	no	no	no	no	no
5	ERB application requirement	34-312 (c)(3)	Remove deviation of street side landscaping requirements for ERB applications	Does not make sense for the PC to have waiver review on an item it does not see (the ERB reviews)	no change	BZA	Will add at least a month to the process if appeal	Potentially	yes	no	no	no	no	no
6	Public Park Overlay	34-328	Council may grant parking waivers for sites in PPO	Council will be required to see all applications for the addition of the PPO and can make a determination on the parking needs at that time (PC will have made a recommendation on the ZTA portion.)	no change	Court	N/A	Potentially	yes	no	no	yes	no	no
7	Conservation Districts	34-343 (3) & 34-345(b)(6)	Remove waiver for structural report if owners primary residence and eliminate the requirement in that case	Allows for the continued flexibility intended for this district	no change	N/A	N/A	N/A	yes	no	no	no	no	no
8	Site Plans	34-801 & 34-802	Removal of site plan waiver provisions and addition of critical slope provision	Too many variations exist to establish waiver criteria. If a change is needed, best to be looked at case by case. This also clarifies the requirement for a site plan if a critical slope is to be disturbed.	Increase	BZA	Will add at least a month to the process if appeal	Potentially	no	yes	no	no	no	yes
9	Landscaping	34-862	Remove tree type waiver language	If an applicant would like to use a tree not currently on the tree list, they may petition for it to be added to the listing. If it is appropriate, it will be added. With this process in place, a waiver is not needed.	no change	BZA	Will add at least a month to the process if appeal	Potentially	no	yes	no	no	no	yes
10	Landscaping	34-865	Remove landscape plan waiver allowance	References to tree canopy variations are noted in Section 34-869 covered by the Code of VA 15.2 -961 Elements of a landscape plan are addressed as follows: trees - additions can be made to the acceptable tree list, streetscape trees - safety valves for tight sights are provided in 34-870, Screening - there are a number of variations to choose from - If none of those options work, there is always the BZA	no change	BZA	Will add at least a month to the process if appeal	Potentially	no	no	no	no	no	no
11	Drainage	34-913	Remove waiver for site stabilization requirements	Sites should be addressed in accordance with the E&S handbook which provides for many options. We are not aware of any circumstance where the director has provided a waiver for this item.	no change	BZA	Will add at least a month to the process if appeal	Potentially	no	no	no	no	no	no
12	Off Street Parking	34-971 (c)	For existing structure enlargements = or greater than 25%, City Council may waive parking requirements	Council will address waiver requests.	Increase	Court	Will add at least a month to the process if appeal	Potentially	yes	no	no	no	no	no
13	Off Street Parking	34-973	Remove waivers relating to location of off street parking	Turn previous waiver criteria into requirements	no change	BZA	Will add at least a month to the process if appeal	Potentially	yes	no	no	no	no	no

14	Off Street Parking	34-983 & 34-986	Remove waiver language by allowing parking that meets the circumstances previously only allowed by waiver	Allows for additional flexibility	no change	BZA	Will add at least a month to the process if appeal	Potentially	yes	no	no	no	no	no	no
15	Lighting	34-1003	Remove waiver provisions and add language to address lighted ball fields.	The current regulations are sufficient to address site lighting.	no change	BZA	Will add at least a month to the process if appeal	Potentially	no	no	no	no	no	no	no
16	Signs	34-1038	Remove height waiver for marquees	There is only one marquee in the city so not a large concern. We do not want to encourage sign height deviations.	no change	BZA	Will add at least a month to the process if appeal	N/A	no	no	no	no	no	no	no
17	Signs	34-1041, 34-1042, 34-1043	Remove waiver for suspended sign and reconstruction of original signs	Allow for these items based on the existing criteria	no change	BZA	Will add at least a month to the process if appeal	N/A	no	no	no	no	no	no	no
18	Signs	34-1045	Remove waiver provisions for optional comp sign package	City Council will review	increase	Court	Will add at least a month to the process if appeal	N/A	no	yes	no	yes	no	no	no
19	Telecommunications	34-1075, 1077, 1078	Remove waiver provisions	Setback and screening variations would need to be taken to the BZA	increase	BZA	Will add at least a month to the process if appeal	Potentially	no	yes	no	no	no	no	no
20	Critical Slopes	34-1120	Remove current waiver provisions	City Council will review all slope waiver applications	increase	Court	Will add at least a month to the process if appeal	Potentially	no	yes	yes	yes	no	no	no
21	Sidewalks	34-1124	Remove current waiver provisions	City Council will review	Increase	Court	Will add at least a month to the process if appeal	Potentially	no	no	no	yes	no	no	no

* Notes - if appeal to the BZA or Court, additional fees as well as need for additional materials would be required. Most would not be much different that what was required for waivers/appeals prior to the Sinclair case



P.O. Box 911 Charlottesville, VA 22902
"A World Class City"

MEMORANDUM

TO: Planning Commission

FROM: Brian Daly, Director

DATE: June 4, 2012

SUBJECT: East McIntire Park Master Plan

After a lengthy and comprehensive community planning process, the Parks and Recreation Advisory Board endorsed the attached Draft Master Plan for the east side of McIntire Park. The Advisory Board's action, per the City's Adopted Park Master Planning Process, is to forward to the Planning Commission the Draft Master Plan for the park.

Staff has included landscape architects from the firm of Land Planning and Design Associates (LPDA) throughout the process to produce the graphic concept diagrams, and now the Draft Master Plan.

The plan features:

- Moving the City skate park from its existing McIntire road location.
- Formally dedicating the southeast corner for the Dogwood Vietnam Memorial.
- Creating vehicular access in the north, off of Melbourne Road.
- Creation of a family activity center in the northern section, to include a fenced and lighted rectangular athletic field. Staff recommends that synthetic turf be installed on this field.
- Core Botanical Garden area in the northwest section of the park.
- The Pasture Golf (the remaining McIntire Golf Course) would be retained in the short term, and these areas will revert to passive park use no later than 2020.
- Trails throughout the park.
- Pedestrian access from the west side of the park.
- Additional parking on the west side of the park.

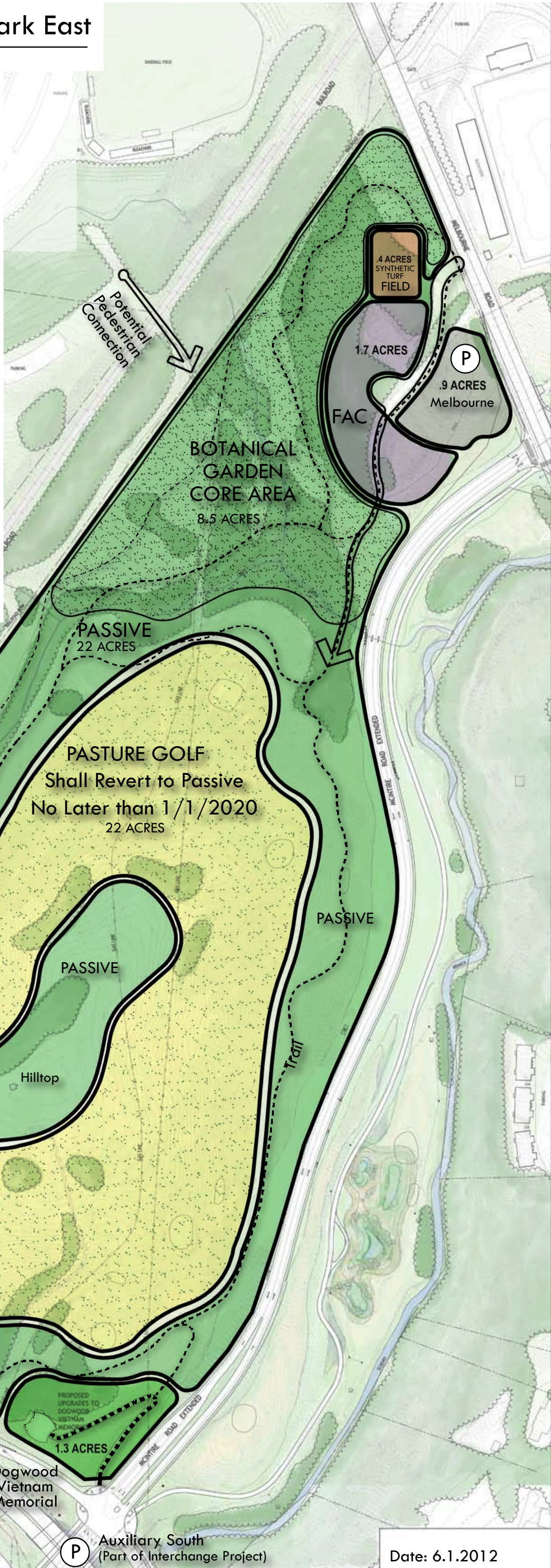
June 4, 2012
East McIntire Park Master Plan
Page 2

We request that the Planning Commission review the Draft Master Plan and Report and provide staff with any input and comment prior to the Draft Master Plan being sent to City Council for their deliberation and action.

DRAFT MASTER PLAN - McIntire Park East

General Strategy:

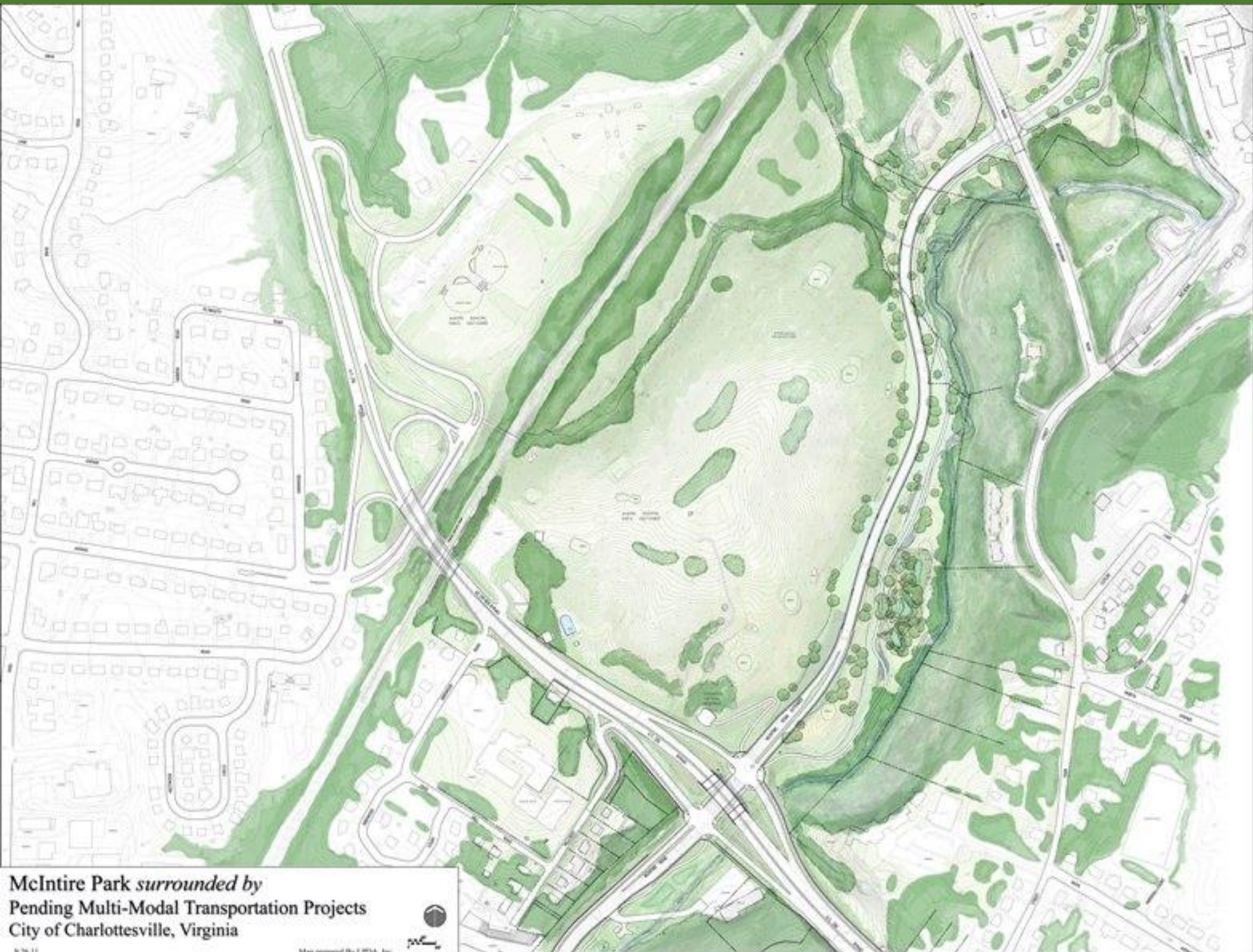
- Pasture Golf, shall revert to passive use no later than 1/1/2020
- Botanical Gardens
- Passive Area
- “Common Elements”
Emergency access only Route 250, Melbourne access with parking, pedestrian bridge, playgrounds, bathrooms, picnic tables, picnic pavilion(s), trails, signage, potential north pedestrian connection
- Small Rectangular Synthetic Turf Field
70'x120' Rectangular Field (Fenced and Lighted)
- Golf
Remain as pasture golf, but will revert to passive use no later than 1-1-2020
- Passive
Core Botanical Garden integration with passive park and “Common Elements”
- Skate Park
Skate park area, hard surface court, emergency vehicle access only, lighted
- FAC- Family Activity Area
Educational space, rental/event space, play grounds and picnic with potential aquatic feature
- Parking Areas with Trail Access to Park
Melbourne- 60+ Vehicle parking
McIntire West- 30+ Vehicle parking
Auxiliary South- 30 Vehicle parking (500' from Park)



