

Agenda

PLANNING COMMISSION REGULAR DOCKET TUESDAY, May 8, 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 - 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
- G. ENTRANCE CORRIDOR REVIEW
1. Special Permit recommendation for 1719 Hydraulic Road
- III. **JOINT PUBLIC HEARINGS (Beginning at 6:00 P.M.)**
- H. 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.**
 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.**
- IV. **REGULAR MEETING ITEMS (Cont.)** – 10:00 P.M.
- I. Preliminary Discussion
1. Stonehenge PUD

J. FUTURE MEETING SCHEDULE

Date and Time	Type	Items
Tuesday, May 22, 2012 – 5:00 PM	Work Session	
Thursday June 7, 2012 – 5:00 PM	Work Session	Joint Session on Land Use with City Council
Tuesday June 12, 2012 – 4:30 PM	Pre- Meeting	
Tuesday, June 12, 2012 – 5:30 PM	Regular Meeting	Rezoning – Lochlyn PUD, Stonehenge PUD, Rose Hill/Cynthiana Rezoning ZTA – Zoning Text Waivers

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
April 2012

April 2, 2012

5. Public Hearing/Appropriation/Resolution – Appropriation of Funds for CDBG 2012-2013 - \$441,300.75 and Resolution reprogramming Funds for FY 12-13 - \$2401.28

This item moved to second reading.

April 16, 2012

Consent Agenda

- d. APPROPRIATION : Appropriation of Funds for CDBG FY 2012-2013 - \$441,300.75

Approved on second reading

MINUTES
CITY OF CHARLOTTESVILLE
PLANNING COMMISSION
TUESDAY, April 10, 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. David Neuman, Ex-officio, UVA Office of the Architect

Not Present:

Mr. Michael Osteen

Staff Present:

Ms. Missy Creasy, AICP, Planning Manager

Also Present

Mr. Richard Harris, Deputy City Attorney

II. REGULAR MEETING

Ms. Keller convened the meeting.

A. COMMISSIONERS' REPORT

- Ms. Sienitsky –Nothing to report.
- Ms. Green –MPO met March 20th and they will meet again in May. Ms. Green provided information on the New Bike Application for the Smart phone.
- Mr. Osteen-BAR had their regularly scheduled meeting. He had nothing to report.
- Mr. Rosensweig-HAC met on March 21st
- Mr. Keesecker-PACC Tech did not meet. The next meeting will be in July.
- Mr. Santoski-Attended The Crossings building dedication. He feels that is a wonderful project which will house a number of the community's homeless.

B. UNIVERSITY REPORT

Mr. Neuman – April 13th, the University will be celebrating Mr. Jefferson's birthday with a tree planting ceremony. There will also be a medal presentation and luncheon.

C. CHAIR'S REPORT

Ms. Keller attended the TJPDC regular meeting and provided an update on Federal HOME Funds. They also spoke on extending water around the Zion Crossroads area. The 40th anniversary of the TJPDC was also discussed including scheduled events and educational opportunities. On May 3rd, Charlottesville Tomorrow will be having a heritage presentation at Zinc on West Main Street.

D. DEPARTMENT OF NDS/STAFF REPORTS/WORK PLAN

Ms. Creasy reminded the Planning Commission and staff of the upcoming joint work session with the county on April 17th, 6pm at City Space. There will be a livability project

update and updates on other planning projects in the two localities. The April 24th work session will be a discussion of the waiver zoning text amendments. She also advised the Planning Commission to keep their summer schedules open for more work sessions. She gave an update on the changes to the HOME budget since the March meeting.

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

Mr. Bruce Odell read a letter from concerned citizens in the neighborhood on the new proposed Lochlyn Hill PUD application. He presented some ideas about transportation, new roads and taking existing roads and making them more accessible. He wanted to make sure the Eastern Connector was part of the discussion in this application.

John Pfaltz, 1503 Rugby Road, said he was in support of the previous speaker. He feels Lochlyn Hill will create additional traffic on Park Street. He also feels there should be a connector from Lochlyn Hill to Pantops.

F. CONSENT AGENDA

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

1. Minutes - March 13, 2012 – Regular meeting
2. Minutes - March 13, 2012 – Pre meeting
3. Minutes– January 24, 2012 – Work Session
4. Minutes– March 27, 2012-Work Session
5. Major Subdivision-850 Estes Street

Ms. Sienitsky made a motion to approve the Consent Agenda.

Ms. Green seconded the motion.

All in favor.

Consent Agenda passes.

III. JOINT PUBLIC HEARINGS

G. JOINT PUBLIC HEARINGS

1. SP-12-02-02 – (2211 Hydraulic Road) An application from BHE, LLC for a special use permit to locate a research and testing laboratory. The property is further identified on City Real Property Tax Map 40C Parcel 64 having frontage on Hydraulic Road. The site is zoned B-1 Business with Entrance Corridor Overlay and is approximately 2.933 acres or 127,761 square feet. The Land Use Plan generally calls for Office. **Report prepared by Michael Smith, Neighborhood Planner.**

William Dittmar, owner of the building was present and added that the business is already housed in the City of Charlottesville and has been very successful. They are looking for more space to house the expanding company. He feels that this will help the neighborhood.

Questions or Comments from the Commission

Will there be other activities or deliveries taking place at hours other than 7am-6pm?

Mr. Dittmar stated that they will only have deliveries during the hours that someone is there and that will be from 7am-6pm.

Ms. Keller opened the public hearing. No one spoke so she closed the public hearing.

Questions or Comments from the Commission

- Feel the use is appropriate
- Will the company be limited to 10,000 sqft or will they use additional space?
- Will the parking be sufficient if they decide to expand?
- The impact in that area needs to be looked at between 8am-6pm.
- Concern that the building will become a 24 hour operation and question how odors and gases are limited.
- Will there be an issue with the site plan and entrance corridor review?
- What are the parking space requirements for this use?

The applicant stated that the building is already being used 24 hours by the University of Virginia. He also stated that they have a way of controlling the odor on site.

Ms. Creasy stated there is no parking requirement for research use so you would choose the next best use and with that they have enough parking. All other questions were answered to the satisfaction of the Commission.

Mr. Rosensweig said I move to recommend the approval of the Special Use Permit application for a research and testing facility at 2211 Hydraulic Road.

Ms. Sienitsky seconded the motion.

Ms. Creasy called the question

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

Motion Carries.

IV. REGULAR MEETING ITEMS

I. Preliminary Discussion

1. Lochlyn PUD

The applicant, LJ Lopez was present and gave a Power Point presentation for the proposed Lochlyn Hill Development.

Preliminary Discussion

The Commission would like to know exactly how much land is being developed on the City of Charlottesville side and how much will be available for affordable housing? How will the developer manage the affordable housing side of the development? They would also like input on fire and safety issues due to the access situation. They would like multimodal access to Greenbrier Elementary School

taken into consideration since there will be an increase in student population. The Commission would also like to see more pedestrian access and trails including a link that would allow for travel to Downtown. They would like to hear the outcome of the plan for sewer and water since this is City of Charlottesville and County of Albemarle development. Other issues included use of LID, traffic light funding, integration of housing types and timing of the bridge construction over Meadowcreek.

The applicant stated that he will take all suggestions into consideration and come back with a revision and be able to answer more questions.

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

Meeting adjourned at 8:14pm

**CITY OF CHARLOTTESVILLE
PLANNING COMMISSION PRE MEETING
TUESDAY, April 10, 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. Brian Haluska, Neighborhood Planner
Mr. Richard Harris, Deputy City Attorney

The Commission began to gather at 4:30 and was called to order at 5:00. Ms. Creasy outlined announcements and it was clarified that the Laurel Street Closing request was removed from the Commission agenda with explanation as to the circumstances. Commissioners asked numerous questions on the Lochlyn Hill PUD application including clarification on the City/County relationship, terms of the sale of the property to the applicant, which school district included this development and clarification on the intent of the proffer language. Staff provided responses to the questions and noted items to clarify with the applicant in the meeting.

The discussion adjourned at 5:25pm.

Charlottesville and Albemarle County Planning Commissions
Joint Work session
April 17, 2012
Notes

Charlottesville Commissioners Present:

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

Albemarle Commissioners Present

Mr. Calvin Morris (Chairperson)
Mr. Ed Smith
Mr. Richard Randolph
Mr. Bruce Dotson
Mr. Mac Lafferty
Mr. Tom Loach
Mr. Don Franco

Charlottesville Staff Present:

Jim Tolbert
Missy Creasy
Richard Harris
Michael Smith

Albemarle Staff Present:

Wayne Cilimberg
Lee Catlin
Elaine Echols
Ron White
Andy Sorrell

TJPDC Staff:

Steve Williams
Amanda Burbage
Matt Weaver
Summer Frederick

Ms. Keller and Mr. Morris convened the meeting at 6:00 p.m. and turned the time to Steve Williams, Director of the Thomas Jefferson Planning District Commission and staff for the Livability Project provided a “big picture” view of how the four planning efforts are being worked on at the same time: City Comprehensive Plan, County Comprehensive Plan, Regional Transportation Plan, and the Livability Project.

Amanda Burbage provided an overview of the workshops and conclusions from those workshops for environment, transportation, land use, economic development, entrance corridors, and housing. The Commissioners provided feedback and noted the following conclusions: there was a general desire to make sure that there is sufficient community representation in the identification of the issues that are important to the community, there appears to be underrepresentation of the full-spectrum of the citizenry, especially senior citizens and several suggestions were made on how to increase public input or confirm that the input truly represents a cross-section of the community.

Missy Creasy reminded the Commissions of the agreements to date on areas to study together: environment, transportation, and land use. She noted the recent regional Target Industry work that is providing for joint economic development efforts and that staff is still working on entrance corridor issues.

Elaine Echols reviewed the County’s Housing goals and Kathy McHugh provided a presentation on the City’s housing programs. Summer Frederick presented the current housing indicators for the City and County. She took comments from the Commissions on their thoughts about the indicators as well as observations about the programs. Commissioners commented on a variety of issues including, green building, housing availability and type and housing affordability. It was noted that some developers try to “buy their way out” of affordable housing and there is interest in having mixed income on sites rather than separation. It was noted that tax assessments do not link with “affordability” of a unit and that should be addressed. Discussion on aging housing stock as well as units that still do not have adequate plumbing and kitchen facilities occurred.

After the Commissions concluded their comments, Cal Morris, Chair of the Albemarle County Planning Commission opened the floor for public comment. Comments were received from the following seven individuals.

1. **Charles Winkler** – City resident representing the Jefferson Area Tea Party. Thanked the staff for the opportunity to attend and provide public comment at the workshops. Would like the opportunity for partner groups to review and comment on the final deliverable that contains public input before it is finalized. Also stated that the meetings were self-selective and those that attended were people who had a particular interest in the workshop topic. Commented that categories of comments need to be attached to the question to tie those comments to the line item on the poster.
2. **Charles Battig** – Stated that nothing he said was to criticize people. Stated that sustainability and livability are found in the 1998 sustainability accords. Population distribution is based on racial components and diversity is not well represented on councils and boards. Stated that the questions are stacked based on the existing plans. Stated that what has been missing from the conversation is a discussion of costs, and cost effectiveness and property rights. Communities with the highest amount of regulations also have the highest problems with unemployment and a lack of manufacturing.
3. **Edward Strickler** – Thanked staff for engaging in the process and using the community to help gather diverse comments.
4. **Scott Bandy** - Disagreed that bike lanes should be designated anything other than for recreational purposes (such as a means of transportation). Felt it was inappropriate to conduct the transportation workshop right before Mia Burke spoke because that likely stacked the comments in favor of bike advocates.
5. **Nancy Carpenter** – Living wages are needed for affordable housing especially from large employers like UVA.
6. **Dave Reddins** – City resident – Appreciates the One Community project and its outreach efforts. Stated that he does use his bike for transportation riding 40 miles a week. Would like to see more bike lanes and bike paths. Suggested options for co-housing with seniors so they can remain in their homes while a younger couple lives there too and helps maintain the home.
7. **Morgan Butler** – Southern Environmental Law Center – Thanked staff for the work that has been done so far. Stated that affordable housing has a transportation component and there is a need to recognize the overlap. Development patterns affect connections to other modes of transportation which effects affordability. Also stated that an affordability indicator is the percentage of household income that goes to transportation.

Next steps – Elaine Echols summarized the conclusions of the Albemarle County Planning Commissioners concerning public input. Generally there is a desire to make sure that there is enough community representation on the issues that are important to the community. There appears to be underrepresentation of the full spectrum especially senior citizens. Project staff needs to find a way to test whether we have an accurate representation of community opinion and desires. One suggestion was that the final product be taken out to the community for response to see if we captured the important community issues. Another idea was to take the results of the workshops out to community groups. A third idea was to have a survey (representing a cross-section of the community) to make sure we got the public opinion portion correct in relation to the goals and priorities.

Ms. Echols stated that next steps would be for Summer Frederick to work with the commissions individually over the summer on potential joint goals before bringing the commissions back together sometime in the fall.

It was the consensus of the Albemarle County Commissioners that they preferred to discuss housing issues in-house before coming together with the City again to discuss housing and it was recommended that city housing resources might be helpful for those conversations.

Meeting adjourned at 8:07 PM.

Planning Commission Work Session
April 24, 2012
Minutes

Commissioners Present:

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

Staff Present:

Jim Tolbert
Missy Creasy
Richard Harris
Michael Smith
Willy Thompson
Ebony Walden

Ms. Keller convened the meeting at 5:00 p.m. and turned the meeting over to Ms. Creasy. Ms. Creasy informed the Planning Commission of outreach and focus group events that will take place between May and August.

Ms. Creasy asked Commissioners to provide broad input on the type of comments they had on the zone text amendments and we would then move to a page by page review of the document.

Mr. Keesecker noted that he saw the changes fall into four different categories and wondered why one change was not proposed for all sections. Ms. Creasy noted that each item was looked at individually in attempt to maintain as much flexibility as possible. There are only two proposals where the request would go straight to Council.

Mr. Santoski wanted to know if this issue will come back to the Planning Commission in the future if the General Assembly changes its perspective on the issue.

Ms. Keller wanted the document proofread again for language consistency.

Ms. Creasy stated that is possible that we would need to revisit the issue based on General Assembly action.

Discussion

The Commission reviewed the zoning text amendments page by page. The following resulted from that discussion:

1. Take another look at landscaping, off street parking and sidewalk requirements to see if there is a way to incorporate increased flexibility.

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.

Ms. Creasy noted there is always the ability for an appeal to the BZA for each of these items.

Mr. Harris informed the Planning Commission of a recent court case with the Town of Occoquan, VA involving critical slopes. He explained the decision that was made and that we will need to address the impact of this change.

Public Comment

Morgan Butler from the SELC on 201 West Main Street just read about the VA Supreme Court ruling and feels the language in the ruling is really clear. He asked for consideration of tiered zoning for site with critical slopes and those without.

Meeting adjourned @ 7:07 pm.

**CITY OF CHARLOTTESVILLE
ENTRANCE CORRIDOR REVIEW BOARD
STAFF REPORT
May 8, 2012**



Special Use Permit Recommendation

SP-12-03-03 (Electrical Substation Facility for Dominion Virginia Power)

1719 Hydraulic Road

Tax Map 40A Parcel 3 (Online Records: 40A003000)

Virginia Electric & Power Co. d/b/a Dominion Virginia Power, Owner

Staff report prepared by Mary Joy Scala, Preservation and Design Planner

Relevant Code Section: Sec. 34-157(7) When the property that is the subject of the application for a special use permit is within a design control district, city council shall refer the application to the Board of Architectural Review (BAR) or Entrance Corridor Review Board (ERB), as may be applicable, for recommendations as to whether the proposed use will have an adverse impact on the district, and for recommendations as to reasonable conditions which, if imposed, that would mitigate any such impacts. The BAR or ERB, as applicable, shall return a written report of its recommendations to the city council.

Background: Dominion Virginia Power has been located at this site for some time. The current proposal is to add an electrical substation facility, allowed by special use permit, and to add a “backbone” structure, allowed by right. The new equipment will be located under existing high voltage transmission lines at the rear of the site.

Discussion and Recommendations: Before City Council takes action to permit the proposed use, they must consider the ERB’s opinion whether there are any adverse impacts to the EC district that could be mitigated with conditions. A special use permit is an important zoning tool that allows City Council to impose reasonable conditions to make a use more acceptable in a specific location, and to “protect the welfare, safety and convenience of the public.”

In staff opinion, the proposed utility facility does add additional adverse impacts to the EC district. One of the Design Principles of the Entrance Corridor Guidelines is:

Screen Incompatible Uses and Appurtenances: Screen from adjacent properties and public view those uses and appurtenances whose visibility may be incompatible with the overall character and quality of the corridor, such as: parking lots, outdoor storage and loading areas, refuse areas, mechanical and communication equipment....

Because the site was developed prior to current site landscaping regulations, the Hydraulic Road frontage has no landscaping. In staff opinion, the Hydraulic Road frontage should be landscaped to current standards with an S-3 buffer, including large and medium canopy streetscape trees, understory trees, evergreen trees and shrubs. This would draw attention away from the parking, storage and communication equipment areas and would provide a more attractive streetscape than an opaque barrier such as a wall or solid evergreens.

The new substation facility should have an opaque screen located near the facility. A chain link fence with opaque slats is proposed.

There is currently a wooded buffer existing between the proposed substation and the Bypass, largely located on abutting properties. There does not appear to be room for Dominion Power to add screening on their own property in this area due to a stream and rip-rap bank. Meadow Creek is located on the east side of Dominion Power's property, crossing Hydraulic Road in a north-south direction. Any existing wooded buffer within 100 feet of the stream is protected by ordinance.

Suggested Motions: I move to find that the proposed special use permit to allow an electrical substation facility at 1719 Hydraulic Road will have an adverse impact on the Hydraulic Road Entrance Corridor; which could be mitigated by landscaping the Hydraulic Road frontage (from Meadow Creek to the western property line) to current standards with an S-3 buffer, including large and medium canopy streetscape trees, understory trees, evergreen trees and shrubs.

CITY OF CHARLOTTESVILLE
DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES
STAFF REPORT



APPLICATION FOR A SPECIAL USE PERMIT

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

DATE OF HEARING: May 8, 2012
APPLICATION NUMBER: SP-12-02-02

Project Information

Project Planner: Michael Smith, Neighborhood Planner

Applicant: Virginia Electric & Power Company d/b/a Dominion Virginia Power

Applicants Representative: Jonathan Schultis

Applicable City Code Provisions: 34-156 through 34-164 (Special Use Permits), Section 34-796 Use Matrix, Section 34-306 through 34-314(Entrance Corridor Overlay Districts).

Application Information

Property Street Address: 1719 Hydraulic Road

Tax Map/Parcel #: TM 40A, Parcel 3

Total Square Footage/Acreage Site: 396,831 square feet/ 9.11 acres

Comprehensive Plan (Land Use Plan) Designation: Commercial

Current Zoning Classification: HW-Highway Corridor

Tax Status: The City Treasurer's office indicates that there are no delinquent taxes owed on the subject property at the time of the public hearing.

Applicant's Request:

Virginia Electric & Power Company(Dominion Virginia Power), current owner of 1719 Hydraulic Road, is requesting a special use permit to construct an electrical substation in the rear of their property. The site currently operates as headquarters of the Charlottesville service area for Dominion. The site is comprised of an office building and various electrical equipment structures.

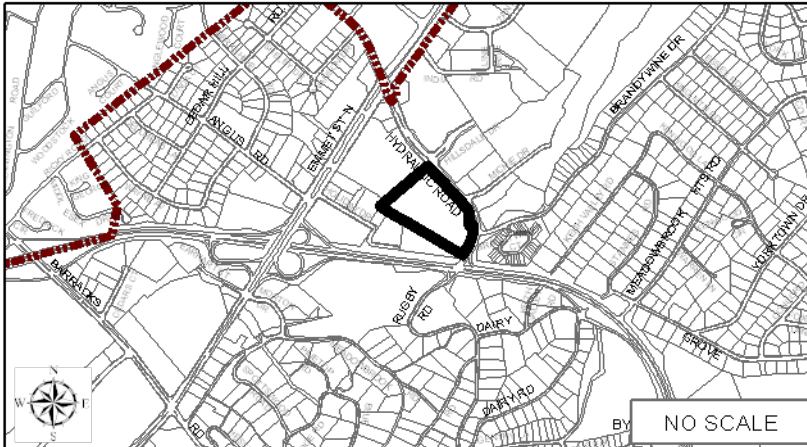
The project area is proposed to be 37,500 sq. feet and contain a 95' "backbone structure," two 230KV transformers, four distribution circuits, and a 20'x20' control enclosure. These structures are all proposed to be enclosed by a 75'x500' opaque, chain link fence.

Under Sec 34-1200 of the City Code, "electric power transformer substations" are defined as "utility facilities." Per Sec. 34-796, utility facilities are only allowed by SUP in the HW corridor.

The applicant states this substation will meet the growing electric need for the City, as well as increase reliability for Dominion customers in the Charlottesville area. It is the applicant's belief that 1719 Hydraulic Road is an appropriate location for this facility for the reasons noted below:

1. The property is located in an area of the city where there has been an increased load growth.
2. The property is located along an existing transmission line corridor.
3. The substation is consistent with existing and future land uses in the area.
4. The proposed substation represents one of the projects presented to City Council to improve electrical reliability in the city.

Vicinity Map:



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

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

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

- f) Reduction in the availability of affordable housing in the neighborhood;
 - g) Impact on school population and facilities;
 - h) Destruction of or encroachment upon conservation or historic districts; and,
 - i) Conformity with federal, state and local laws, as demonstrated and certified by the applicant
 - j) Massing and scale of project;
- (5) Whether the proposed use or development will be in harmony with the purposes of the specific zoning district in which it will be placed; and
- (6) Whether the proposed use or development will meet applicable general and specific standards set forth within the zoning ordinance, subdivision regulations, or other city ordinances or regulations.

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

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

Project Review/Analysis

1. Background

Staff was approached by Dominion staff requesting to build a substation at 11719 Hydraulic Road. Initial discussion of the proposal outlined a concern about the height of the "backbone structure," which is 15' taller than the maximum height permitted in the HW corridor(80'). Utilizing the materials submitted by the applicant, planning and zoning staff deliberated on whether the use of the structure reflected the definition of a "utility line" or "utility facility." The zoning administrator determined that use of the backbone structure as a conduit between existing transmission lines and lower profile substation equipment, suited the definition of a utility line more appropriately than utility facility.

Under Sec. 34-1200("Definitions") Utility Facility and Utility Line are defined as:

Utility Facility: sewage treatment plants, sewer pumping stations, water treatment plants, water pumping stations, gas regulator facilities, gas distribution facilities, incinerators and electric power transformer substations, and utility transmission line alignments and towers owned by public service corporations but which are not governed by city franchise arrangements.

Utilities: means all lines and facilities that provide for the transmission, transfer, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, oil, gas, power, information, telecommunications and telephone cable, and includes facilities for the generation of electricity.

Utility lines are a by-right use in the HW corridor. Due to the determination of the zoning administrator, the review of this SUP application will only concern the substation equipment proposed below the backbone structure.

2. Proposed Use of the Property

Dominion Virginia Power proposes to construct a substation facility within a 75'x 500' enclosure at the rear of their property at 1719 Hydraulic Road. Dominion officials believe this substation will meet the increasing demand of electric service in the City.

3. Impact on the Neighborhood

a. Traffic or parking congestion

Staff does not believe undue traffic and parking congestion will result from this proposed use.

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

Staff does not foresee the substation negatively impacting the neighborhood from undue lights, dust, odor fumes, or vibrations. Staff does believe the substation will create additional noise, however, the noise will be minimal in comparison to the noise currently projected into the neighborhood by various uses and automobile traffic along Rt. 250 and Hydraulic Road.

c. Displacement of existing residents or businesses.

This use will not displace any existing residents or businesses.

d. Discouragement of economic development activities that may provide desirable employment or enlarge the tax base.

This use does not discourage economic development activities.

e. Undue density of population or intensity of use in relation to the community facilities existing or available.

This use will not directly increase the density of population in the area or intensify the use of community facilities.

f. Reduction in the availability of affordable housing which will meet the current and future needs of the city.

This use will not reduce the availability of affordable housing.

g. Impact on school population and facilities.

This use will not impact school population or facilities.

h. Destruction of or encroachment upon conservation or historic districts.

This site is not within a historic district and the applicant does not propose any demolition or enlargement of buildings.

i. Conformity with federal, state and local laws.

This project will conform to all applicable laws.

j. Massing and scale of the project.

A rendering of the project, as well as a site plan depicting the elevations of the substation equipment are attached. The use is potentially unsightly, due to the industrial nature of the facility. However, the facility will be located along the southern edge of the property where mature trees and vegetation currently buffer the site. Additional mature screening also exists along the SE edge of the property.

Staff believes the existing vegetation on site will not be sufficient enough to minimize the visual impact of the proposed use. It is staff's opinion that an appropriate approach towards screening this use will involve a condition that the applicant apply the landscape screening recommended in the ERB report.

4. Zoning History

This property was annexed into the City in 1963 and designated in the 1976 zoning map as M-1 restricted industrial. The property remained M-1 restricted industrial until 2003, when it was rezoned to HW mixed use.

5. Character and Use of Adjacent Properties

Direction	Use	Zoning
North	Commercial	HW
South	Vacant	HW
East	Residential	PUD
West	Commercial	HW

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

The HW mixed use district is intended to attract intense commercial development. To support that growth, reliable electric service needs to be in place. The proposed substation will support that growth.

7. Conformity with the city's comprehensive plan.

Goal VII of the Land Use chapter in the 2007 Comprehensive Plan seeks to “Maintain an infrastructure system adequate to serve existing and future development.” The proposed substation will ensure the City has adequate electric service to meet the demand of commercial and residential growth.

Attachments: SUP Narrative, Preliminary Site Plan, Rendering of the Substation, Map of local substations.

Public Comments Received:

Dick DeButts, 1706 Emmet Street, called to ask if the substation would have any new buildings proposed.

Staff mentioned that a 20x20 control enclosure is proposed, but no other buildings. Mr. DeButts responded in the affirmative, mentioning he had no concerns with the proposed facility.

Staff Recommendation

Staff believes the proposed substation will support the commercial growth the HW corridor is intended to facilitate. In order for Charlottesville to continue promoting land use policies encouraging dense, urban development, the city must have adequate infrastructure. Staff believes approval of this special use permit is a proactive measure to ensure the city is equipped to sustain and encourage future development.