A COMMUNITY GUIDED PARK MASTER PLAN FOR

MCINTIRE PARK EAST SIDE

www.charlottesville.org/mcintirepark
(434) 970-3610



McIntire Park *surrounded by*
Pending Multi-Modal Transportation Projects
City of Charlottesville, Virginia



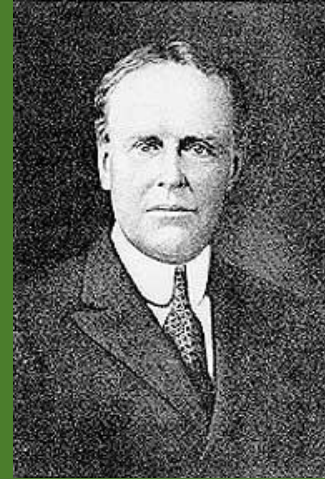
Quick Facts

- Approximately 75 acres
- Rolling hills, scenic views, wooded and open areas,
- 3 streams (Schenk's Branch, Meadowbrook, unnamed creek)
- Bordered by Norfolk Southern railroad, 250 bypass, Melbourne Road and Schenk's Branch (McIntire Road Extd.)



History

- ▣ Mason Family Farm
“Clermont”
- ▣ Paul Goodloe McIntire
- ▣ Rock Hill
- ▣ Railroad – old line relocated in
early 20th century to current
location



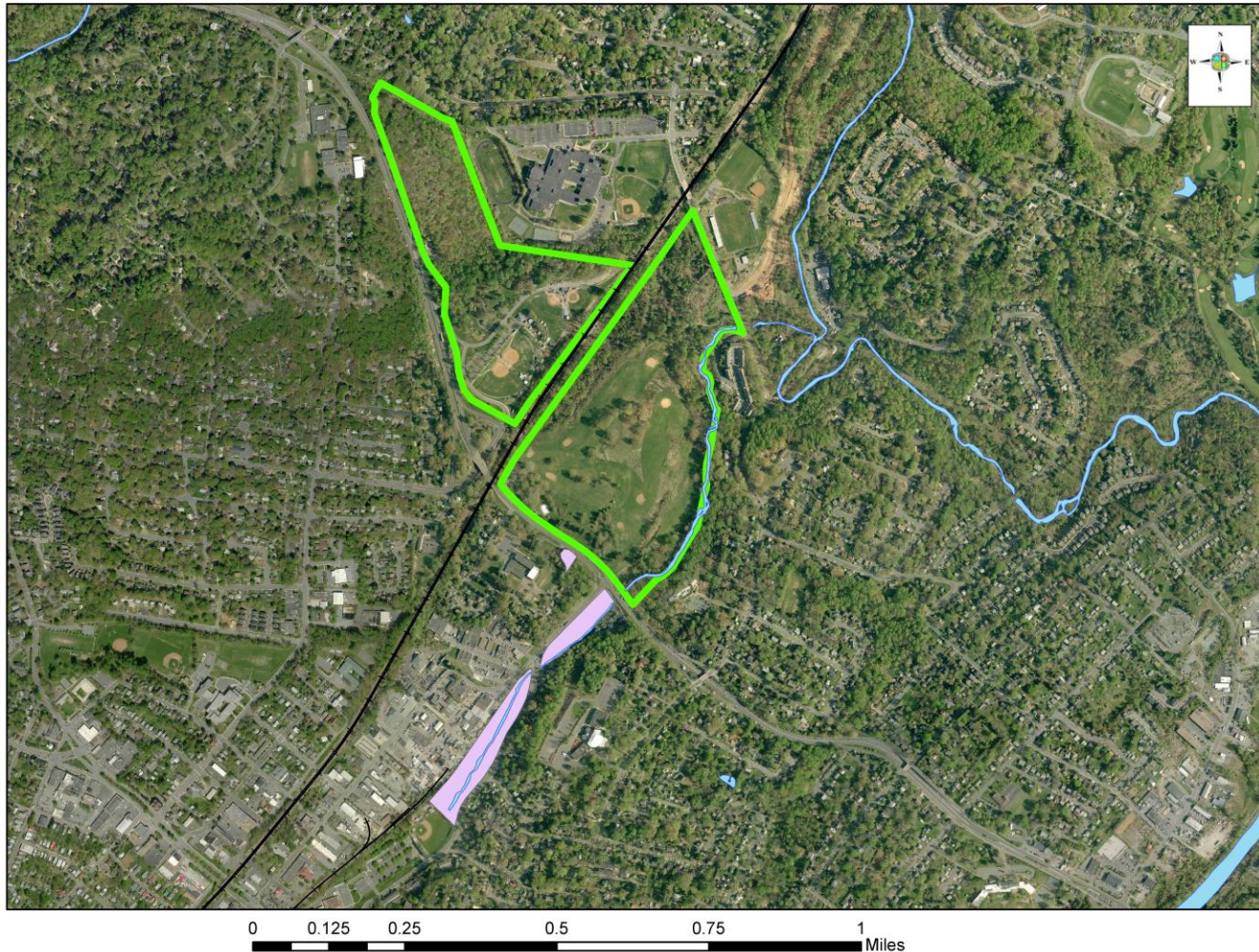
Paul Goodloe McIntire



Clermont – Mason family farm

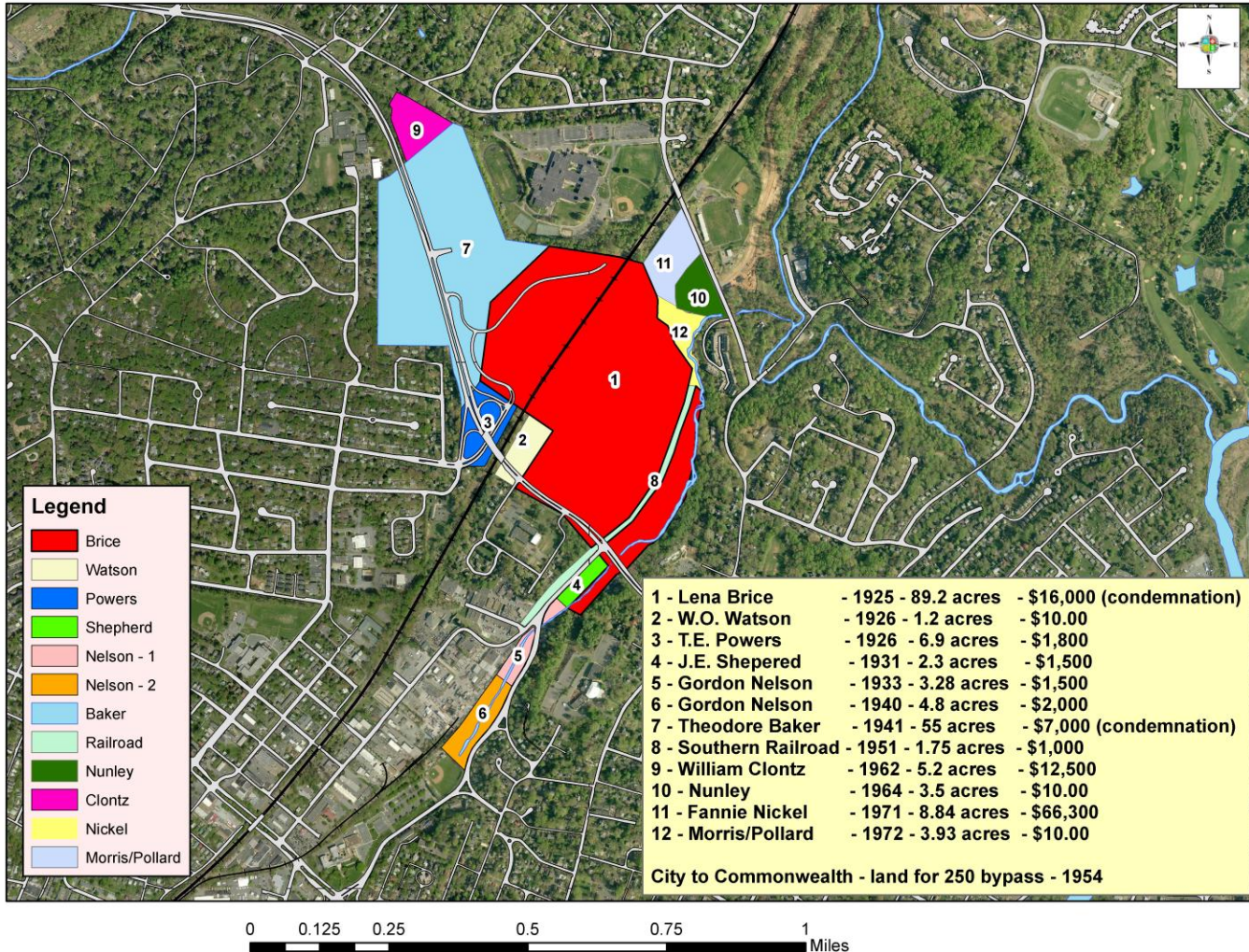
McIntire Park Today

McIntire Park Boundary



McIntire Park Today

McIntire Parkland Acquisitions History



1937 Aerial Photo

- Pool is built
- Railroad has moved
- Old railroad visible
- Farm remnants visible
- Few trees



1957 Air Photo



- 250 bypass
- Farm remnants not visible
- Few trees
- Golf course in use

1974 Aerial Photo

- CHS is built
- Melbourne Road is relocated
- Northern forest beginning
- Rugby Ave. Interchange added
- Dogwood Vietnam Memorial in place



2010 Aerial Photo



- Northern forest maturing
- Meadowcreek Parkway north of Melbourne
- New buildings at Park/Rio

Current Features

- Golf Course
- Playground
- Wading Pool
- Dogwood Vietnam Memorial
- Trails



Approved Projects

- McIntire Rd. Extd. + trails and biofilters
- 250 Interchange
- Bike-Ped bridge over railroad
- 250 Bypass trail

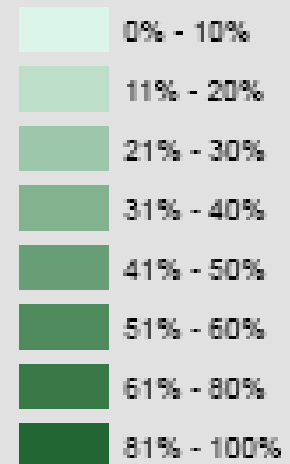


Natural Resources - Forest

- McIntire Park east has ~%60 average tree canopy coverage
- Was mostly open fields until late 1970's
- The oaks and cedars are the largest in the eastern park



% Canopy Coverage



Natural Resources – Streams

- Schenk's Branch along eastern edge
- Meadowbrook from CHS side of railroad
- Unnamed tributary starts near golf parking lot and flows north along railroad



Cultural/Historic Resources



Sand green golf course
Opened 1938

These have been identified as eligible for registry but are not registered. They will be documented as part of the 250 interchange project