Staff recommends approval with the following conditions:

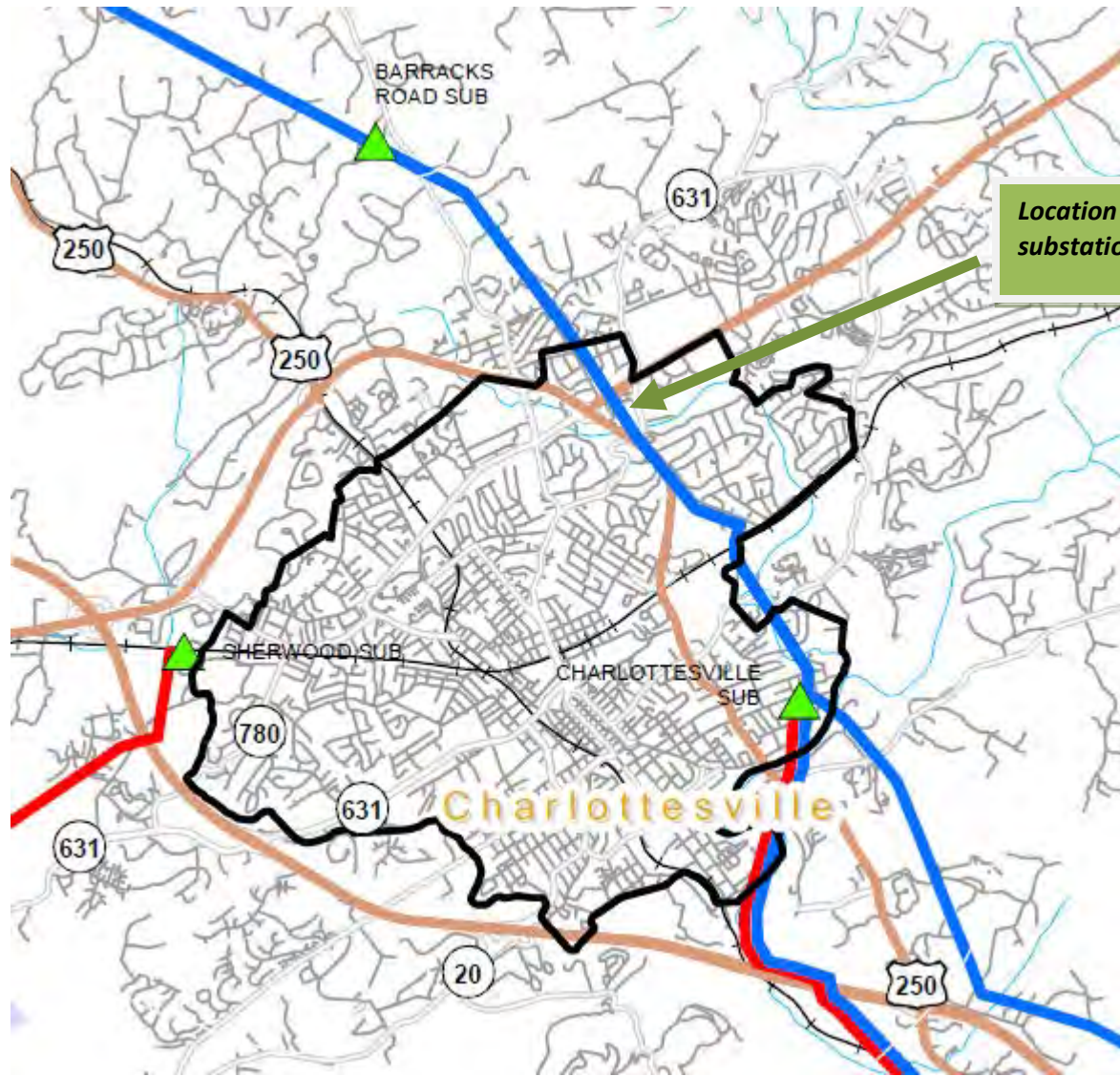
1. Screening of the property conform to motion approved during the Entrance Corridor Review of 1719 Hydraulic Road.

Suggested Motions:

1. “I move to recommend the approval of this Special Use Permit application for a utility facility at 1719 Hydraulic Road on the basis that the proposal would serve the interests of the general public welfare and good zoning practice.”
2. “I move to recommend the approval of this Special Use Permit application for a utility facility at 1719 Hydraulic Road with the following conditions:
 - a)Screening of the property conform to motion approved during the Entrance Corridor Review of 1719 Hydraulic Road.

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

3. I move to recommend denial of this Special Use Permit application for a utility facility at 1719 Hydraulic Road on the basis that the proposal would not serve the intent of the general public welfare due to the following:
 - a)



Location of proposed substation.

- ▲ Existing Substation
- 115 kV
- 230 kV
- 500 kV

Dominion Virginia Power
701 East Cary Street, Richmond, VA 23219
Mailing Address: P.O. Box 26666
Richmond, VA 23261
Web Address: www.dom.com



March 2, 2012

Mr. Michael Smith
Planner, Neighborhood Development Services
City of Charlottesville
610 East Market Street
P.O. Box 911
Charlottesville, VA 22902

RE: Special Use Permit – Hydraulic Road Substation – Statement of Justification

Dear Mr. Smith:

Dominion Virginia Power (“Dominion” or “the Company”) is pursuing a Special Use Permit (“SUP”) for an electrical substation facility located at 1719 Hydraulic road, in the City of Charlottesville on Tax Map Parcel 40A-3 in the Highway Corridor Mixed Use District Zoning District (“HW”). Pursuant to the District Regulations of the HW District, utility facilities are allowed by SUP. Per Section 34-1200 of the Charlottesville Zoning Ordinance, utility facilities are defined as: *“electric power transformer substations, and utility transmission line alignments and towers owned and operated by public service corporations but which are not governed by city franchise.”*

Dominion is requesting an SUP for the Hydraulic Road Substation in order meet the growing electric needs in the City of Charlottesville, as well as to increase electric reliability to Dominion customers in the Charlottesville area. Electric Substation facilities act as a conduit between high voltage transmission lines (69,000 volts and higher) and lower voltage distribution lines (34,500 volts and lower) which serve homes and businesses. These facilities are essential for the reliability of electric service and for service growth. By having this additional access point to the transmission system, more power will be available to be distributed to homes and businesses.

Location Character and Extent (§ 15.2-2232 of the Code of Virginia 1950 as Amended)

Electric Substation facilities, per § 15.2-2232 of the Code of Virginia 1950 as Amended (“15.2-2232”) cannot be constructed until the *“approximate location character and extent thereof has been submitted and approved by the [planning] commission as being substantially in accord with the adopted comprehensive plan or part thereof.”* The City of Charlottesville Comprehensive Plan (“Comprehensive Plan”) cites in Chapter Ten: Community Facilities, Recreation and Utilities, that: *“There are a number of issues and needs that should be addressed to make Charlottesville an even better place to live. In order to ensure the City’s future vitality, solutions to these challenges must be found or the City could face serious erosion of its economic strength in the future.”* There is an established and recognized need for the proposed Hydraulic Road Substation to maintain electric reliability to existing Charlottesville customers as well as provide capacity for future development in the city.

The Comprehensive Plan further recognizes in Chapter Ten that: *“While the land area of City of Charlottesville will not be expanding in the future, the city’s population and the service needs of these citizens will continue to grow. Such growth will strain certain facilities, services, and resources.”* The site the Company has chosen for the Hydraulic Road Substation is the most appropriate site to serve the load growth and reliability needs in an area of the City that has seen increasing electrical service demand including demand from the

University of Virginia. Dominion officials presented to the Charlottesville City Council, at their August 1, 2011 meeting, improvements to the Dominion system that would enhance the reliability within the City. The proposed Hydraulic Road Substation is one of the proposed solutions for improving electric service reliability in the City.

It is preferable from an economic and operations perspective to build substations in close proximity to an existing transmission line. If a substation is not built near an existing transmission facility, new transmission lines will have to be constructed to reach the location of the substation. The proposed Hydraulic Road Substation is located directly beneath an existing 230 kV transmission line, thus optimizing the use of an existing transmission line right-of-way easement. The proposed Hydraulic Road location eliminates the need to build a new transmission line because of its location with regard to the existing transmission facilities.

Additionally, there are similar structures and uses in the vicinity of the Hydraulic Road Substation. A telecommunications tower and 230 kV transmission structures are located within the view shed of the proposed substation site. Further, the proposed substation site will be located on the same property as a Dominion district office which includes storage of electric equipment and vehicles. Thus, the proposed substation will be consistent with the location and character of surrounding uses.

Conclusion

Dominion is proposing an electrical substation facility, known as the Hydraulic Road Substation, in the HW District. To best serve its City of Charlottesville customers, Dominion has determined a need for a new electric substation at the site of the proposed Hydraulic Road Substation for the following reasons: 1) it is located in the area of the city where there has been increased load growth; 2) it is located along an existing transmission line corridor; 3) it is consistent with existing and future land uses in the area, and 4) the proposed substation represents one of the projects presented to City Council to improve electrical reliability in the city.

With regard to Code of Virginia § 15.2-2232, the proposed Hydraulic Road substation is consistent with the location and character of other utility facilities in the area. Furthermore, replacement of, and enhancing utilities within the city is a priority of the City's Comprehensive Plan.

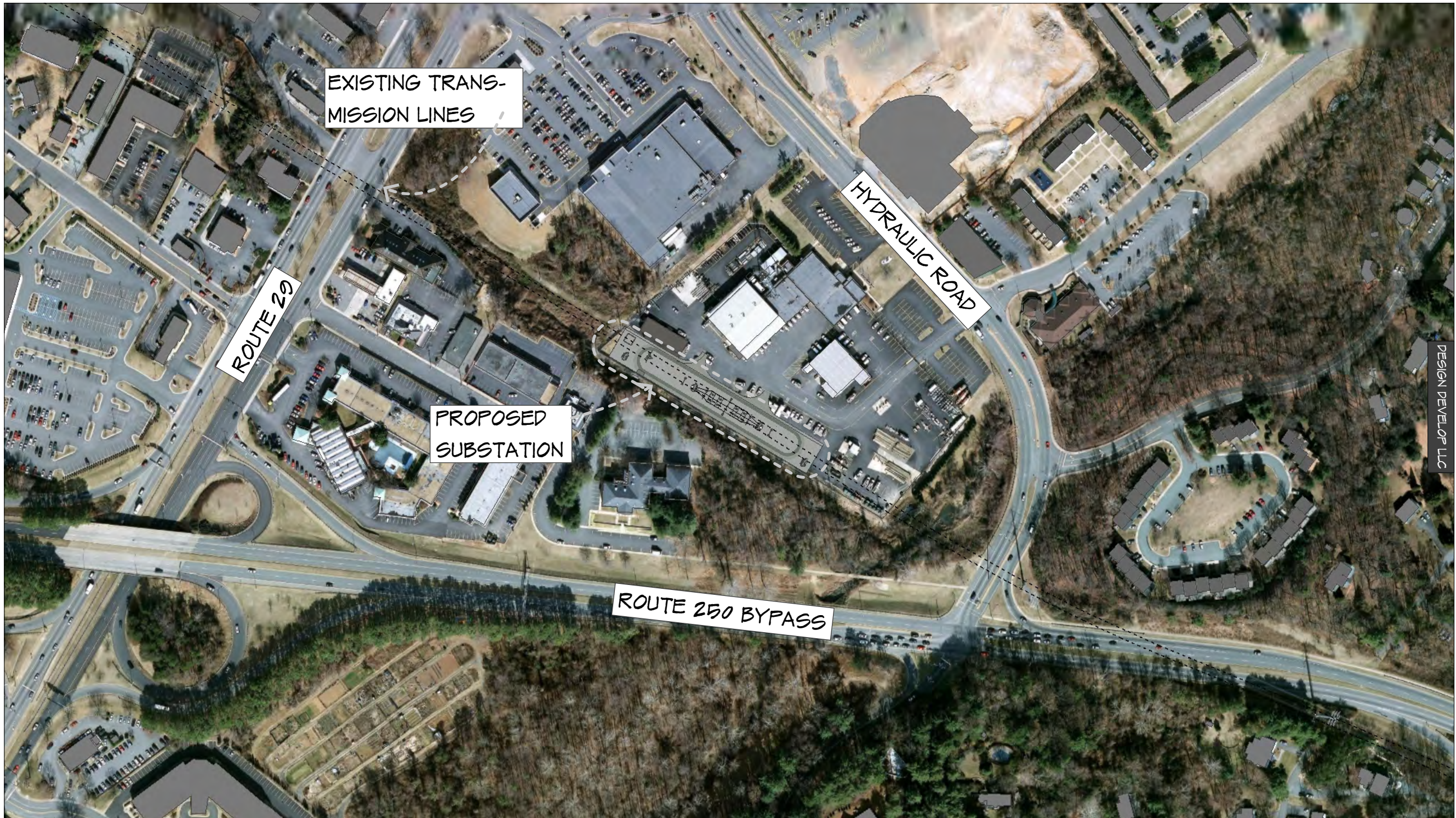
The Hydraulic Road Substation will be an electrical cornerstone for the City of Charlottesville enabling improved electric reliability and providing capacity for future economic growth, both of which are goals of the City's Comprehensive Plan. Should you have any questions about the proposed project, please call me at (804) 771-6948 or you may contact me via e-mail at Jonathon.W.Schultis@dom.com.

Sincerely,



Jonathon W. Schultis

Senior Siting & Permitting Specialist
Electric Transmission Projects



DESIGN DEVELOP LLC

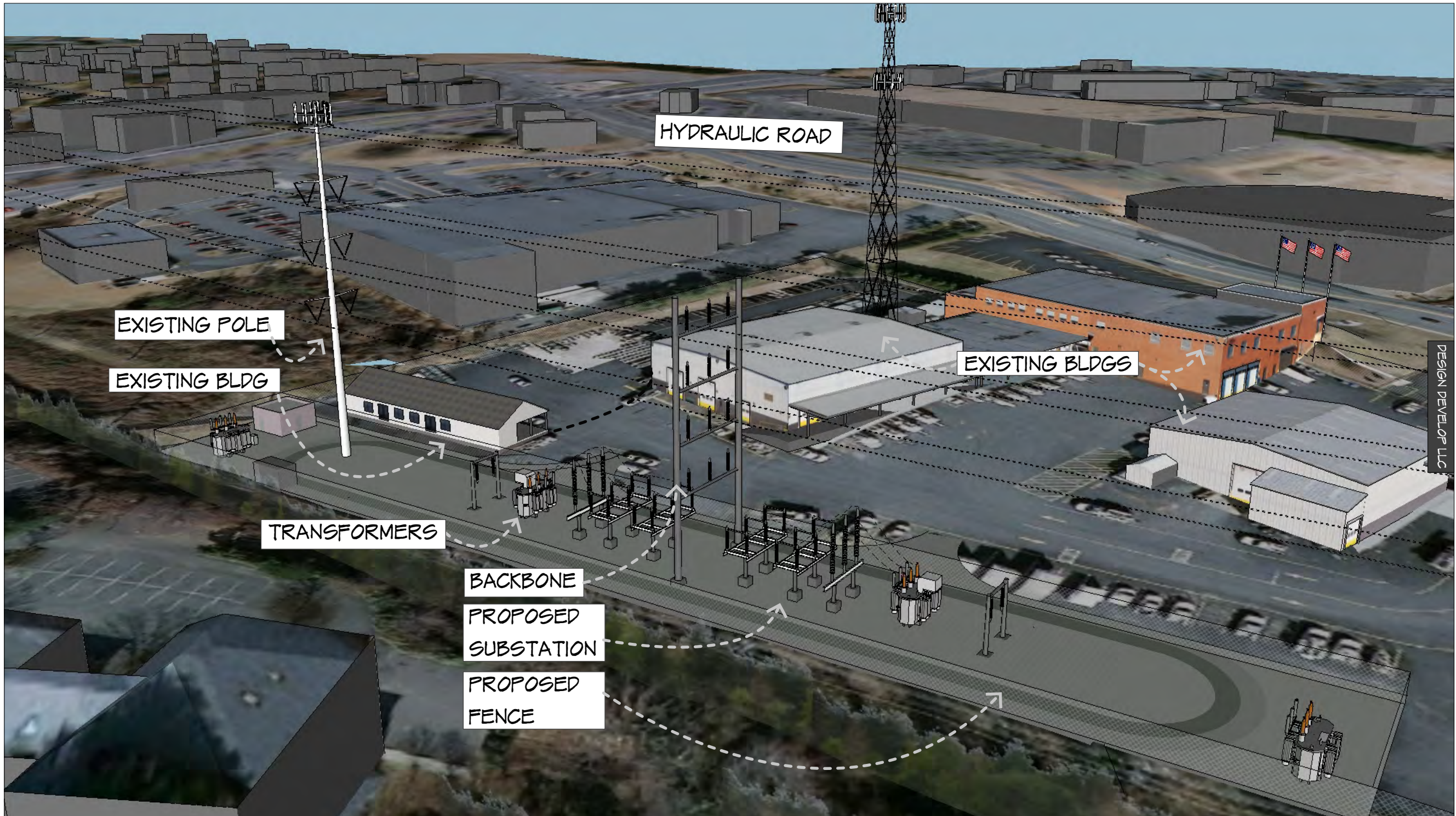
EXISTING TRANSMISSION LINES

ROUTE 29

PROPOSED SUBSTATION

HYDRAULIC ROAD

ROUTE 250 BYPASS



HYDRAULIC ROAD

EXISTING POLE

EXISTING BLDG

EXISTING BLDGS

TRANSFORMERS

BACKBONE

PROPOSED
SUBSTATION

PROPOSED
FENCE

DESIGN DEVELOP LLC



EXISTING HIGH VOLTAGE WIRES

RT 20

HILLSDALE DRIVE

PROPOSED SUBSTATION

HYDRAULIC ROAD

MICHIE DRIVE

BRANDYWINE DR.

RT 250

RUGBY ROAD

DESIGN DEVELOP LLC



MICHIE DRIVE

BRANDYWINE DR.

RUGBY ROAD

WHOLE-
FOODS

RT 250

HILLSDALE DRIVE

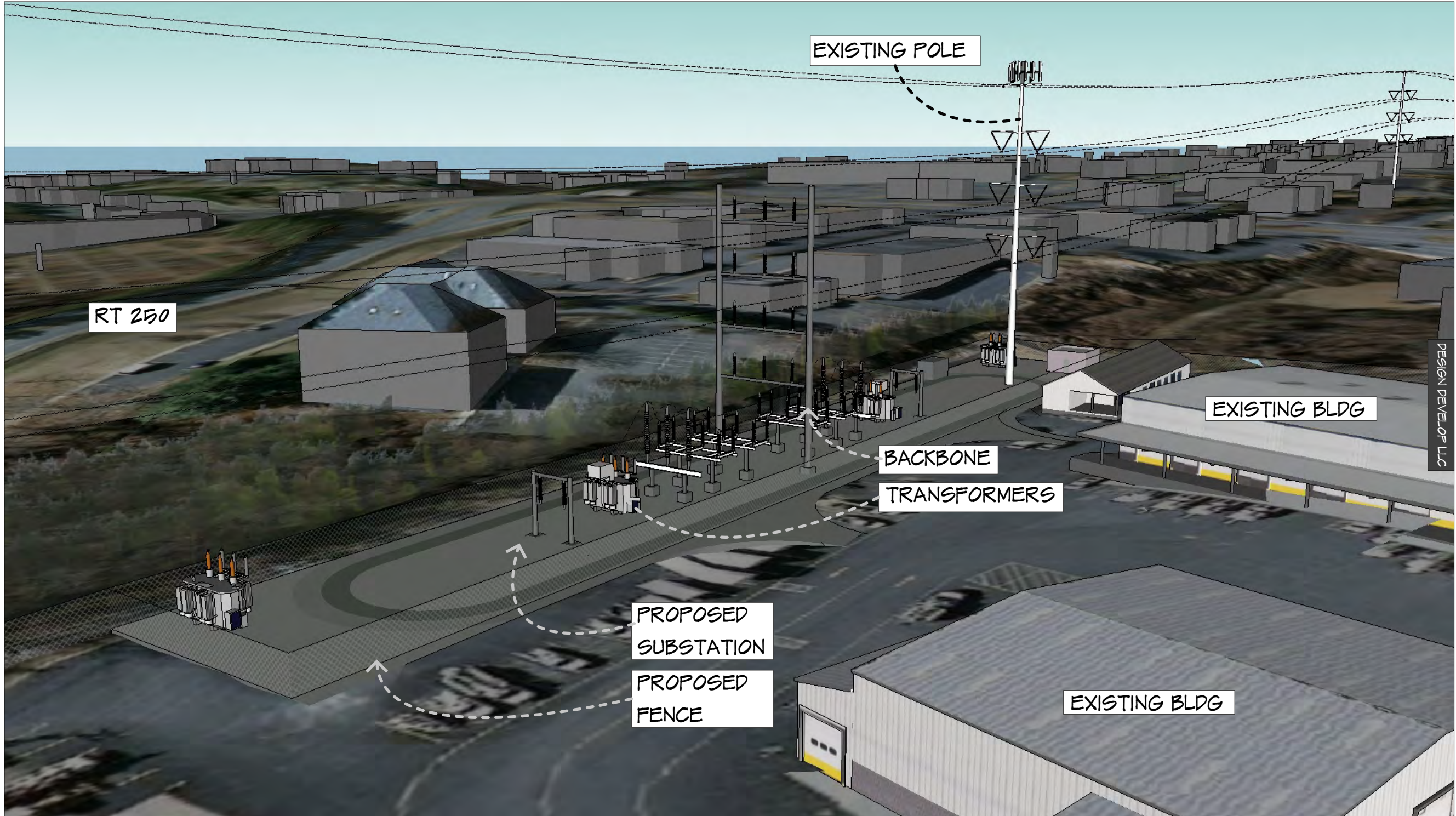
HYDRAULIC ROAD

KROGER

DESIGN DEVELOP LLC



DESIGN DEVELOP LLC



EXISTING POLE

RT 250

EXISTING BLDG

BACKBONE
TRANSFORMERS

PROPOSED
SUBSTATION
PROPOSED
FENCE

EXISTING BLDG

DESIGN DEVELOP LLC



DESIGN DEVELOP LLC

RT 250
EAST

RT 250
WEST

HYDRAULIC ROAD

VIEW FROM 250 HEADING WEST



RT 250
WEST

RT 250
EAST

DESIGN DEVELOP LLC

VIEW FROM 250 HEADING EAST



DESIGN DEVELOP LLC

VIEW FROM HYDRAULIC ROAD RIGHT OUTSIDE FACILITY



RT 250
EAST

RT 250
WEST

DESIGN DEVELOP LLC

VIEW FROM RUGBY ROAD

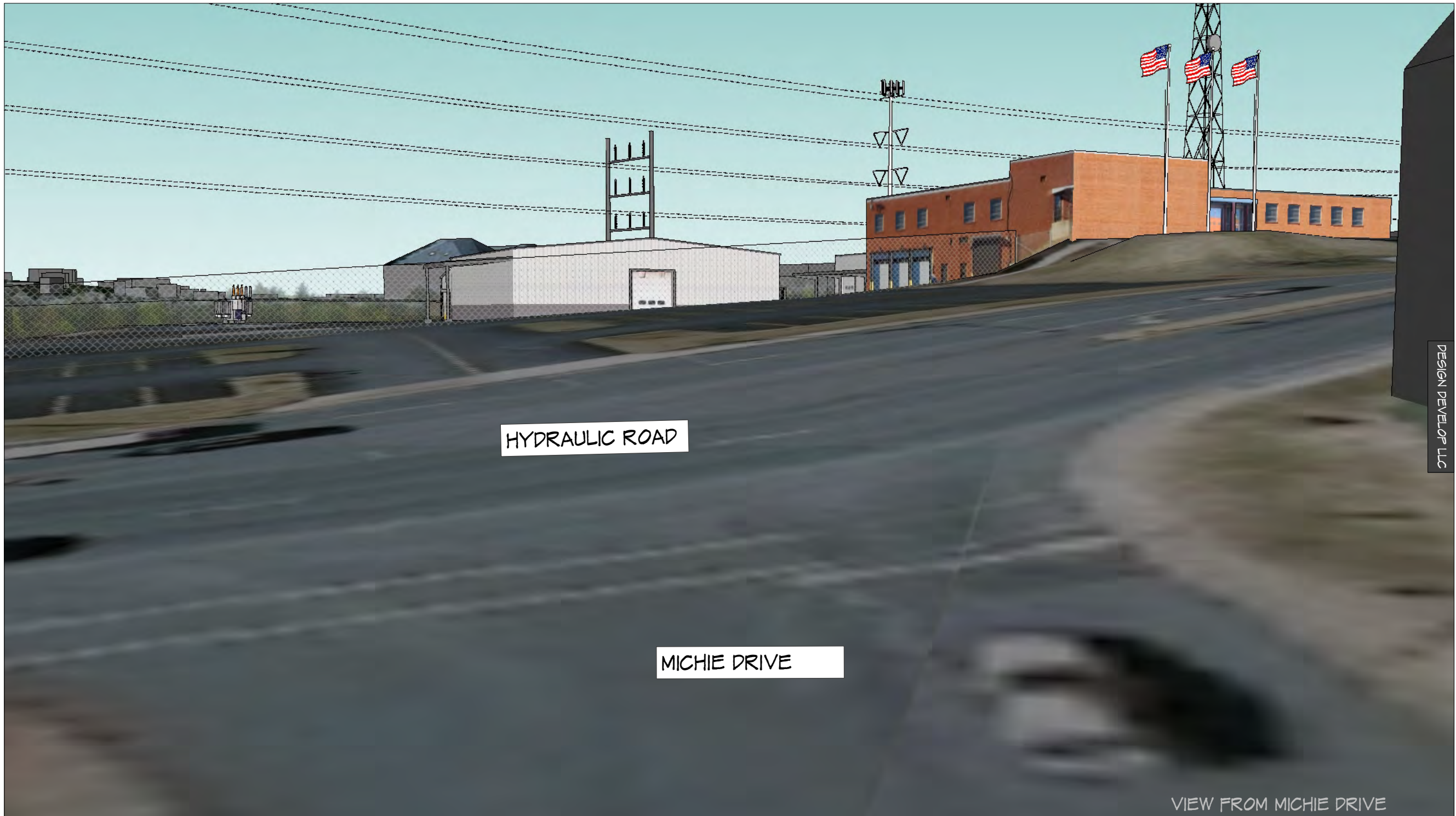


DESIGN DEVELOP LLC

HYDRAULIC ROAD

BRANDYWINE DR.

VIEW FROM BRANDYWINE DRIVE



VIEW FROM MICHIE DRIVE



DESIGN DEVELOP LLC

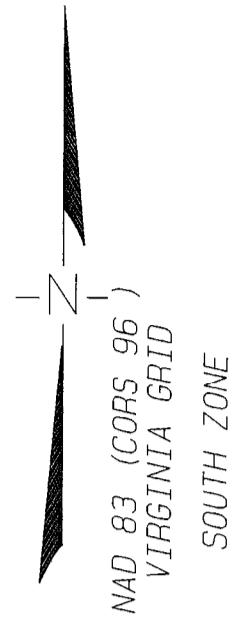
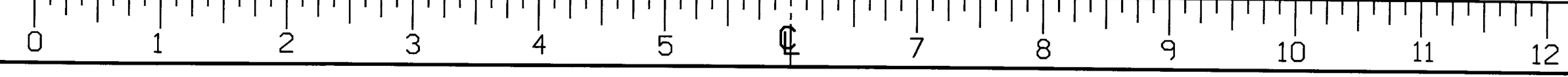
HYDRAULIC ROAD