Wading Pool and bath house
photo circa 1940's

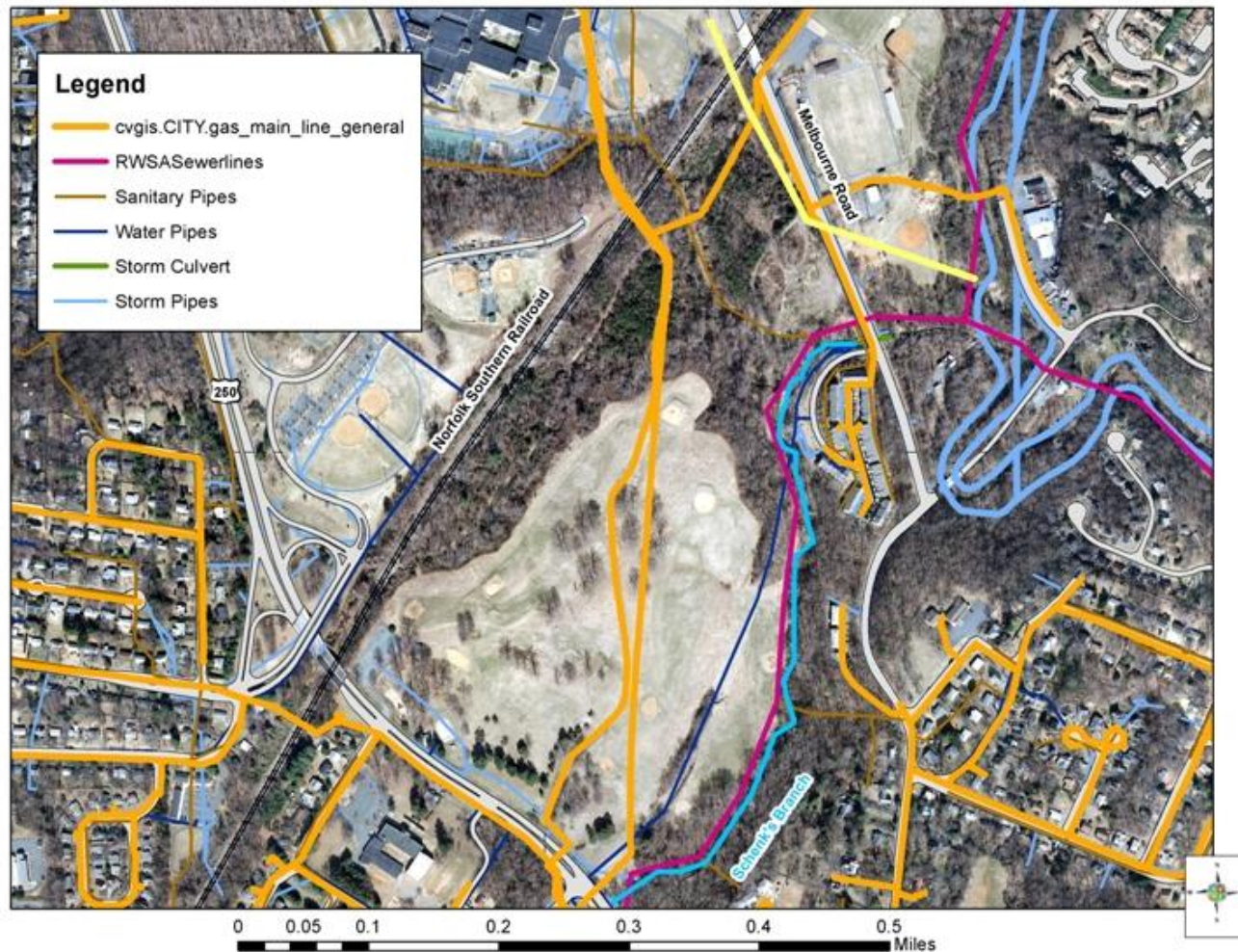
Environmental Constraints

McIntire Park - Trees, Floodplain, Steep Slopes



Utility Constraints

McIntire Park - Utility Lines



Comprehensive Planning

- ▣ McIntire Park is classified as a regional park in the 2007 City Comprehensive Plan
- ▣ Zoning – park is zoned R-1 with park protection overlay
- ▣ Previous plans are not known to be adopted via a formal approval process
- ▣ This master plan process will ultimately bring the final plan to City Council.

Previous Plan - 1972

Parking

Loop trails

Picnic shelters

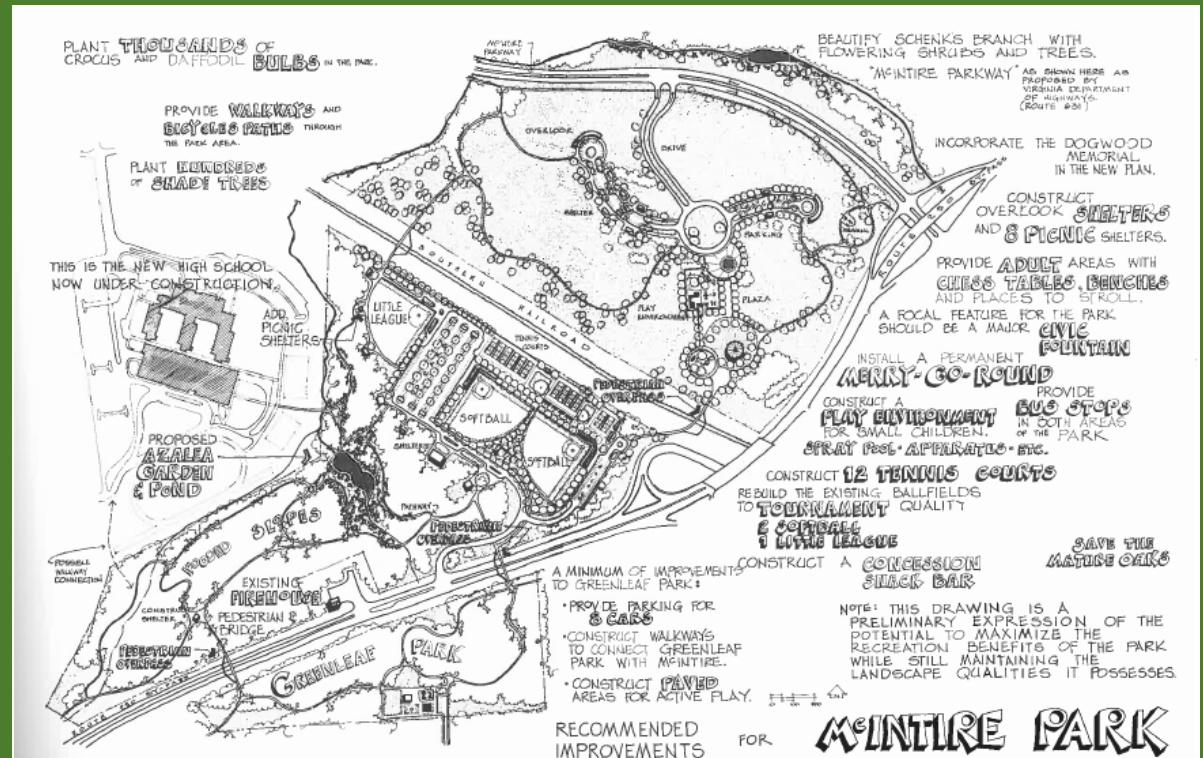
Play areas

Ped/bike
bridges

Fountain

Botanical garden

No pool



Previous Plan – 1983

Large pond

Tennis courts

Remodeled buildings

Pedestrian bridges

Trails

Parking areas



Previous Plan - 2004

Parking

Loop trails

Play areas

Bridge over tracks

Arboretum/Conservatory

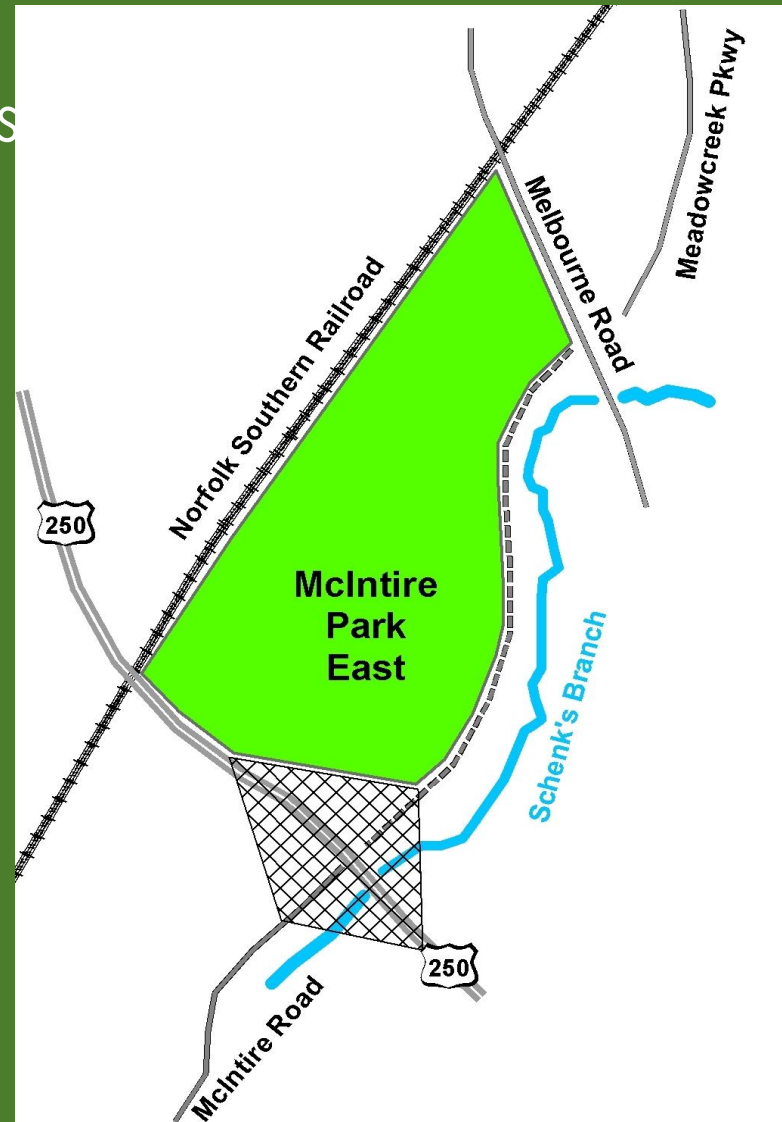
Lake

Relocated pool



Planning Area – East McIntire

- Approximately 65 acres
- Borders:
 - Railroad
 - 250 bypass
 - Melbourne Rd.
 - McIntire Road Ext.





Parks and Recreation Department

Park Master Planning Process

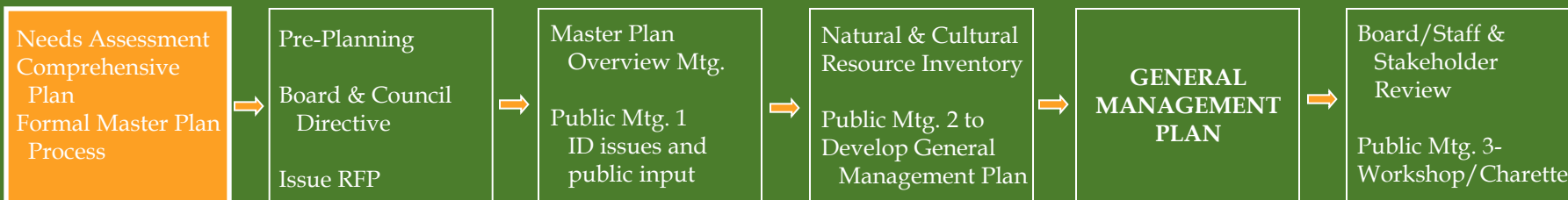
In 2009 The City adopted a formal park planning process to ensure a consistent, transparent and open process to master plan park and recreational facilities if followed for each park.

Prior to adoption of this process, park plans were not always formally adopted and did not have the same public participation process in developing the plan.

For the McIntire Park process, we have added an additional public meeting, which we are holding tonight, to provide an overview of this important regional park before we start the planning process.



Parks and Recreation Department Park Master Planning Process



WHY Create a Formal Planning Process ?

- Provide the community with a consistent, transparent and open process to master plan park and recreational facilities.
- Ensure that best management practices in park and recreation planning and operations are addressed in the planning process.
- Ensure that Park Master Plans are created within the context of the entire park system, the needs of the community and the City Comprehensive Plan.
- Provide the community with a strategic long-range vision for future park improvements, and a sound basis for future CIP funding and development.



Park Planning – considerations

How do the current park amenities and layout function?

Are there new uses to consider locating at the park?

Who should be the primary users of the park?

What are the core functions the park should serve?

What is the balance between passive and active spaces?

How much area does each activity/use need?

How will the park be accessed by various modes of transportation?

Are there utilities or services needed (water, power, etc.)

Public Master Plan Meetings

- September 26, 2011
 - Introduction to park, acquisition history & environment, and outline of the planning process
- October 24 – Public Comment Meeting
 - Organizations provided seven (7) minutes, Individuals three (3) minutes
- December 12 - Table exercise/ group charrette
 - Eleven Concepts produced – all provided for mixed land uses in some form

Public Comments have been received through e-mail, phone and mail – all comments are captured and available on the Planning Web Page – all comments have been captured verbatim.