VIEW FROM HILLSDALE DRIVE



DESIGN DEVELOP LLC

VIEW FROM ABUTTING NEIGHBORS PARKING LOT



TAX MAP 40A-2
KROGER LIMITED PARTNERSHIP
D.B. 1017 PG. 892
(PLAT) D.B. 403 PG. 187

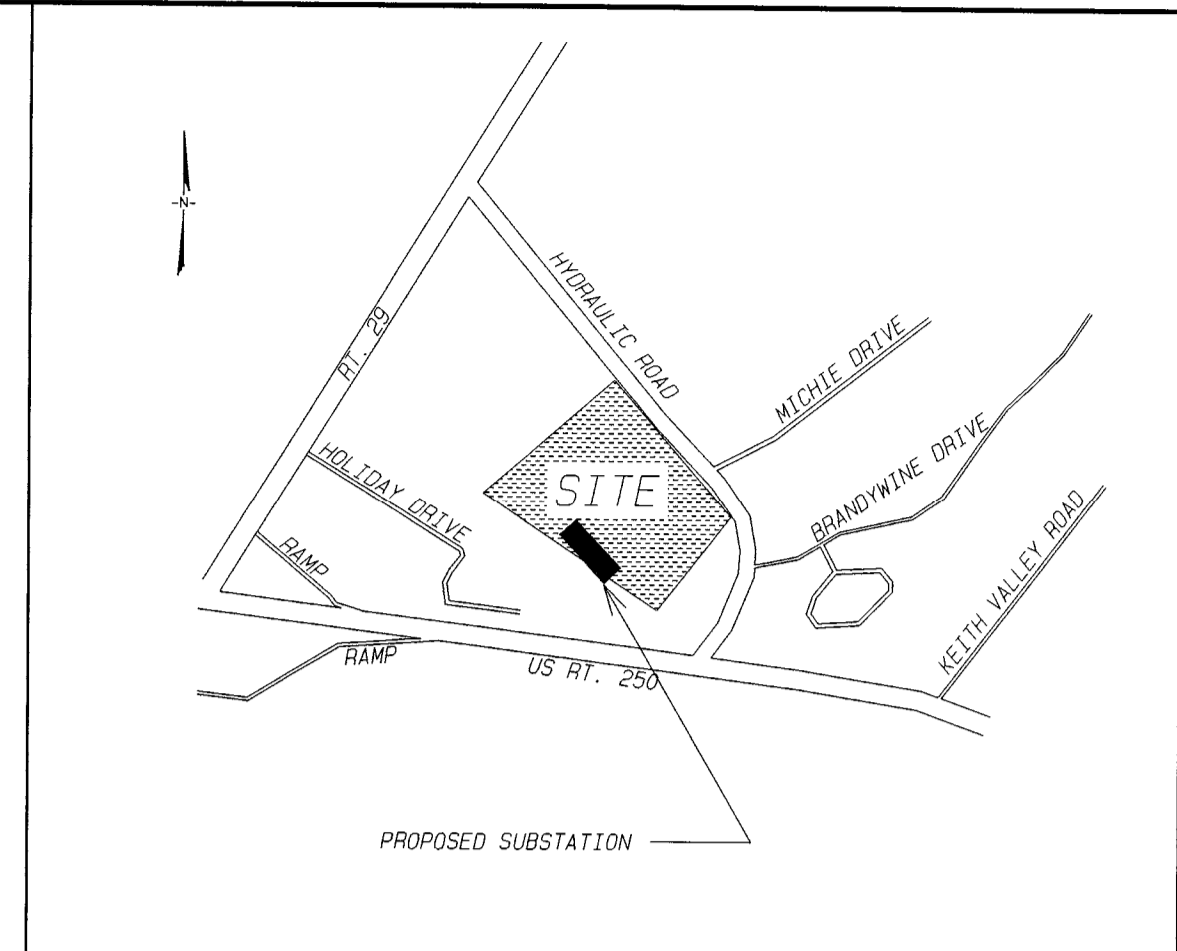
DOMINION
CIVIL ENGINEER: THOMAS E. RICHESON, JR. PE (804)-257-4714
DOMINION
2400 GRAYLAND AVENUE
RICHMOND, VIRGINIA 23220

PERMITTING AGENT: JONATHAN SCHULTIS (804)-771-6948
DOMINION
P.O. BOX 26666
RICHMOND, VIRGINIA 23261

REFERENCE SHEET 2 OF 2

TAX MAP 40A-3
VIRGINIA ELECTRIC AND POWER COMPANY
D.B. 328 PG. 204
(PLAT) D.B. 328 PG. 204

- SURVEY NOTES:**
- (S1) HORIZONTAL DATUM BASE ON NAD 83 (VIRGINIA SOUTH ZONE), VERTICAL DATUM BASED ON NAVD 88.
 - (S2) CONTOUR INTERVAL = 1'
 - (S3) TOPOGRAPHIC SURVEY PREFORMED BY DSM SURVEYORS, P.C. IN FEBRUARY 16, 2011.
 - (S4) UNDERGROUND UTILITIES SHOWN ARE BASED ON PAINT MARKS BY OTHERS AND CITY FILES.
 - (S5) PROPERTY LINES SHOWN WERE REPRODUCED FROM FIELD FOUND EVIDENCE, REFERENCED DEEDS AND PLATS.
 - (S6) EXISTING SITE ZONING IS "HW" - HIGHWAY CORRIDOR, CHARLOTTESVILLE, VIRGINIA, CODE OF ORDINANCES.
- CHAPTER 34 ZONING ARTICLE 6
SECTION 34-738 :
- (1) PRIMARY STREET FRONTAGE: FIVE (5) FEET, MINIMUM, THIRTY (30) FEET, MAXIMUM. IN CIRCUMSTANCES WHERE A BUILDING WILL HAVE FOOTAGE ALONG MORE THAN ONE (1) PRIMARY STREET, THESE SETBACKS SHALL APPLY ONLY TO THE PRIMARY STREET HAVING THE HIGHEST FUNCTIONAL CLASSIFICATION RATING; THE OTHER PRIMARY STREET OR STREETS SHALL BE DEEMED LINKING STREETS FOR PURPOSES OF DETERMINING THE REQUIRED SETBACKS UNDER THIS SECTION.
 - (4) SIDE AND REAR, ADJACENT TO ANY OTHER ZONING DISTRICT : NONE REQUIRED.
 - (S7) THIS SURVEY WAS PREFORMED WITHOUT THE BENEFIT OF A TITLE REPORT.
 - (S8) 100 YEAR FLOOD AND FLOOD WAY WAS TAKEN FROM CITY FILES.



VICINITY MAP
(NO SCALE)

GENERAL SITE INFORMATION:

ADDRESS: 1719 HYDRAULIC RD, CHARLOTTESVILLE, VA 22901-2835
(LAT. 38.058392°N, 78.489952°W)

USE: EXISTING DOMINION OFFICE
ELECTRICAL SUBSTATION ADDITION

ZONING: HW (HIGHWAY CORRIDOR)

SETBACKS: REFERENCE SURVEY NOTE S6

TAX MAP: 40A-3

TOTAL SITE ACERAGE: 9.11 ACRES

WATER & SEWER: NO PROPOSED CONNECTIONS

PARKING: NO ADDITIONAL PROPOSED PARKING

SUBSTATION FENCED AREA: 37500 SQ-FT (0.861 ACRES)

APPROXIMATE DISTURBED AREA: 51490 SQ-FT (1.182 ACRES)

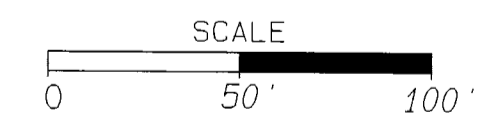
PROPOSED BUILDINGS: 20FT X 20FT CONTROL ENCLOSURE

LANDSCAPING: NONE PROPOSED (TRANSMISSION LINE)

LIGHTING: NONE PROPOSED

PROJECT DESCRIPTION:

THIS PROJECT WILL PROVIDE A NEW DELIVERY POINT WITH ULTIMATELY TWO 230KV TRANSFORMERS AND 4 DISTRIBUTION CURCUIITS TO ADDRESS EXISTING AND PROJECTED LOAD GROWTH IN THE AREA.



TAX MAP 40A-10
MSL WINSLOW 111 AND
HENRY MILLER
D.B. 303 PG. 4
(PLAT) D.B. 380 PG. 113

SL STRUCT #18
IN 3908954.12
E 11485409.22
DMS NO. 1-233-1-1
SHEET 3 OF 24

TAX MAP 40A-12
MIS PROPERTIES, LLC
D.B. 1010 PG. 648
(PLAT) D.B. 262 PG. 235
(LOT C-1 & C-2)

TAX MAP 40A-13
MIS PROPERTIES, LLC
D.B. 1182 PG. 269
(PLAT) D.B. 262 PG. 435
(LOT C-3)

TAX MAP 40A-14
MIS PROPERTIES, LLC
D.B. 1182 PG. 269
(PLAT) D.B. 262 PG. 435
(LOT C-4)

No.	Date	By	Description

Project Number	B/M

Typical Drawing Information	Library Location	Cell Name	B/M Assembly	Pipe Stand Foundation Cells (Pier)	Pipe Stand Foundation Cells (Spread)	Foundation Cells for Other Typical Structures (Pier)	Foundation Cells for Other Typical Structures (Spread)	Steel Detail & Assembly

Dominion
Professional Engineer
Approval

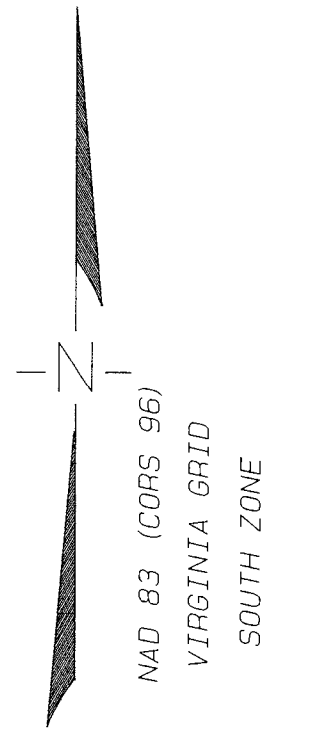
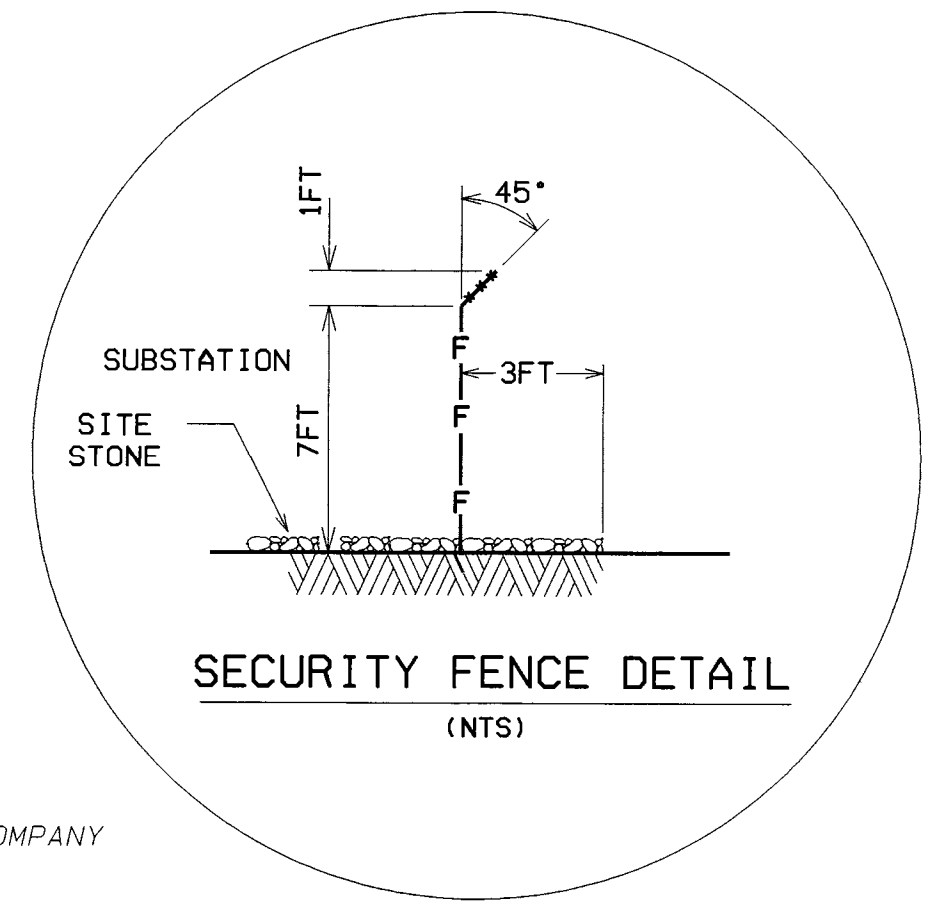
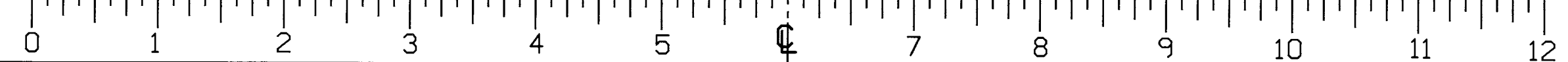
Dominion

**SPECIAL USE PERMIT
HYDRAULIC ROAD SUBSTATION
CHARLOTTESVILLE, VIRGINIA**

Name	Date	Project No.	Sheet No.
Designed by: TER	4-30-12	40-3388	1 OF 2
Approvals		Scale	
Approvals		11N=50FT	

Cad File Name	144002A.DGN	Drawing No.	1440-002
PLOTTED:			

ROBBER2



TAX MAP 40A-3
 VIRGINIA ELECTRIC AND POWER COMPANY
 D.B. 328 PG. 201
 (PLAT) D.B. 328 PG. 204

PROPOSED SITE COVER NOTE:
 ALL GRASS AND PAVEMENT AREAS, EXISTING INSIDE AND 3 FEET BEYOND THE PROPOSED SUBSTATION FENCE PERIMETER, WILL BE REMOVED AND REPLACED.
 THE FINAL SITE COVERING WILL CONSIST OF 4 INCHES OF VDOT NO. 57 COARSE AGGREGATE WITH THE EXCEPTION OF THE PROPOSED EQUIPMENT ACCESS ROAD WHICH WILL BE CONSTRUCTED OF COMPACTED VDOT NO. 21A.