Public Master Plan Meetings

- December 12 - Table exercise/ group charette



Example of Table Concept

Basic summary – Table six (6):

Golf on northern 15-20 acres

Passive/Garden southern 20-25 acres

Skate park in SW corner

No athletic fields

Pool near Melbourne Road



Through January 23

(comments are still being received)

148 total comments

138 Land use related

		Public Comment Summary*				
	Number of times land use mentioned in public comments	Percent of comments received	Acres of Park by percent			Other uses mentioned
Land Use						
Passive Park	18	13.0	8			Pond
Botanical Garden	43	31.2	19			Rock climbing
Golf/First Tee	39	28.3	17			Wildlife viewing platform
Athletic Field	15	10.9	7			Picnic areas
Bike/Ped Trails	12	8.7	5			
Skate Park	9	6.5	4			
City Market	6	4.3	3			
Dog Park	1	0.7	0			Uses not yet mentioned
						Playground(s)
						Wading pool
						* This is a summary of comments received via the City's McIntire Park phone, email, website, and public meetings. It does not include any petitions circulated by non-City groups
						TOTAL Land use comment

Percent of comments received

Land Use	Percentage
Botanical Garden	30%
Golf/First Tee	27%
Athletic Field	11%
Bike/Ped Trails	8%
Skate Park	6%
City Market	4%
Dog Park	1%
Passive Park	13%

138

* This is a summary of comments received via the City's McIntire Park phone, email, website, and public meetings. It does not include any petitions circulated by non-City groups

TOTAL Land use comment

138

Public Master Plan Meetings

- January 23, 2011
 - Summary of process to date, presentation of conceptual diagrams based upon comment to date and December 12 charrette
 - Effort to coalesce the eleven (11) table concepts into three distinct concepts & a Common Elements Concept
 - Concept Diagrams presented by LPDA (Land Planning & Design Associates)

Getting from public input and table exercises to concept diagrams

- ▣ Public input analysis led to development of pie chart showing general desires for park uses
- ▣ Table exercises were reviewed and commonalities identified so that 11 maps could be characterized by 3 concepts
- ▣ Concept diagrams were created to show the various land use arrangements depicted on the table maps and reflected in the public comment
- ▣ The following concept diagrams are not finished products, they can be modified before final approval
- ▣ Final DESIGN of the park will take place after the Final Master Plan is approved by City Council.

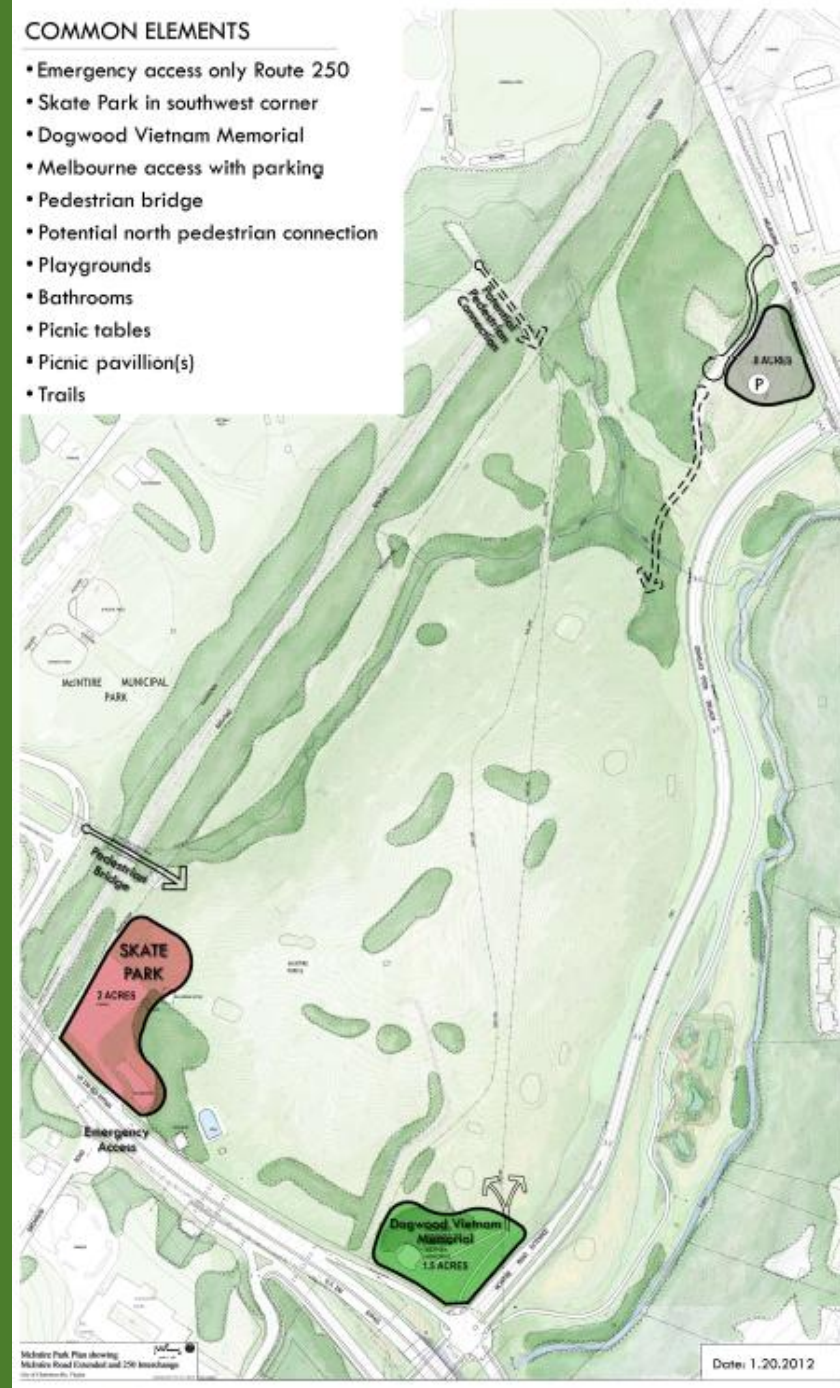
Common Plan Elements

Each Concept Diagram includes:

- Dogwood Vietnam Veterans Memorial
- Pedestrian bridge connection to West McIntire/Rugby Avenue
- Option for additional northern pedestrian railroad crossing
- Parking and access off Melbourne Road
- Emergency Access off Rt. 250
- Pedestrian connection from McIntire Road via 250 interchange

COMMON ELEMENTS

- Emergency access only Route 250
- Skate Park in southwest corner
- Dogwood Vietnam Memorial
- Melbourne access with parking
- Pedestrian bridge
- Potential north pedestrian connection
- Playgrounds
- Bathrooms
- Picnic tables
- Picnic pavilion(s)
- Trails



Concept Diagram #1

Basic summary:

Golf in western portion

Passive/Garden in south and east

Skate park in southwest corner

Athletic field near railroad bridge

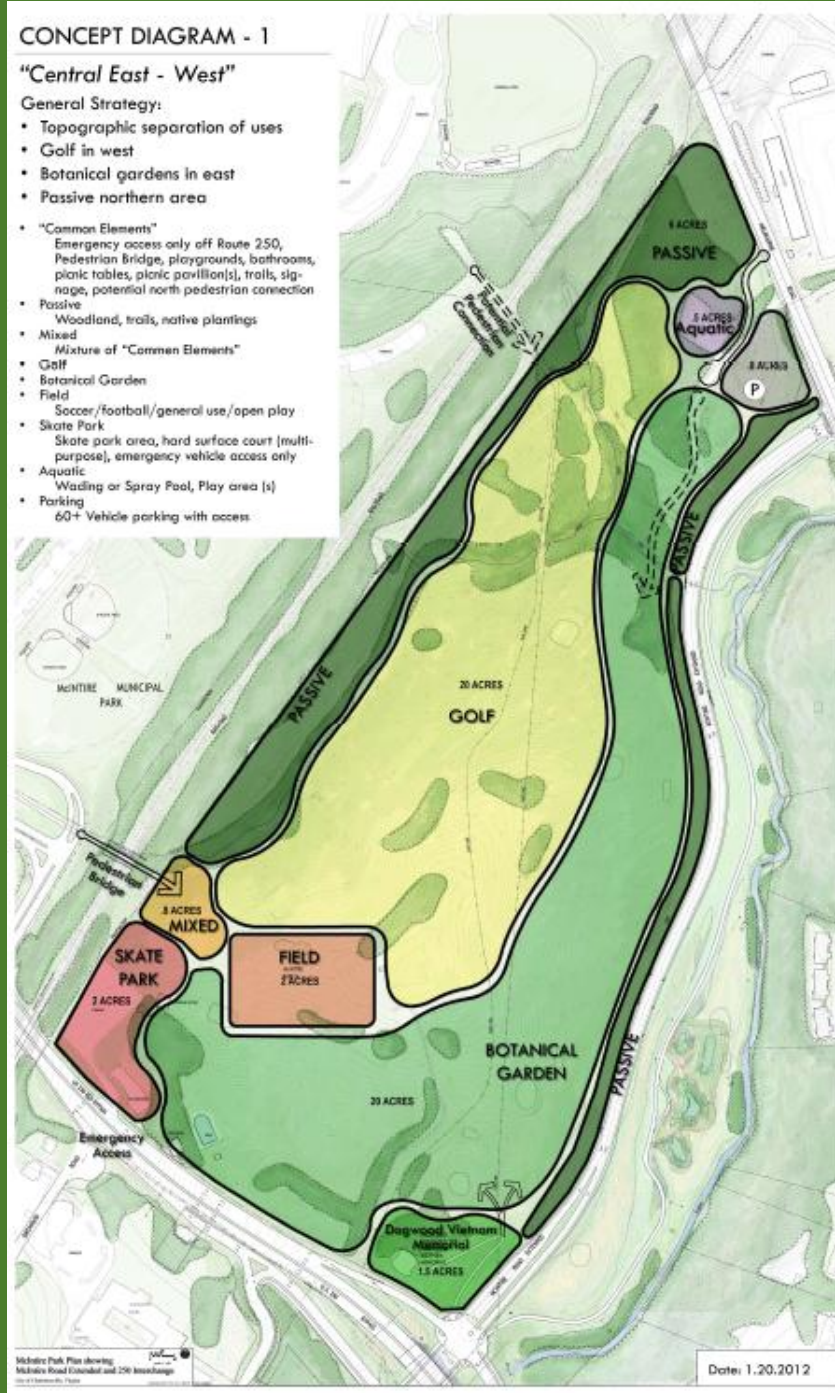
Pool moved to north end

CONCEPT DIAGRAM - 1

"Central East - West"

General Strategy:

- Topographic separation of uses
- Golf in west
- Botanical gardens in east
- Passive northern area
- "Common Elements"
Emergency access only off Route 250, Pedestrian Bridge, playgrounds, bathrooms, picnic tables, picnic pavilion(s), trails, signage, potential north pedestrian connection
- Passive
Woodland, trails, native plantings
- Mixed
Mixture of "Common Elements"
- Golf
- Botanical Garden
- Field
Soccer/football/general use/open play
- Skate Park
Skate park area, hard surface court (multi-purpose), emergency vehicle access only
- Aquatic
Wading or Spray Pool, Play area (s)
- Parking
60+ Vehicle parking with access



Concept Diagram #2

Basic summary:

Golf in northern area

Passive/Garden in southern area

Skate park in southwest corner

No pool or athletic fields

CONCEPT DIAGRAM - 2

"South / North"

General Strategy:

- Golf in north
- Botanical gardens in south
- Passive northern area with parking
- Passive as buffer along McIntire Road Extended/Route 250
- "Common Elements"
 - Emergency access only Route 250, Melbourne access with parking, pedestrian bridge, play grounds, bathrooms, picnic tables, picnic pavilion(s), trails, signage, potential north pedestrian connection
- Passive
 - Woodland, trails, native plantings
- Mixed
 - Mixture of "Common Elements"
- Golf
 - Botanical Garden
- Skate Park
 - Skate park area, hard surface court (multi-purpose), emergency vehicle access only
- Parking
 - 60+ Vehicle parking with access



Concept Diagram #3

Basic summary:

Golf in central portion

Passive/Garden in north/west area

Skate park in southwest corner

Athletic field near Melbourne

Pool and playground along 250

CONCEPT DIAGRAM - 3

"North / South"

General Strategy:

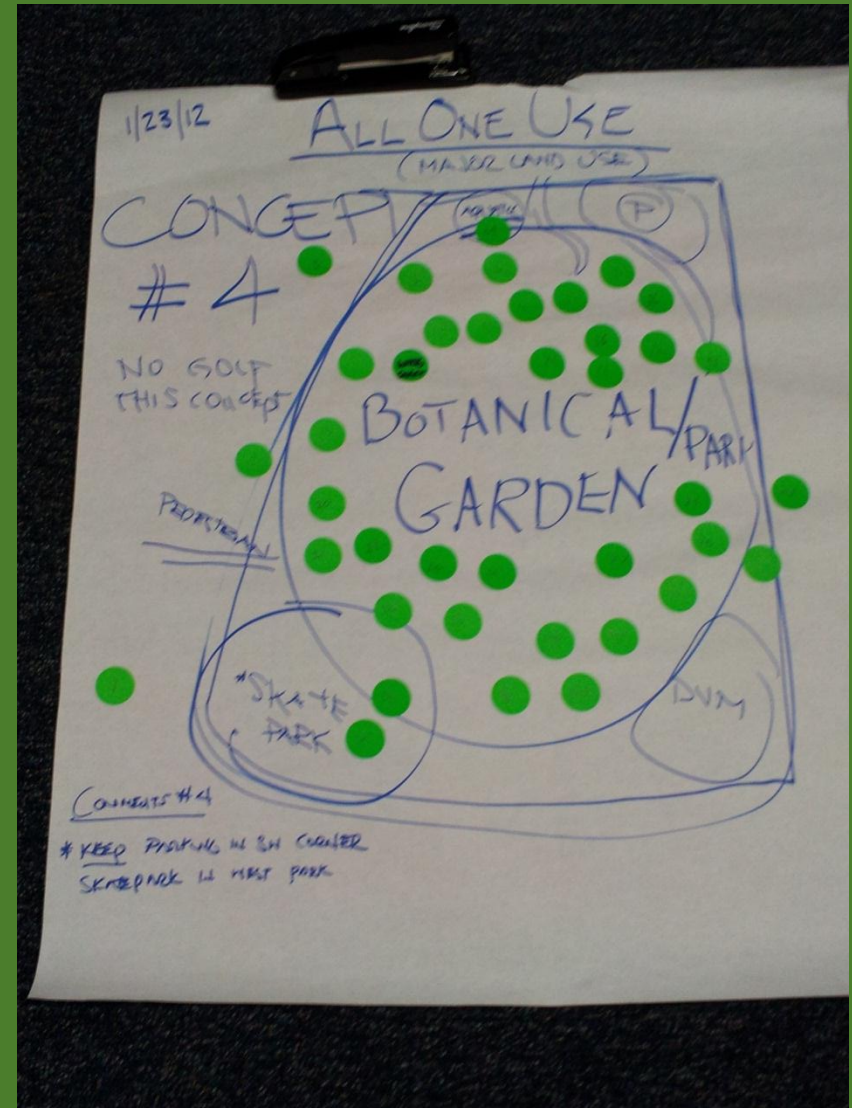
- Golf in south
- Botanical gardens in north
- Passive as buffer between botanical gardens and golf; golf and parkway
- Active recreation along Route 250, with aquatic
- "Common Elements"
Emergency access only Route 250, Melbourne access with parking, pedestrian bridge, playground, ballrooms, picnic tables, picnic pavilion(s), trails, signage, potential north pedestrian connection
- Passive
Woodland, trails, native plantings
- Mixed
Combination of "Common Elements"
- Golf
- Botanical Garden
- Field - Small
Soccer/football/general use/ open play
- Skate Park
Skate park area, hard surface court, emergency vehicle access only
- Aquatic
Wading or Spray Pool, Play areas
- Parking
60+ Vehicle parking with access



Response to Concept Diagrams

- ▣ The majority of opinion (a dot vote) fell into two concepts:

A – New Concept with Common Elements shown and remainder of park as a botanical garden/open park



- ▣ The majority of opinion (a dot vote) fell into two concepts:

CONCEPT DIAGRAM - 3

"North / South"

General Strategy:

- Golf in south
- Botanical gardens in north
- Passive as buffer between botanical gardens and golf; golf and parkway
- Active recreation along Route 250, with aquatic

"Common Elements"

Emergency access only Route 250, Melbourne access with parking, pedestrian bridge, playgrounds, bathrooms, picnic tables, picnic pavilion(s), trails, signage, potential north pedestrian connection

Passive

Woodland, trails, native plantings

Mixed

Combination of "Common Elements"

Golf

Botanical Garden

Field - Small

Soccer/football/general use/ open play

Skate Park

Skate park area, hard surface court, emergency vehicle access only

Aquatic

Wading or Spray Pool, Play areas

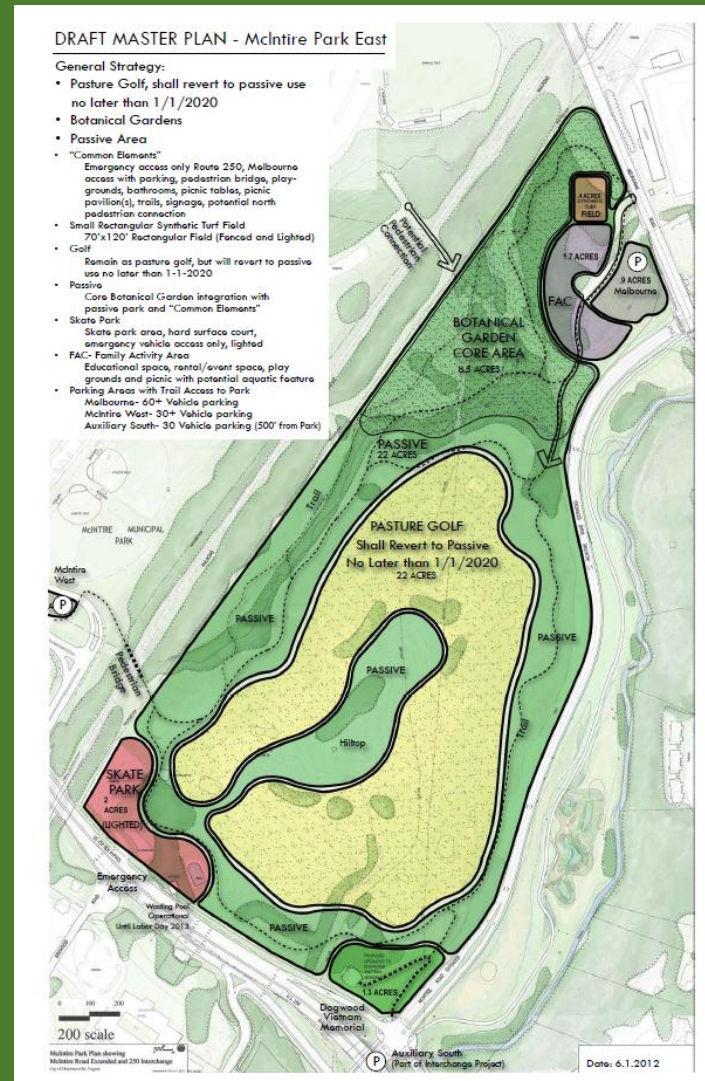
Parking

60+ Vehicle parking with access

Melrose Park Plan showing
Achuire Road Extended and 250 Interchange

Date: 1.20.2012

Parks and Recreation Advisory Board – Recommended Plan



Next steps

- ▣ Planning Commission review (tonight)
- ▣ City Council will adopt a final plan.
- ▣ Design work and implementation for the elements of the plan will be undertaken in a phased manner.

CITY OF CHARLOTTESVILLE
DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES
PLANNING COMMISSION



MEMORANDUM

Author of Memo: Willy Thompson, Neighborhood Planner
Date of Meeting: 6/12/12

RE: 1536 Rugby Road PUD

Background:

Deborah and Steve Davis have submitted the following application to rezone the property located at 1536 Rugby Road from R-1 Residential District to Planned Unit Development (PUD). This property is further identified on City Real Property Tax Map #41 as parcel 71 having approximately 1,250 feet of frontage on Rugby Road and containing approximately 220,500 square feet of land (3.66 acres). The PUD zoning allows an applicant to present a proposal independent of established zoning categories for consideration by the governing body. This proposal includes a Bed and Breakfast Inn and single-family residential units with open space, landscaping, and tree canopy. The general uses called for in the Land Use Plan of the Comprehensive Plan are for Multi-Family Residential.

Attachments: Narrative and Development Plan
Application



REZONING PETITION

Please Return To: City of Charlottesville

Department of Neighborhood Development Services

PO Box 911, City Hall

Charlottesville, Virginia 22902

Telephone (434) 970-3182

Fax (434) 970-3359

RECEIVED

MAY 22 2012

NEIGHBORHOOD DEVELOPMENT SERVICES

For a PUD please include \$2,000 application fee. For any other type of project, please include \$1,500 application fee. All petitioners must pay \$1.00 per required mail notice to property owners, plus the cost of the required newspaper notice. Petitioners will receive an invoice for these notices and approval is not final until the invoice has been paid.

I (we) the undersigned property owner(s), contract purchaser(s) or owner's agent(s) do hereby petition the Charlottesville City Council to amend the City Zoning District Map for the property described below from R-1 (Current Zoning Classification) to PUD (Proposed Zoning Classification).

Reasons for Seeking This Change proposed bed and breakfast site

Information on Property Applied for Rezoning – Please note any applicable deed restrictions

1. ~ 1,250 feet of frontage on Rugby Road (name of street)
2. Approximate property dimensions: 490 feet by 450 feet.
3. Property size: 3.66 acres (square feet or acres)
4. Present Owner: Mark M. Anderson (Name) as evidenced by deed recorded in Deed Book Number 2011 Page 2732, with the Clerk of the Circuit Court.
5. Mailing Address of Present Owner: 300 N. LaSalle Street, Suite 500, Chicago, IL 60654
6. City Real Property Tax Map Number 41, Parcel(s) 71, _____; Lot(s): _____, _____, _____

A. PETITIONER INFORMATION

Petitioner Name (Print or Type) Deborah L. Davis

Petitioner Mailing Address: 1611 Greenleaf Lane, Charlottesville, VA 22903

Work Phone: 989-2271

Fax _____

Home Phone: 293-8616

Email debbie-and-steve@yahoo.com

Does Petitioner currently own the property where the rezoning is requested? No

If no, please explain petitioner has MOU with current owner contingent on rezoning

B. ADJACENT PROPERTY OWNERS ADDRESSES (use additional paper if necessary)

Property Owner Name

Mailing Address

City Tax Map and Parcel #

see attached

C. ATTACHMENTS TO BE SUBMITTED BY THE PETITIONER

1. A sketch plan filed with this petition showing property lines of the property to be rezoned, adjoining property, buildings, land uses, zoning classifications and streets.
2. Other attachments as required by Section 34-41 or Section 34-516 of the City Code (office use: Submitted _____)
3. A rezoning petition filing fee of \$2,000 for a PUD, OR \$1,500 for all others, made payable to the City of Charlottesville; (Signature also denotes commitment to pay the invoice for the required mail and newspaper notices).

Deborah L. Davis

Signature of Petitioner(s)

For Office Use Only (Sign Posting)

I certify that the sign(s) as required by Section 31-44 of the City Code as amended has been posted on the following date: _____

Signature _____

Date Paid: 5/22/2012 Amt. Paid: \$2,000.00 Cash/Check # 6824 Recorded by: B&W

**Property Owners within 500 Feet
Of 1536 Rugby Road**

- | | |
|--|---|
| 1. Address: No address (.26 acres)
Name: Marcel and Marijke Durieux
Parcel: 410070000
Zoning: R-1 | 8. Address: 1601 Keith Valley Road
Name: Thomas and Mariann Lynch
Parcel: 410066000
Zoning: R-1 |
| 2. Address: 1819 Rugby Road
Name: Marcel and Marijke Durieux
Parcel: 410069000
Zoning: R-1 | 9. Address: 1454 Rugby Road
Name: Daniel and Laura Ricciardi
Parcel: 410022000
Zoning: R-1 |
| 3. Address: 1500 Rugby Road
Name: Donald and Constance Brown
Parcel: 410064000
Zoning: R-1 | 10. Address: 1450 Rugby Road
Name: Barry and Patricia Taylor
Parcel: 410021000
Zoning: R-1 |
| 4. Address: No Address (Dairy Rd lot)
Name: Lyne Starling and Jane Reid
Parcel: 410068000
Zoning: R-1 | 11. Address: 1446 Rugby Road
Name: Gregory and Bette Webber
Parcel: 410020000
Zoning: R-1 |
| 5. Address: 1735 Dairy Road
Name: Lyne Starling and Jane Reid
Parcel: 410065000
Zoning: R-1 | 12. Address: 1800 Dairy Road
Name: J.R. Brookeman and Mary-
Susan Payne
Parcel: 410023000
Zoning: R-1 |
| 6. Address: 1733 Dairy Road
Name: Stephen and Anne Runkle
Parcel: 410063000
Zoning: R-1 | 13. Address: 1372 Hilltop Road
Name: Jeffrey and Nancy Spence
Parcel: 410011000
Zoning: R-1 |
| 7. Address: 1603 Keith Valley Road
Name: S. Bruce and Ellis Hively
Parcel: 410067000
Zoning: R-1 | 14. Address: No Address (Hilltop Rd/Rugby)
Name: Margaret Jensen, Trustee
Parcel: 410010100
Zoning: R-1 |

15. Address: 1503 Rugby Road
Name: John and Margaret Jensen
Pfaltz
Parcel: 410010000
Zoning: R-1

16. Address: No Address (Rugby Road lot)
Name: Amoret and Sarah Day
Bruguere
Parcel: 410009100
Zoning: R-1

17. Address: 1521 Rugby Road
Name: Amoret and Sarah Day
Bruguere
Parcel: 410009000
Zoning: R-1

18. Address: 1527 Rugby Road
Name: Benjamin Purow and Marjory
Ruderman
Parcel: 410002200
Zoning: R-1

19. Address: 1531 Rugby Road
Name: Elizabeth Sidamon-Eristoff
Parcel: 410002300
Zoning: R-1

20. Address: 1535 Rugby Road
Name: R.E. Jr. and Barbara Lee
Parcel: 410008000
Zoning: R-1

21. Address: 2009 Meadowbrook Road
Name: Charles and Agnes Flickinger
Parcel: 410001000
Zoning: R-1

22. Address: 2007 Meadowbrook Road
Name: Shirley Robinson
Parcel: 410001100
Zoning: R-1

23. Address: 2005 Meadowbrook Road
Name: Glenn and Elizabeth McGarvey
Parcel: 410002000
Zoning: R-1

24. Address: 2001 Meadowbrook Road
Name: Michael and Carrie Payne
Parcel: 410002100
Zoning: R-1

25. Address: 1923 Meadowbrook Road
Name: Alexander Price
Parcel: 410003000
Zoning: R-1

26. Address: 1915 Meadowbrook Road
Name: William Jr. and Caroline
Wilhelm
Parcel: 410004000
Zoning: R-1

27. Address: 1409 Hilltop Road
Name: Shelby Fischer
Parcel: 410006000
Zoning: R-1

28. Address: 1415 Hilltop Road
Name: James and Judy Wyckoff
Parcel: 410007100
Zoning: R-1

29. Address: 1419 Hilltop Road
Name: Alexander and Anna Baer
Parcel: 410007000
Zoning: R-1

30. Address: 2030 Morton Drive
Name: City of Charlottesville
Parcel: 40A016000
Zoning: R-1

31. Address: Holiday Drive
Name: MIS Property, LLC
Parcel: 40A014000
Zoning: HW

32. Address: 1719 Hydraulic Road
Name: Virginia Electric and Power Co.
Parcel: 40A003000
Zoning: HW

33. Address: Brandywine Drive
Name: Brandywine Homeowners
Associations Inc
Parcel: 41A001000
Zoning: PUD

1536 Rugby Road
Planned Unit Development Application

22 May, 2012

1536 Rugby Road

Planned Unit Development Application

Property Summary:

Lot size: 3.66 acres
Gross Square Footage: Approximately 10,000 sf
Context: The existing building is more than 75 feet from all property lines.
Current Zoning: R-1
Current Use: Vacant. Most recently the structure accommodated a grandfathered, non-conforming Boarding use.
Uses within 500': Mixed Use HC, PUD (Brandywine Court), Public Park Protection, R-1
Proposed Uses: B&B-Inn.

Property Overview and Background

The parcel is located on the edge of the Meadowbrook Hills neighborhood, adjacent to the 250 Bypass. The current structure was built as the Charlottesville Country Club in 1914 and later became the White Pines Health Resort. Since the late 1940's, it has been owned and occupied by the Chi Psi fraternity, locally known as "The Lodge." The building was designed by noted Charlottesville architect Eugene Bradbury—the same architect who designed the recently-demolished Compton House. The property is currently zoned R-1, and as such, an Inn would not be an allowable use.

Also see attached property plat.

General Proposal

We propose to rehabilitate the historic property and nominate it to the National Register of Historic Places. Simultaneously, we will pursue ambitious green building goals and LEED certification. The renovated Inn will be operated as a sustainable boutique inn and stand as an example of the synergies between preservation and sustainability. The proposed PUD would facilitate a change in use to accommodate the Inn.

PUD Objectives

The proposed PUD would meet all applicable ordinance objectives. In particular,

Re: Objective 1) The proposed PUD will be higher quality than otherwise required by the strict application of zoning district regulations. In contrast to this proposal, by-right development scenarios include:

- continued non-conforming boarding use
- construction of five units in the "front yard" of the property (according to the listing agent)
- demolition of the building and construction of eleven units (according to the listing agent)

Re: Objective 6) The proposed PUD will be harmonious with the existing uses and character of adjacent property, and consistent with patterns of development in the neighborhood. By maintaining existing spatial relationships, the PUD maintains and reinforces the existing character of the Meadowbrook Hills/Rugby neighborhood.

Re: Objective 7) The proposed PUD ensures preservation of an important cultural and historical asset, a National Register-eligible Eugene Bradbury building.

Re: Objective 9) The proposed PUD provides for coordinated linkages among internal buildings and uses, and external connections, at a scale appropriate to the development and adjacent neighborhoods. An important part of the site plan will be the development of better access to the adjacent Rivanna Trail.

Re: Objective 10) The proposed PUD facilitates access to the development by single-vehicle-alternative services. Site development would include pedestrian and bicycle linkages and preferred parking for fuel-efficient vehicles. The Inn would also offer bikes to guests.

Correlation to the Comprehensive Plan

The proposed development is in keeping with many of the core goals and objectives outlined in the current Comprehensive Plan, including the following:

- Amend the zoning ordinance in such a way that is sensitive to the history of the community and provides for protection of valuable historic resources.
- Protect and enhance the existing character, stability and scale of the City's older neighborhoods.
- Encourage sustainable and green building designs as complementary goals to historic preservation.
- Work to better capture entrepreneurial startup activity within the City.
- Connect the park system to the community through the development of trails and through the effective and appropriate design of park and recreation facilities.

Traffic and Deliveries

The 1500 block of Rugby Road serves as one of the principal entry and exit points for Rugby Hills and surrounding neighborhoods. In addition, the road functions as a connector between the Preston Avenue area and the Hydraulic Road area.

The most recent non-conforming, grandfathered Boarding supported as many as 22 individual residents, in addition to their regular guests, and regular support staff (such as fraternity cleaners and cooks.) Each resident, presumably, drove a single-occupant vehicle. Regularly occurring parties as recently as April 29, 2011, brought a large, but unquantified, number of additional vehicles to the property.

The proposed PUD reduces the number of vehicle trips per day by 38%. The chart below illustrates the number of trips generated by several different scenarios. All Inn scenarios assume a fully built-out development (Main House, 3-unit Guest House, and one single-family home site.) The fully occupied Inn scenario is provided for reference but represents an extremely infrequent event. The 75% Occupied scenario represents a very high occupancy. The 65% Occupied scenario represents an average hotel occupancy. Trip generation for Phase One of the PUD (existing building only) is not illustrated, but the estimated total is just 23 round trips.

	Boarding, grandfathered		Boarding, at one resident/bedroom		PUD, with Inn at 100% Occupancy		PUD, with Inn at 75% Occupancy		PUD, with Inn at 65% (Average) Occupancy	
	Vehic's	Round Trips/day	Vehic's	Round Trips/day	Vehic's	Round Trips/day	Vehic's	Round Trips/day	Vehic's	Round Trips/day
Residents	22	44	16	32	4	6	4	6	4	6
Inn Guests	0	0	0	0	15	30	11	22	10	20
Other Guests	6	6	4	4	1	1	1	1	1	1
Staff	2	2	2	2	2	3	2	3	2	3
Total	30	52	22	38	22	40	18	32	17	30

The existing building currently contains 16 bedrooms. Boarding resident vehicles are calculated at one vehicle per resident. Inn resident vehicles are calculated as two for the large single family residence, one for the single-family cottage, plus one for the basement apartment. Inn Guest vehicles are calculated at one vehicle per room per day. Boarding "Other" Guests are estimated. Staff trips include one round trip to work, each, plus one round trip for inn-related business such as shopping.

Because the Inn will largely serve leisure travelers, typical trips generated by the Inn will be scattered through the day, rather than concentrated on peak weekday commute times. In addition, peak occupancy will fall on weekends, rather than weekdays.

Occasional temporary assembly uses (wedding receptions, for example) may generate increased trip counts. Such occurrences, if any, would occur almost exclusively on Saturday afternoons or evenings. For these events, additional parking will be required off-site and shuttle transportation will be provided.

No regular deliveries are anticipated. Supplies will be procured directly by the Owner Operator or an employee using a conventional vehicle.

Curbside trash and recycling services will be utilized. No dumpsters are anticipated or necessary.

The Inn, by its nature, encourages the use of multi-occupancy vehicles. As a sustainable business venture, the Inn will naturally attract customers who drive fuel-efficient and hybrid-powered vehicles. The Business Plan also provides for the installation of an electric-vehicle re-charging station to support the anticipated growth of the EV market.

Bike racks will be provided, and bikes will be available for rent.

Ownership and Phasing

At this time, the PUD applicant is not the owner. The sale of the property is contingent on the successful PUD application.

The applicant, with investors, will own and operate the inn. The seller will keep (subdivide) a small area of the site (approximately 7000 SF) where he plans to build a small cottage and garage in the near future.

The applicant proposes to subdivide and build a single-family operator's home on the (larger) site within 5 years.

The applicant proposes to build a two- or three- guest room cottage when the inn profitably stabilizes. In all cases the total number of guest rooms associated with the inn will not exceed 15.

Height and Scale

The location of all buildings and setbacks is illustrated in the drawing set submitted with this application. All building heights will match those required in current R-1 zoning.

Open Space

The required open space has been provided. Calculation summaries are noted on the drawings. Similarly, open space landscaping calculations have been provided. The owner of the inn will maintain the open space, rather than form a cooperative agreement with the other property owner in the PUD.

Signage

Signage for the property is limited, and includes the following:

- A sign at the main entrance from Rugby Road. This may be a wall with lettering, in lieu of a sign, to better keep with the character of the neighborhood.
- Where the driveway splits (serving the abutter), a small directional sign to the inn and other buildings on the west side.
- Parking lot signage for fuel-efficient vehicles and ADA parking spaces.

Special Circumstances

1. In addition to the B&B-Inn use, the applicant proposes that all R-1 uses will also be allowed in any building in the PUD.

2. Wedding receptions are an important part of the B&B business model. As such, the applicant proposes more frequent temporary tent installations than would otherwise be accommodated under the existing zoning.

While the amount of interest in these events is unknown, the applicant proposes to limit "tent events" to 12 per year. Neighbors speak favorably of the proposal to hold wedding and receptions on the site.

3. The existing driveway provides a compelling entrance, whereby visitors pass through a somewhat enclosed area of the driveway before emerging into the openness of the inn property. The driveway briefly narrows to 12-feet with curb on both sides. The applicant acknowledges that this is less than the 20 feet typically required. However, with the small scale of the PUD, the relatively small scale of the business enterprise, the limited and sporadic traffic flow, and the existing character of the neighborhood, we feel this short one-way stretch of driveway is appropriate for this development.

4. As noted on the drawings and in the photographs attached with this application, one of the building sites "appears" to be on a slope greater than 25%, based on the city GIS. On close inspection, it appears that the city's survey information does not take into account the steep embankment along the road, which minimizes the fall of grade across the building site itself. The site therefore does not appear to meet the definition of a critical slope.



Figure 1: View along one-way exit lane towards site entrance



Figure 2: View of main front



Figure 3: View of building site for the larger of the single-family parcels. The photo illustrates a gentle slope, in contrast to the GIS mapping which indicates slopes greater than 25% in this vicinity.



Figure 4: View of the upper parking lot, showing proposed inn parking location. Specimen hardwood (Ash?) to remain is visible in the background..

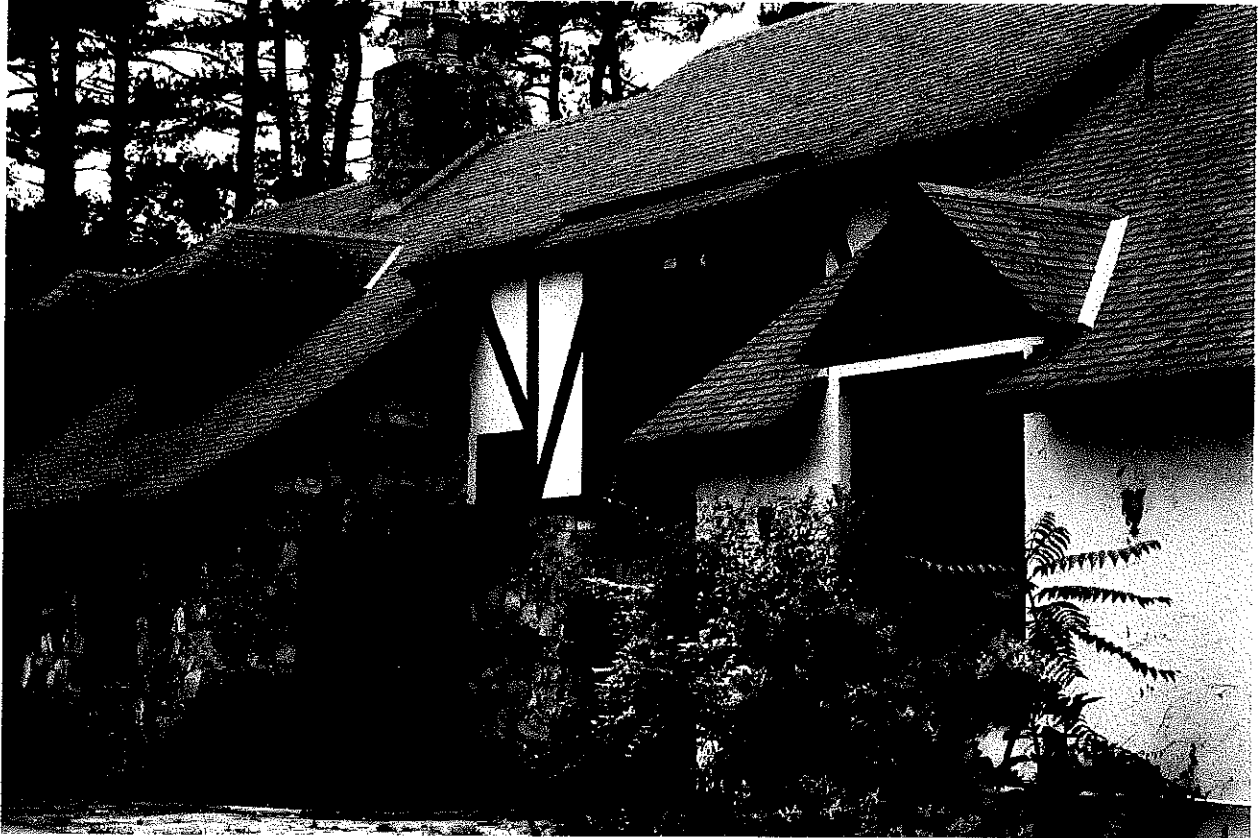


Figure 5: Detail of front entrance illustrating the historic character of the property.