MAG NAIL
 N=3908893.60
 E=11485605.48
 E1=429.13

TOP OF RIM = 428.50'
 INV. IN 6" = 421.76'
 INV. IN 12" = 418.22'
 INV. OUT 12" = 418.16'

MAG NAIL
 N=3908854.19
 E=11485802.72
 E1=428.08

TOP OF RIM = 426.20'
 INV. IN 6" = 415.57'
 INV. IN 6" = 419.89'
 INV. IN 8" = 417.20'
 INV. IN 12" = 413.55'
 INV. OUT 12" = 413.50'

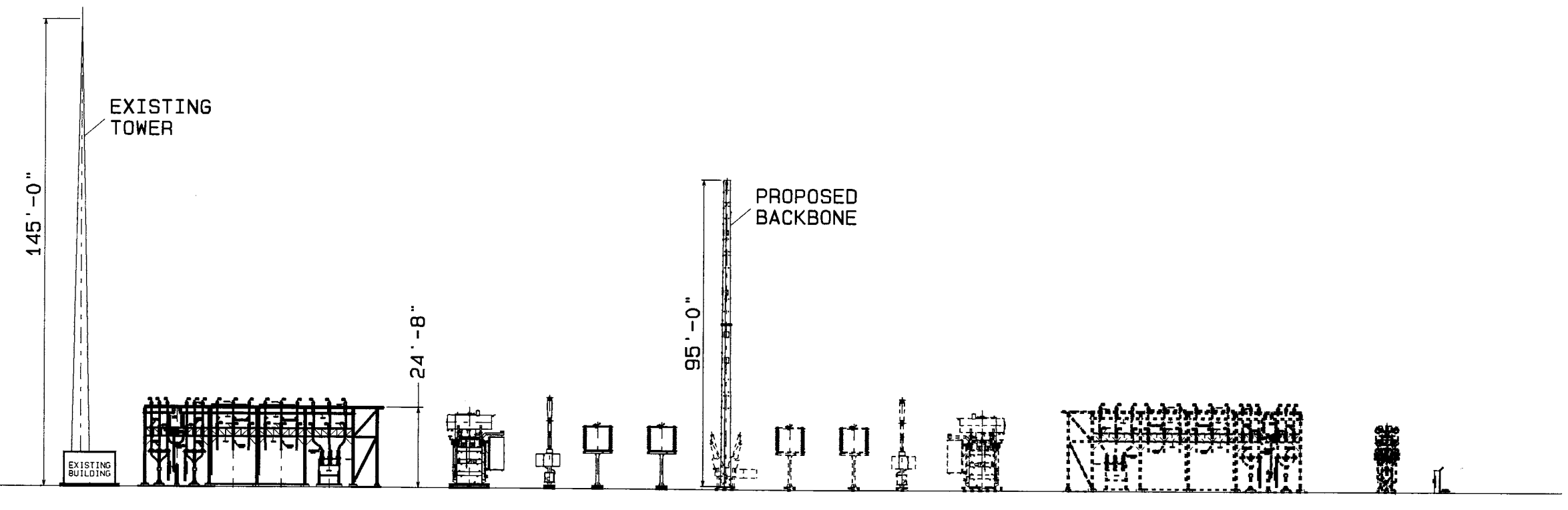
CL STRUCT #18
 N 3908954.12
 E 11485409.22
 DWG. NO. 1-233-1-6
 SHEET 5 OF 24

TAX MAP 40A-12
 MIS PROPERTIES, LLC
 D.B. 1010 PG. 648
 (LOT C-1 & C-2)

TAX MAP 40A-13
 MIS PROPERTY, LLC
 D.B. 1182 PG. 269
 (PLAT) D.B. 262 PG. 435
 (LOT C-3)

LEGEND

- PROPERTY LINE
- 425----- PROPOSED CONTOUR (PRELIMINARY)
- 425----- EXISTING CONTOUR
- GB----- PROPOSED GRADE BREAK
- F-----F----- PROPOSED SUBSTATION FENCE
- LIMITS OF LAND DISTURBANCE (APPROXIMATE)
- + PROPOSED SPOT ELEVATION
- ← DRAINAGE FLOW DIRECTION
- PROP. E.P. ----- PROPOSED EDGE OF PAVEMENT



ELEVATION A - A
 SCALE: 1IN=40FT

Dominion
 Professional Engineer Approval

COMMONWEALTH OF VIRGINIA
 THOMAS E. RICHESON, JR.
 Lic. No. 19908
 4/30/2012
 PROFESSIONAL ENGINEER

Dominion

**SPECIAL USE PERMIT
 HYDRAULIC ROAD SUBSTATION
 CHARLOTTEVILLE, VIRGINIA**

Designed by:	TER	Date	4-30-12	Project No.	40-3388	Sheet No.	2 OF 2
Approvals		Scale					
Approvals		1IN=20FT					
B/M No.		Revisions					

Cad File Name: 144003A.DGN
 PLOTTED: Drawing No. 1440-003

No.	Date	By	Checked/Approv.	Description	Project Number	B/M
Revisions						

Typical Drawing Information	Library Location	Cell Name	B/M Assembly	Pipe Stand Foundation Cells (Pier)	Pipe Stand Foundation Cells (Spread)	Foundation Cells for Other Typical Structures (Pier)	Foundation Cells for Other Typical Structures (Spread)	Steel Detail & Assembly

BORDER2

CITY OF CHARLOTTESVILLE
DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES
STAFF REPORT



APPLICATION FOR REZONING OF PROPERTY

JOINT CITY COUNCIL AND PLANNING COMMISSION
PUBLIC HEARING

DATE OF HEARING: MAY 8, 2012
APPLICATION NUMBER: ZM-10-08-24

Project Planner: Brian Haluska, AICP
Date of Staff Report: September 20, 2010 (Revised April 24, 2012)

Applicant: Alex Hancock
Current Property Owner: Alex Hancock

Application Information

Property Street Address: 2712 Eton Road
Tax Map/Parcel #: Tax Map 19, Parcel 10
Total Square Footage/Acreage Site: 2.574 acres
Comprehensive Plan (Land Use Plan) Designation: Single-Family Residential
Current Zoning Classification: R-1
Tax Status: According to the City Treasurer's office, as of the writing of the staff report, all due taxes had been paid on the subject properties.

Applicant's Request

The applicant is seeking approval of a rezoning from R-1 to PUD, on property located at 2712 Eton Road. The total land involved is approximately 2.574 acres. The subject parcel fronts on Eton Road. The conceptual plan provided by the applicant shows 7 single-family residential units. Proposed density of the project would be 2.72 dwelling units per acre. The applicant was deferred by the applicant at the Planning Commission meeting on October 12, 2010 and reinstated by the applicant on April 9, 2012 to be brought forward for a decision.

According to the applicant, under the current zoning, the vacant parcel could accommodate no more than 7 units by right, or 2.72 dwelling units per acre. Each of these units could be accompanied by an accessory dwelling unit – to make the maximum permitted density 5.44 units per acre on the vacant parcel. The changes to the critical slope ordinance passed between the original public hearing and this meeting would not impact these calculations.

	Density
Existing	0.38 dua
Maximum By-Right	5.44 dua
Maximum Proposed	2.72 dua

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:

- (1) To encourage developments of equal or higher quality than otherwise required by the strict application of zoning district regulations that would otherwise govern;
- (2) To encourage innovative arrangements of buildings and open spaces to provide efficient, attractive, flexible and environmentally sensitive design.
- (3) 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;
- (4) To encourage the clustering of single-family dwellings for more efficient use of land and preservation of open space;
- (5) To provide for developments designed to function as cohesive, unified projects;
- (6) 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;
- (7) To ensure preservation of cultural features, scenic assets and natural features such as trees, streams and topography;
- (8) 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
- (9) To provide for coordinated linkages among internal buildings and uses, and external connections, at a scale appropriate to the development and adjacent neighborhoods;
- (10) To facilitate access to the development by public transit services or other single-vehicle-alternative services, including, without limitation, public pedestrian systems.

Analysis

1. Consistency with Comprehensive Plan

There are several goals from the Comprehensive Plan that relate directly to the project:

1. “Continue to maintain, improve and grow the City’s housing stock. (pg. 58)”
2. “Regulate the use of land to assure the protection, preservation and wise use of the City’s natural, historic and architecturally significant environment. (pg. 94)”
3. “Preserve and protect existing neighborhoods.(pg. 298)”
4. “Enhance natural pedestrian ways i.e. paper streets, Rivanna Trails, etc., and create more pedestrian trails specifically in West Azalea Park. (pg. 298)”
5. “Encourage developers not to tear down every tree and to replace trees that must be removed. Encourage the use of Low Impact Development techniques to protect the quality of streams, etc. (pg. 299)”
6. “Protect the values of the community in new development. (pg. 299)”

The proposed project would grow the City’s housing stock. The other goals stated in the Comprehensive Plan relate to the preservation of natural features that the applicant mentions as a reason for submitting the application for a PUD.

2. Effect on Surrounding Properties and Public Facilities

The area surrounding the subject property is zoned for single-family residential, and is developed as such within the City. The land to the west of the property is in the County of Albemarle, and is zoned for multi-family residential. The property on Eton Road is separated from the County by Moore’s Creek and a system of critical slopes.

Direction	Use	Zoning
North	Single Family Residential	R-1
South	Single Family Residential	R-1
East	Single-Family Residential	R-1
West	Moore’s Creek/County of Albemarle	R-15

The proposed development of the PUD would impact the surrounding properties through increased traffic impact on Eton Road and increased parking demand on the street. The parking requirement for single-family residential units in the City is one off-street parking space per unit. With the narrowness of the new proposed street, there is a potential for the road to be designated with no on street parking, which could force households with more than one car to park on-street in front of previously existing residences.

The traffic impact of the proposed development is negligible in terms of volume, but the narrowness of Eton Road should be taken into consideration by the Commission.

The Jefferson Park Circle and Eton Road areas have been determined potentially eligible for designation as part of the Fry’s Spring Neighborhood National Register Historic District.

3. Proffer

The applicant has withdrawn their previously submitted proffer.

4. Questions for the Commission to Discuss

- **Is there a “need and justification for the change”?**

When evaluating whether or not a need or justification exists for a rezoning, staff looks at what benefits the City would receive if the rezoning were approved. In the case of this application, the City would receive the certainty of the site plan process for review of the development. In a by right scheme, the applicant would not be required to submit a site plan, just a subdivision plat.

The chief question for the Commission is whether or not the preservation of open space in the configuration proposed by the applicant gives rise to the need for the rezoning, and the increase in units over a potential by-right layout.

- **Is the development of “equal or higher quality than otherwise required by the strict application of the zoning district regulations that would otherwise govern”?**

This standard of review forces the staff to consider how the proposed PUD would differ from the by right development of the parcel. After evaluation of the concept plan, staff feels that the overall by right layout of the site probably would not differ from the proposed concept plan in terms of road location and lot configuration. The critical slope ordinance prohibits the creation of lots that do not have a suitable building area outside of critical slope areas. This calls into question whether or not the applicant could create as many lots as shown in the proposed PUD with a by right development scheme.

- **Is the development “harmonious with the existing uses and character of the adjacent property”?**

Concerns about the impact of parking and traffic on the surrounding neighborhood aside, the proposed development is made up of a style of development that fits with the surrounding neighborhood. The clustering of units at the front of the property does result in smaller yards and setbacks for the development, but single-family detached units are prevalent throughout this area of the City, and the proposed development does not deviate from this pattern.

Public Comments Received

Staff received a considerable amount of public input prior to the original public hearing for this item in October 2010. The written comments submitted in 2010 by the public are attached, along with a petition signed by 83 members of the public. The public comments were unanimously opposed to the project, based on concerns related to traffic, parking, and the suitability of the project in relation to the character of the surrounding neighborhood. The residents have also expressed concern about the impact of the removal of trees and the disruption of the natural area adjacent to Moore's Creek.

Staff has received no further comments at the time of the drafting of this report.

Staff Recommendation

The standard of review for Planned Unit Developments clearly 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 the following five objectives of the PUD ordinance:

- 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 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 plan undeniably pushes the proposed houses to the front of the property and preserves the rear of the property in the form of open space. A by right configuration, however, would mostly likely follow a similar form. The project would function as a cohesive and unified project unto itself, and the proposed use is in line with the surrounding neighborhood. By developing the entire property under a single site plan, the site can be developed with a unified architectural style.

Staff finds that the proposed PUD fails to meet the following five objectives of 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 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 preservation of cultural features, scenic assets and natural features such as trees, streams and topography;

- To facilitate access to the development by public transit services or other single-vehicle-alternative services, including, without limitation, public pedestrian systems.

As stated above, staff feels that the arrangement proposed in the concept plan is similar to a by-right arrangement on the property. Additionally, staff feels that the layout of the road and lots is similar to six PUDs already constructed or approved in the City, and thus is not an innovative arrangement of buildings. Along these lines, the concept plan does not show a variety of housing sizes.

The site is next to a number of sensitive environmental features, including critical slopes, the floodplain surrounding Moore's Creek, the 100-foot stream buffer, and Moore's Creek itself.

Staff feels that this application does not differ demonstrably from a by right scheme, and the benefits articulated by the applicant can be realized under the current zoning for the property. Accordingly, there is no need or justification for a change in the zoning. Staff recommends the rezoning be denied.

Attachments

- Rezoning Application
- Packet of information from applicant, dated September 30, 2010
- Concept Plan
- Comments from the public submitted prior to the Planning Commission meeting on October 12, 2010.
- Petition from members of the public in opposition to the proposed Planned Unit Development – submitted in advance of the Planning Commission meeting on October 12, 2010.
- Minutes from the Planning Commission meeting on October 12, 2010.