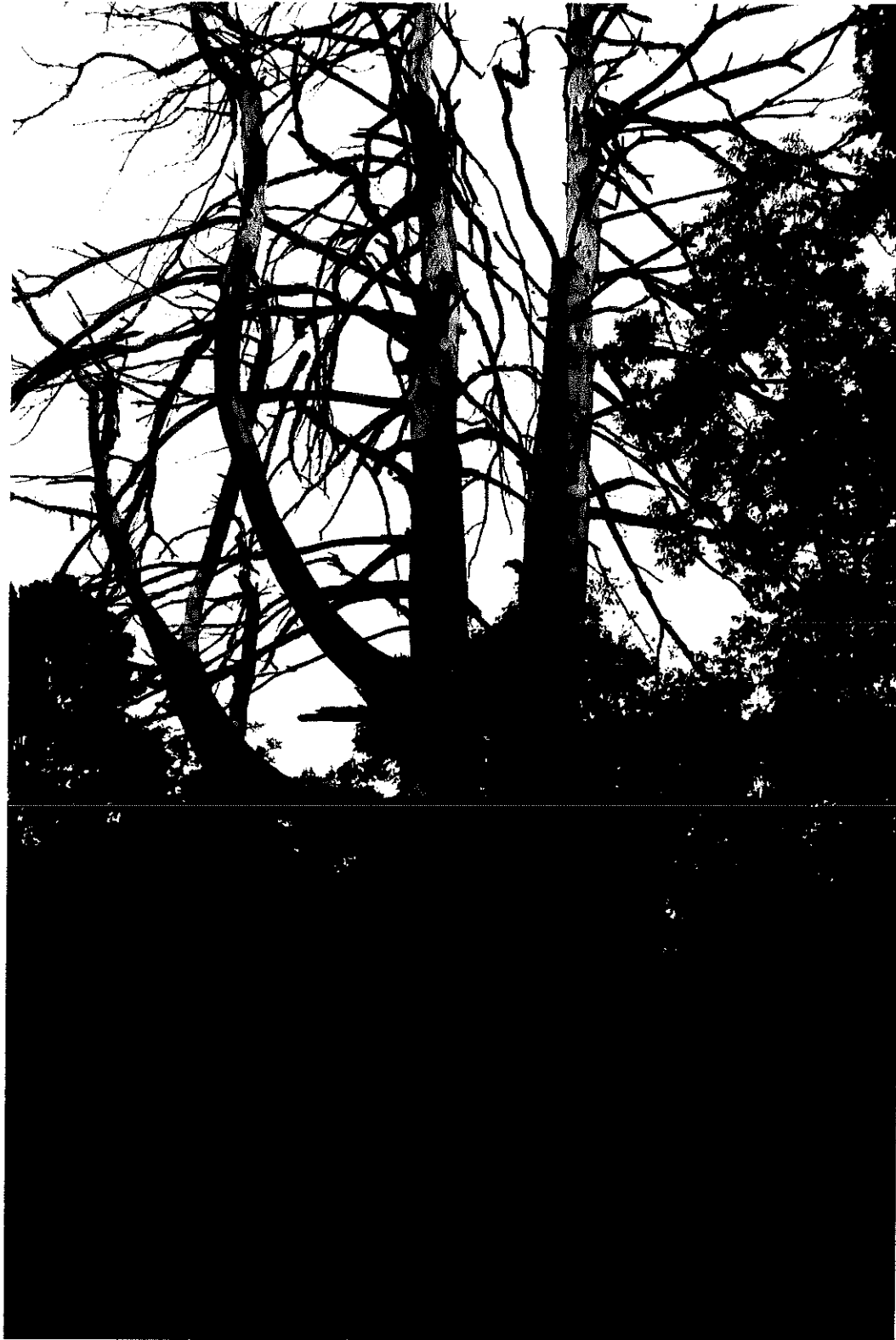


Figure 6: View showing one of the many dead or damaged trees on this site.



Figure 7: View illustrating the character of the western side of the property. Mature trees enclose the open parking areas. New buildings will be situated within these existing outdoor "rooms."



Figure 8: View of existing entrance.



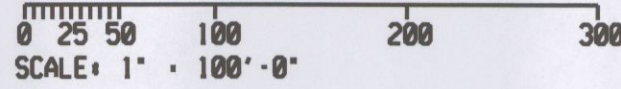
Figure 9: View from site entrance showing area of proposed open space.

NOTE: SEE ACCOMPANYING SUBMISSION PACKAGE FOR LIST OF PROPERTY OWNERS WITHIN 500 FEET. REFERENCE PROPERTIES KEYED ON THIS PLAN.