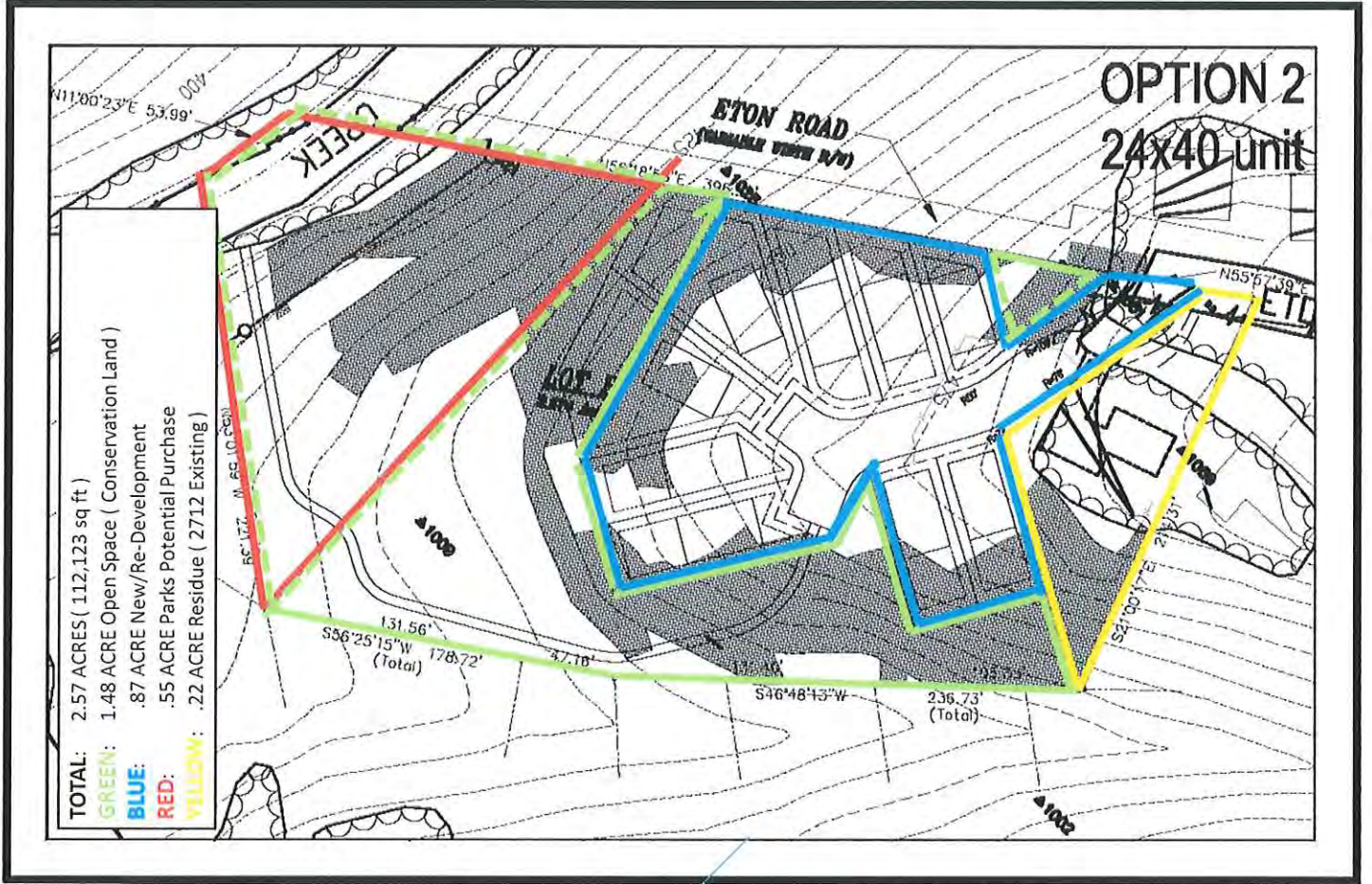
Suggested Motions

1. I move to recommend approval of this application to rezone property from R-1 to PUD 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-1 to PUD on the basis that the proposal would not serve the interests of the general public welfare and good zoning practice.

2712 Eton Road Rezoning

PUD Concept Plan

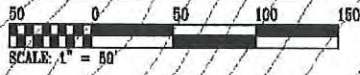
Target goals for rezoning Eton PUD



**2010 CRITICAL SLOPE
OUTLINE: 1.03 ACRES
Illustrated Runoff Channel &
Estimated Erosion Effects***

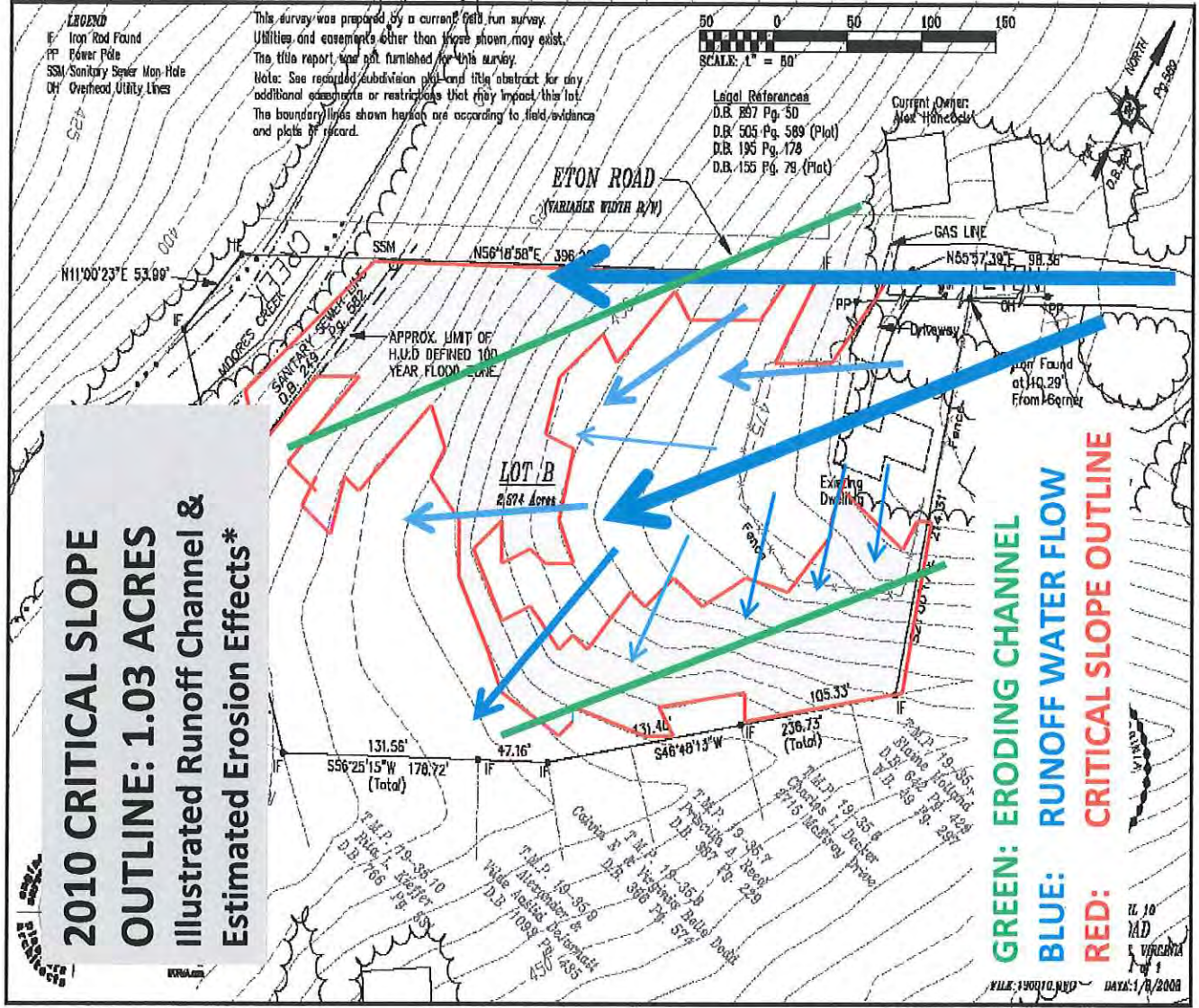
LEGEND
 IF Iron Rod Found
 PP Power Pole
 SSM Sanitary Sewer Man-Hole
 OH Overhead Utility Lines

This survey was prepared by a current field run survey. Utilities and easements other than those shown may exist. The title report was not furnished for this survey. Note: See recorded subdivision plat and title abstract for any additional easements or restrictions that may impact this lot. The boundary lines shown hereon are according to field evidence and plats of record.



Legal References
 D.B. 897 Pg. 50
 D.B. 505 Pg. 589 (Plat)
 D.B. 195 Pg. 178
 D.B. 155 Pg. 79 (Plat)

Current Owner:
 Nest Hatched



GREEN: ERODING CHANNEL
BLUE: RUNOFF WATER FLOW
RED: CRITICAL SLOPE OUTLINE

IL 10
 IAD
 VINCENNA
 IN
 1/18/2008

Critical Slope Waiver

- 1a. To Protect and conserve critical hillsides –

The current situation at the end of the Eton Road is an open spillway for storm water, as the original design did not provide any retention or collection methods for water and sedimentation, which led to currently observed erosion. The completion of Eton Road as the city owned easement suggest could conserve the land and much of its original surface area by installing the necessary collection (storm system, biofilter, curb and gutter) and protection systems (curb and gutter, retaining walls) as well as the house foundations to stabilize existing and man made conditions (leaving 1.27 acres of open space).

- 1b. To Recognize increased potential for soil erosion –

Construction on any slope will inevitably increase its susceptibility to erosion. To minimize this risk the site is designed to work with the natural topography of the terrain and protect the denuded soil during construction. The creation of retaining wall system, storm water system as well as curb and gutters will decrease the soil erosion and retain as is or better than the original soil surface (biofilter and 100 ft stream buffer will protect waterway).

Critical Slope Waiver

- 1c. To recognize increased potential for sedimentation and water pollution—

The site design and existing topography protect adjacent properties and water ways from sedimentation. After construction and stabilization of the site, The creation of retaining wall system, storm water system as well as curb and gutters will decrease the soil erosion, retain as is or more than the original soil surface and continue to protect adjacent property owners (biofilter will protect waterway).

- 1d. To recognize that development of critical slopes may result in rapid or large scale movement of soil and rock —

As stated in 1b, disturbance of any stabilized ground surface increases its susceptibility to erode. The majority of this site has been unprotected since its original development because Eton road was never finished. To improve this oversight the development plans propose a variety of measures. Site construction includes basements and multi-level entrances to take advantage of the sites existing slopes, working with the land not against it. Also The creation of the retaining walls system will be constructed as necessary to raise the site grade without increasing the area of disturbance. Construction will initially raise and backfill these walls to assure final development is on more level surface less susceptible to runoff .

Critical Slope Waiver

- 1e. To recognize that development of critical slopes may result in concentrated and/or excessive storm water runoff –
- The project protects the post development critical slopes from excessive runoff by reducing the storm water quantity and redirecting the runoff to the storm water collection system, biofilter and away from the slopes. Presently all runoff from the site is released directly into the Moores creek and across the side critical slopes. Storm water falling around the homes will be collected. The creation of retaining walls system, storm water system, biofilter as well as curb and gutters will reduce and retain runoff. Additional, plantings of water absorbing plant species, trees, shrubs will be implemented.

Critical Slope Wavier

- 1f. To recognize that development of critical slopes may result in siltation of natural and man-made bodies of water –
- The site design is to angle away from Moores creek and is more than 100 ft of stream buffer which is densely wooded and aided by the storm water system, biofilter as well as curb and gutters will buffer waterways. Additional, plantings of water absorbing plant species, trees, shrubs will be implemented.

Critical Slope Waiver

- 1g. To recognize that development of critical slopes may result in the loss of aesthetic resources –
- 2712 Eton road is currently a privately owned residence with no public access. The aesthetic resources will be conserved (1.27a open space). Trees will be replanted and remaining open space will be encouraged with new growth to provide a park like setting. New development and sidewalks will increase the public ability to access the beauty of open, common area. This will provide access to waterway and proposed trail system around the city.

Critical Slope Waiver

- 4. The public impact would be the increased access to public areas and safety by installing sidewalks on the proposed new portion of Eton Rd. The creation of a storm water collection and biofilter system will increase the public health and safety by reducing the erosion and sedimentation flow into Moore's Creek. The cul-de-sac and fire hydrant assembly will provide safety and easy access for emergency service vehicles, which is not currently available to property owners at 2709, 2711 & 2712 Eton Rd.

ETON ROAD PLANNED UNIT DEVELOPMENT

CITY OF CHARLOTTESVILLE, VIRGINIA

08/24/2010

OWNER: ALEX HANCOCK
2712 ETON ROAD
CHARLOTTESVILLE, VA 22907

ENGINEER: TIMMONS GROUP
919 2ND STREET S.E., CHARLOTTESVILLE, VA 22902
TELEPHONE: (434)295-5624
FAX: (434)295-8317
CONTACT: JOHN HASH, P.E.
EMAIL: john.hash@timmons.com

TAX MAP NOS.: TAX MAP 19, PARCEL 10

PROPERTY ADDRESS: 2712 ETON ROAD

ZONING: R-1

PROPOSED ZONING: PUD

SETBACKS: FRONT 4.5'
SIDE 5'
REAR 10'

AREA: 2.574 ACRES (112,123 SF)

DENSITY: **2.72** / ACRE
2.72
2.72

USE: RESIDENTIAL

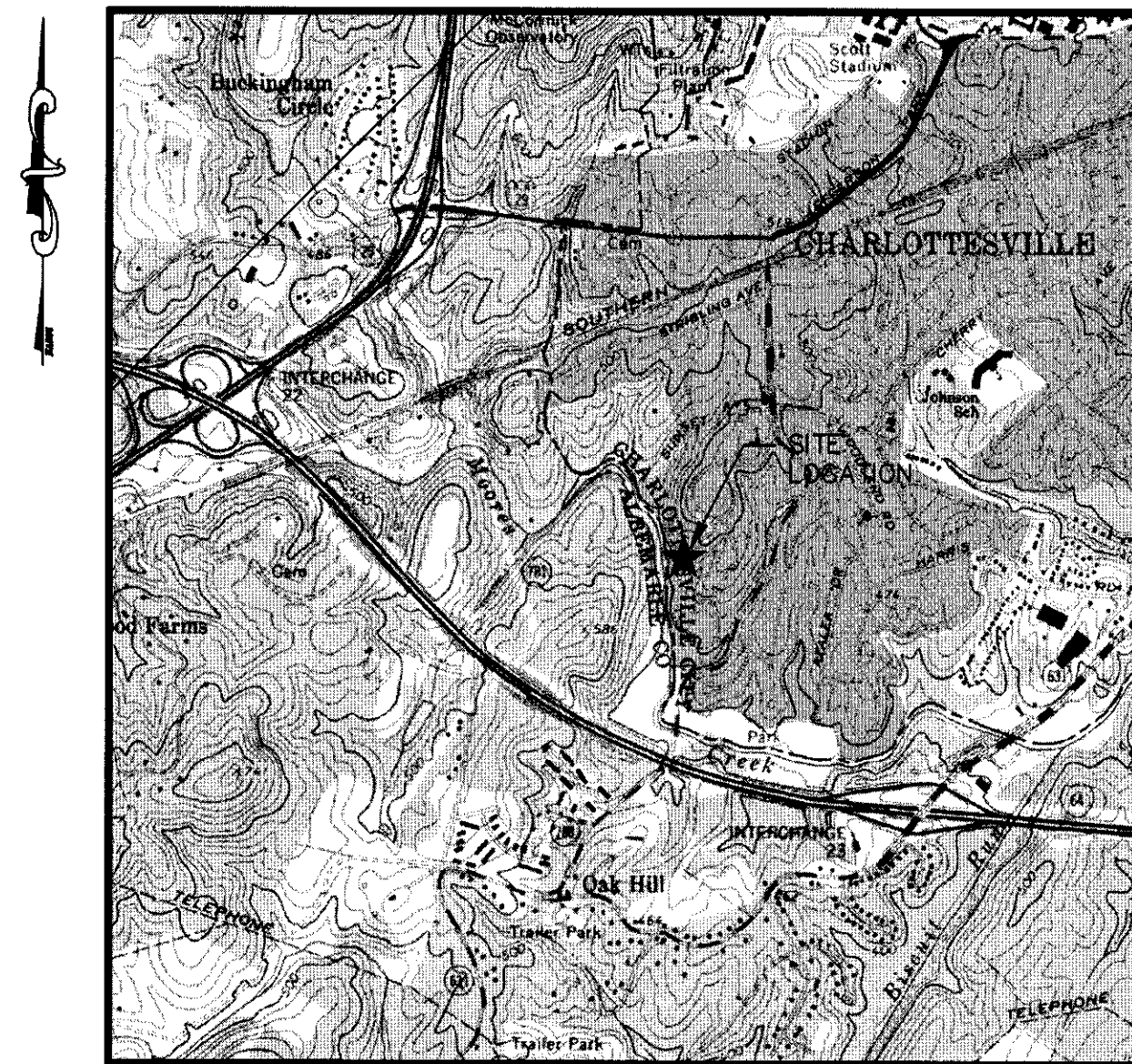
OPEN AREA: 1.27 ACRES (49%)

DRAINAGE DISTRICT: MOORES CREEK

CRITICAL SLOPES: THERE ARE 1.03 ACRES OF CRITICAL SLOPES ON SITE. A SLOPE WAIVER HAS BEEN FILED TO IMPACT 0.49 ACRES (48%) OF THESE CRITICAL SLOPES.