TRAIL'S END

PUD APPLICATION
1536 RUGBY ROAD



AREA PLAN

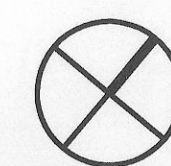
S1



TRAIL'S END

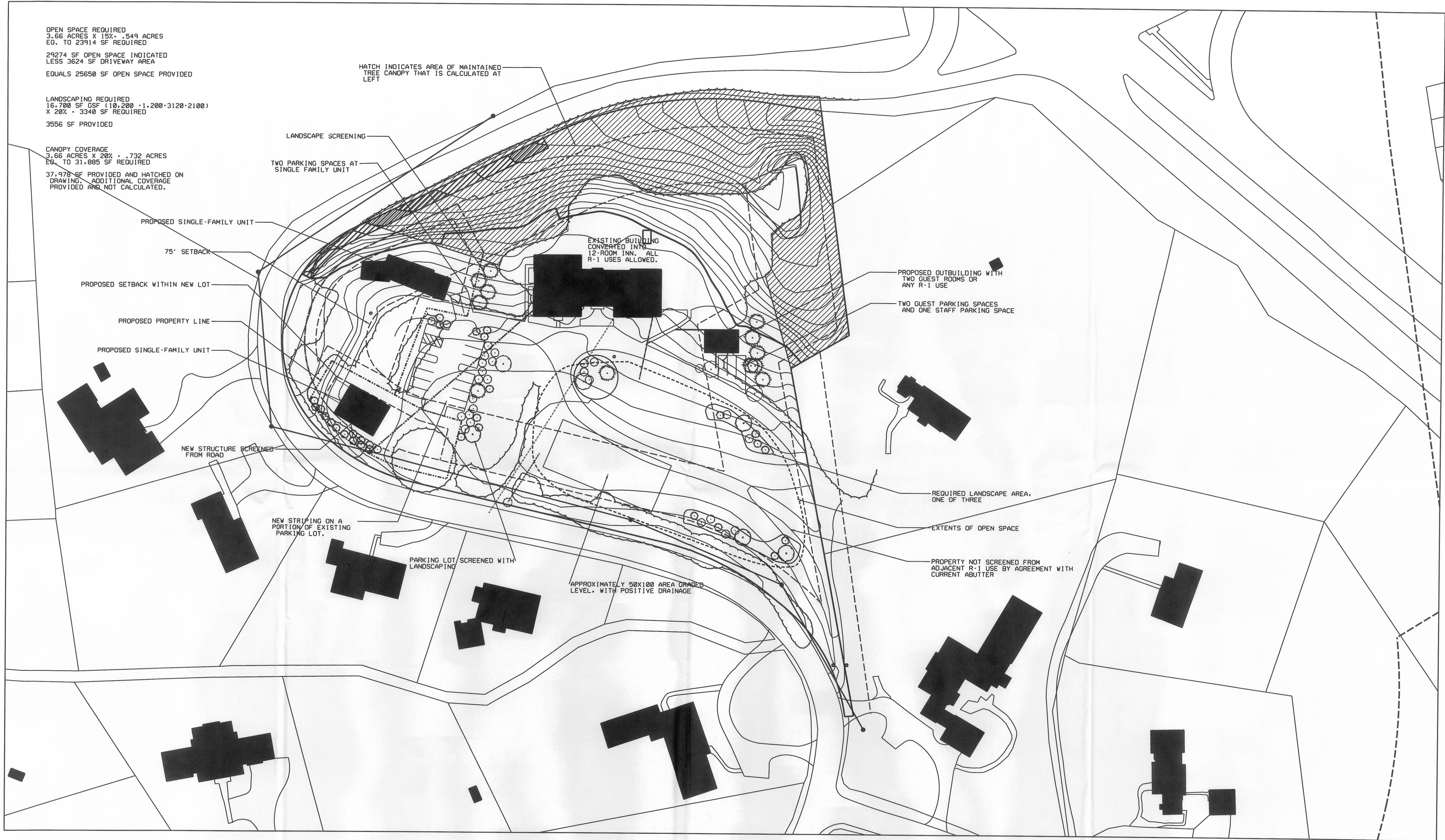
PUD APPLICATION
1536 RUGBY ROAD

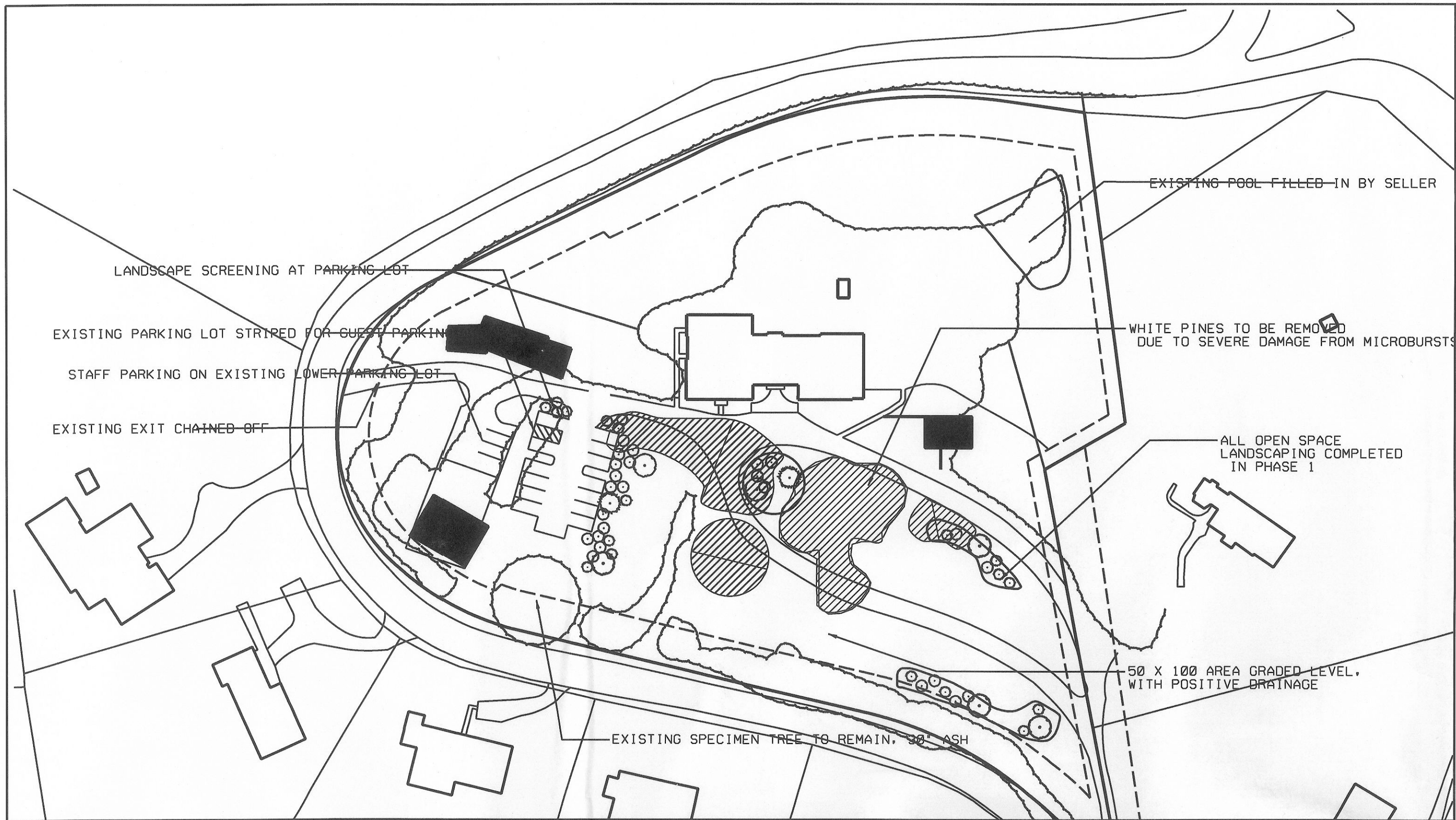
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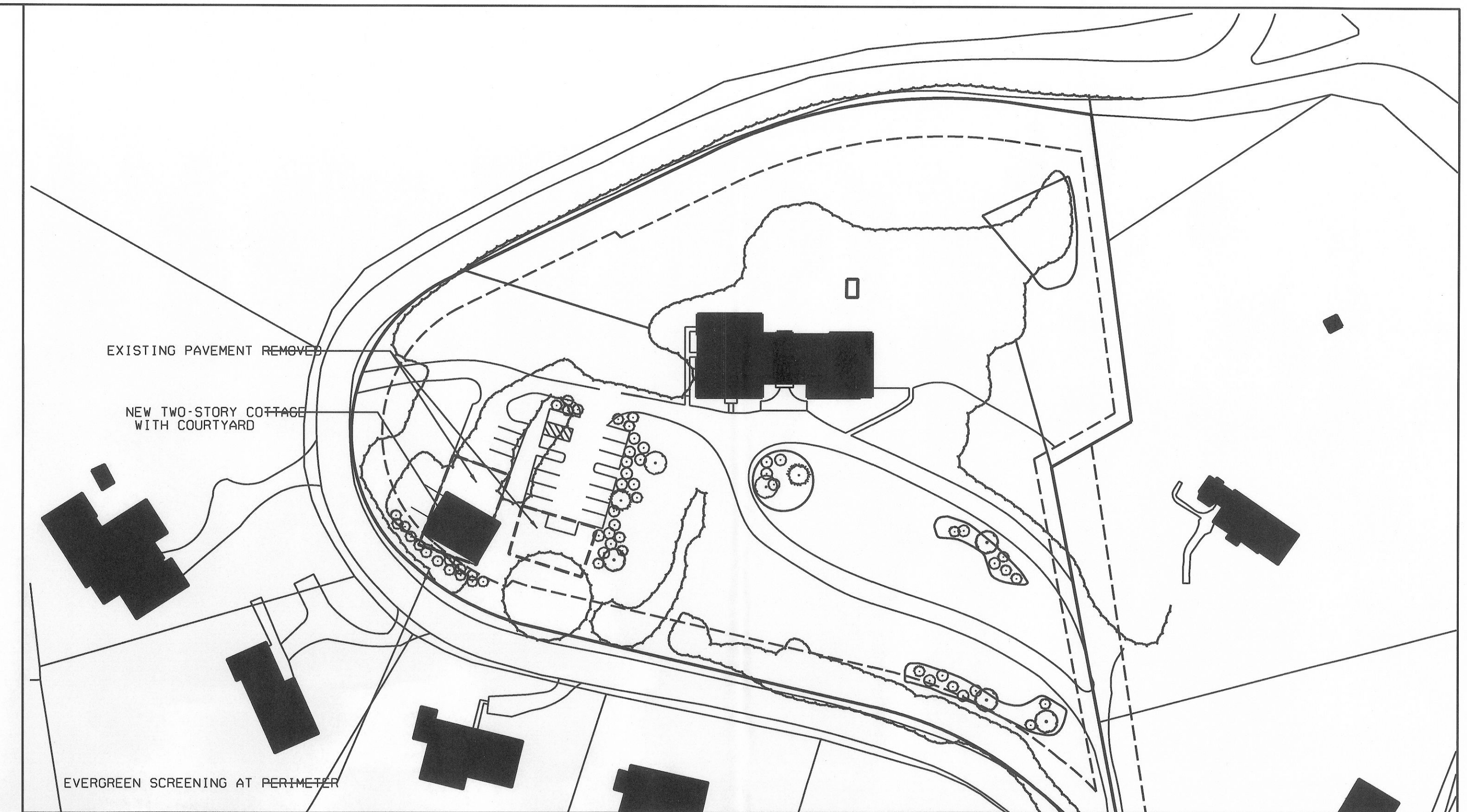
Existing Conditions

S2

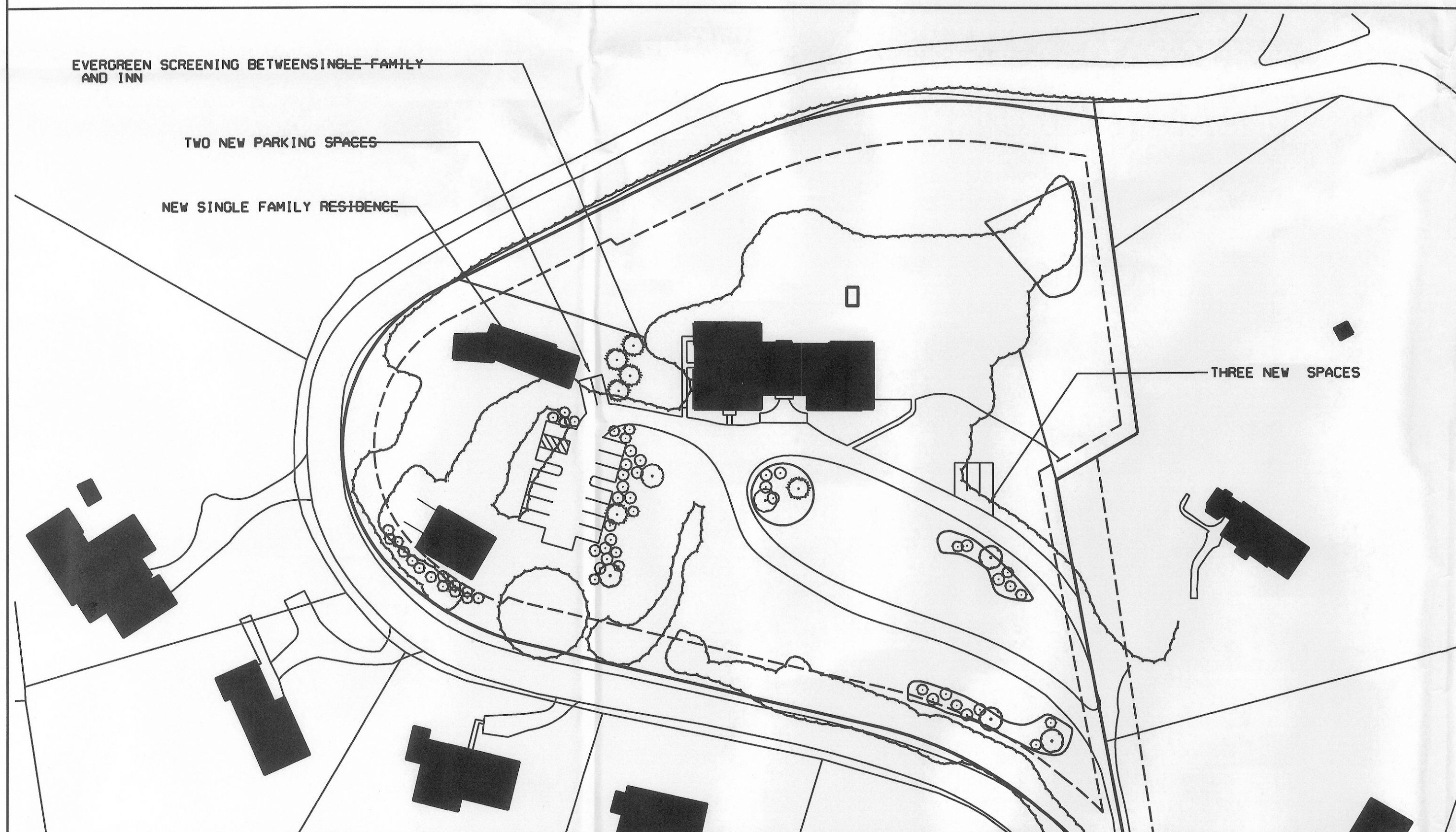




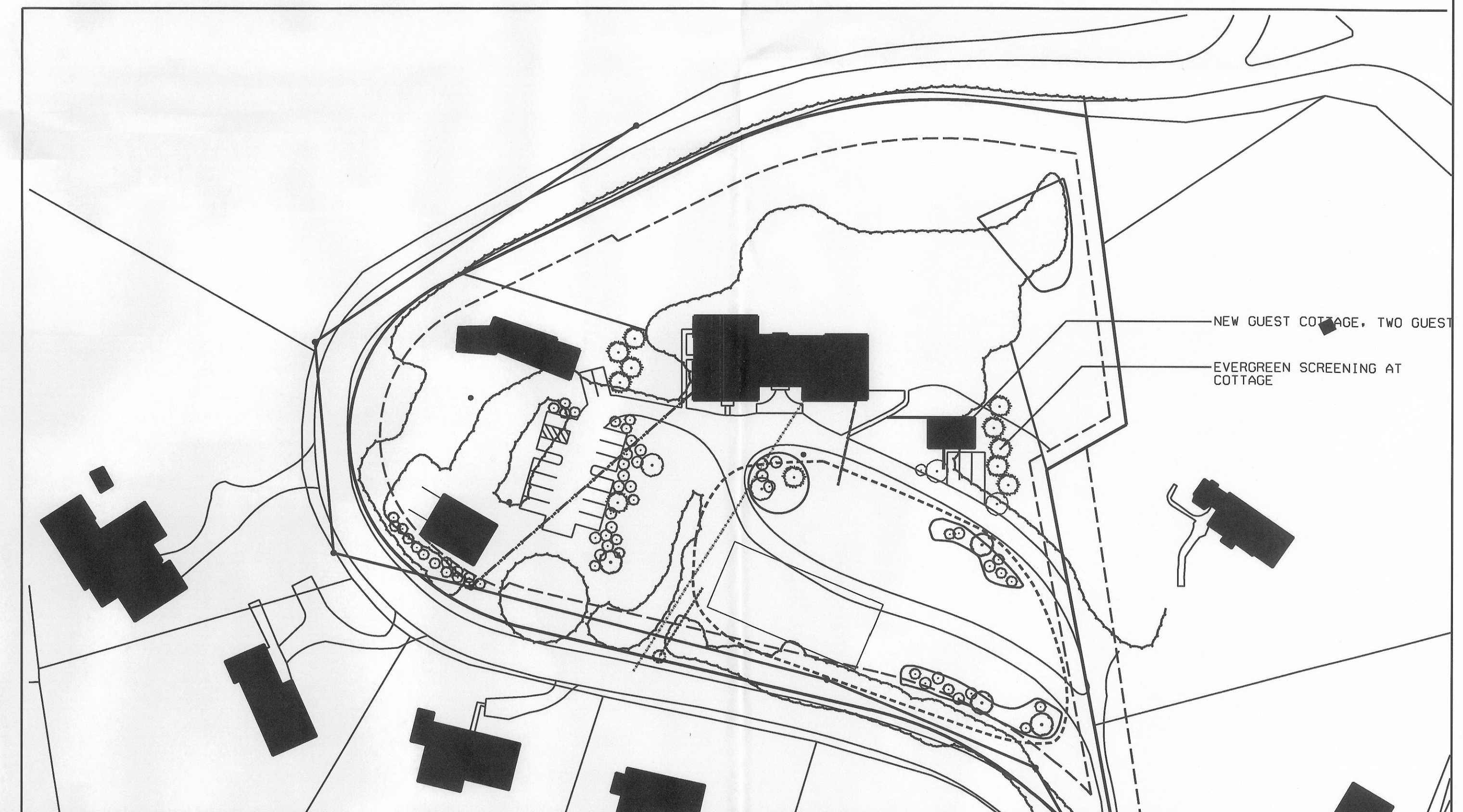
PHASE ONE



PHASE TWO



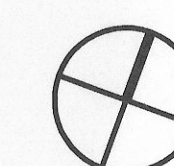
PHASE THREE



PHASE FOUR

TRAIL'S END

PUD APPLICATION
1536 RUGBY ROAD



PUD PHASING DIAGRAMS

S4