FLOODPLAIN: FLOODPLAIN IS SHOWN ON PLANS. IT WILL NOT AFFECT THE PLANNED DEVELOPMENT.

UTILITIES: WATER: CITY OF CHARLOTTESVILLE PUBLIC WORKS
SEWER: CITY OF CHARLOTTESVILLE PUBLIC WORKS



VICINITY MAP

SCALE: 1" = 2,000'

OWNER:
ALEX HANCOCK
2712 ETON ROAD
CHARLOTTESVILLE, VA 22907

ENGINEER OF RECORD:
TIMMONS GROUP
919 2ND STREET, S.E.
CHARLOTTESVILLE, VA 22902
CONTACT: JOHN HASH, P.E.
TELEPHONE; 434-327-1691

Sheet Index	
Sheet Number	Sheet Title
C0.0	COVER
C1.0	EXISTING CONDITIONS PLAN
C2.0	PUD APPLICATION PLAN

THIS DRAWING PREPARED AT THE
CHARLOTTESVILLE OFFICE
619 2ND STREET S.E., CHARLOTTESVILLE, VA 22902
TEL 434.295.5624 FAX 434.295.8317 www.timmons.com

YOUR VISION ACHIEVED THROUGH OURS.

DATE	REVISION DESCRIPTION
8/24/10	

Site Development | Residential | Infrastructure | Technology

DRAWN BY: C. KOTARSKI
DESIGNED BY: C. KOTARSKI
CHECKED BY: J. HASH
SCALE: NA

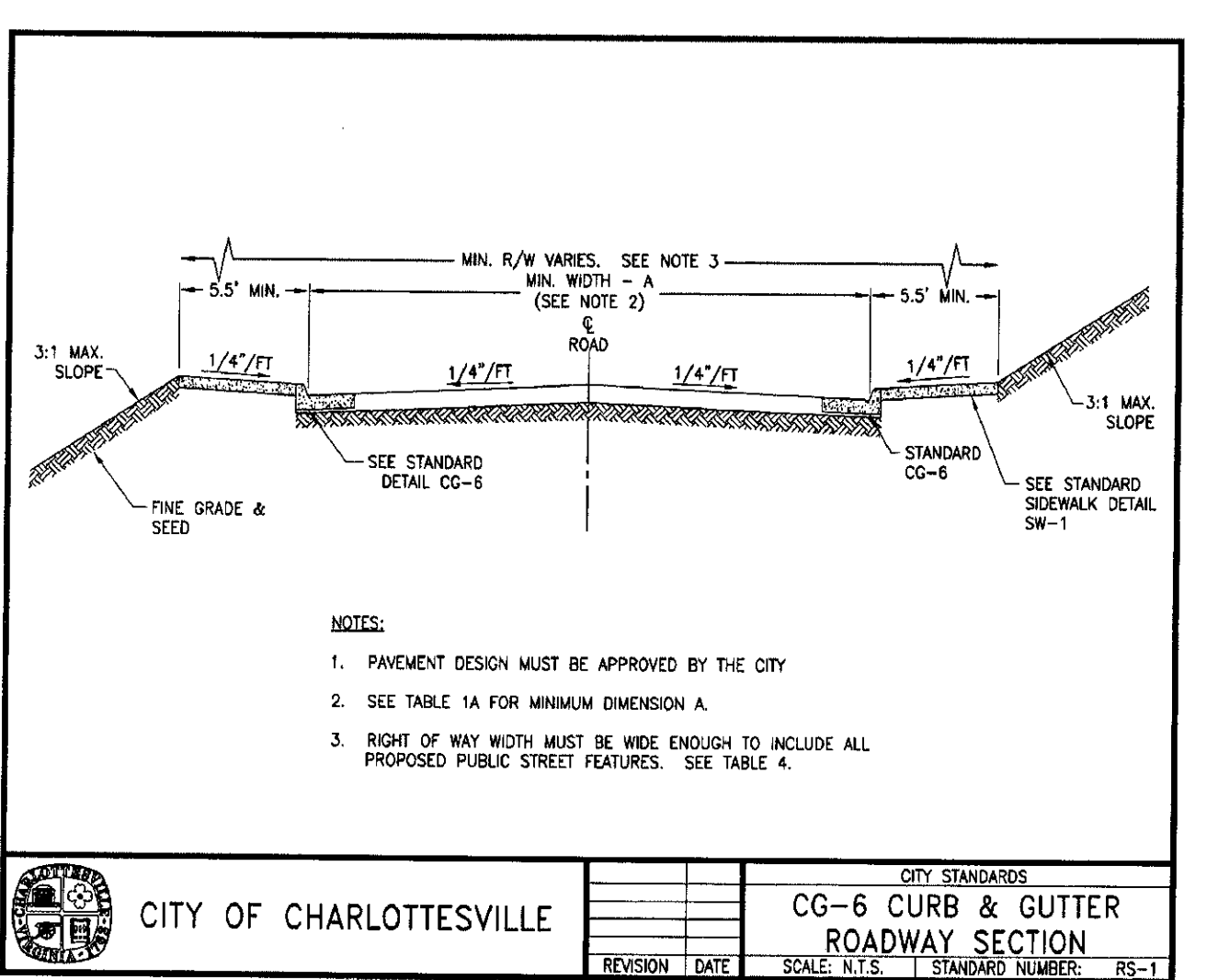
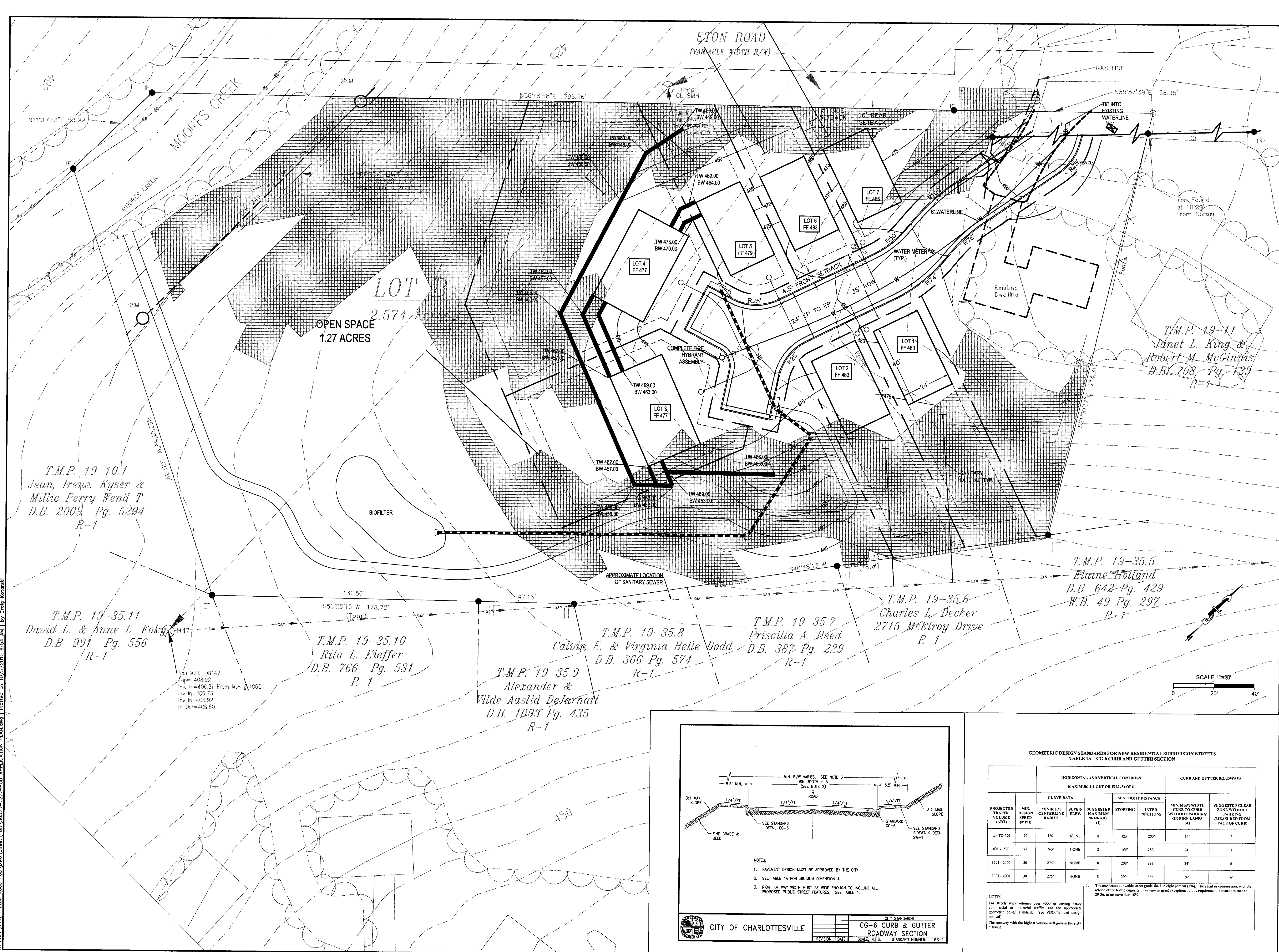
TIMMONS GROUP

ETON ROAD PLANNED UNIT DEVELOPMENT
CITY OF CHARLOTTESVILLE - VIRGINIA

COVER

JOB NO. 30523
SHEET NO. C0.0

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GEOMETRIC DESIGN STANDARDS FOR NEW RESIDENTIAL SUBDIVISION STREETS
TABLE 1A - CG-6 CURB AND GUTTER SECTION

PROJECTED TRAFFIC VOLUME (ADT)	MIN. DESIGN SPEED (MPH)	CURVE DATA			MIN. SIGHT DISTANCE		CURB AND GUTTER ROADWAYS	
		MINIMUM CENTERLINE RADIUS	SUPER-ELEV.	SUGGESTED MAXIMUM % GRADE (I)	STOPPING	INTER-SECTIONS	MINIMUM WIDTH CURB TO CURB WITHOUT PARKING OR BIKE LANES (A)	SUGGESTED CLEAR ZONE WITHOUT PARKING (MEASURED FROM FACE OF CURB)
UP TO 400	20	120'	NONE	8	125'	200'	24"	3'
401 - 1500	25	165'	NONE	8	155'	280'	24"	3'
1501 - 2000	30	275'	NONE	8	200'	335'	24"	6'
2001 - 4000	30	275'	NONE	8	200'	335'	26"	6'

NOTES:
1. The maximum allowable street grade shall be eight percent (8%). The agent or commission, with the advice of the traffic engineer, may vary or grant exceptions to this requirement, pursuant to section 29-36, to no more than 10%.

TIMMONS GROUP

ETON ROAD PLANNED UNIT DEVELOPMENT
CITY OF CHARLOTTEVILLE - VIRGINIA
PUD APPLICATION PLAN

Site Development Residential Infrastructure Technology

YOUR VISION ACHIEVED THROUGH OURS.

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919 2nd St. S.E. | Charlottesville, VA 22902
TEL 434.295.5624 FAX 434.299.8317 www.timmons.com

DATE	REVISION DESCRIPTION
8/24/10 <td></td>	

DATE: 8/24/10
DRAWN BY: C. KOTARSKI
DESIGNED BY: C. KOTARSKI
CHECKED BY: J. HASH
SCALE: 1"=20'

JOB NO. 30523
SHEET NO. C2.0

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John Santoski
Planning Commission
October 2, 2010

Dear Mr. Santoski,

I'm writing to express my opposition to the proposed housing development on Eton Road. Because we live on Jefferson Park Circle, we will be highly effected by the addition of so many new homes. In addition to so much added traffic, there are water and sewer issues, and noise from construction over many months or years. And who will buy these homes? What might happen to homes that aren't sold?

But more importantly, the character and splendor of this neighborhood will be seriously altered. The homes on Jefferson Park Circle, Eton Road and Brunswick are up to 100 years old. No new home has been built here since the 1960's. Adding as many as 9 brand new homes on Eton Road, a tight one-way street, would undoubtedly detract from our quality of life.

Destroying trees and building a new road will adversely affect many surrounding neighbors as well. What about the runoff from clear-cutting? The slope of the hill should be a genuine concern. Where will the water drain?

Please deny this zoning variance. Do not allow these homes to be built.

Sincerely,

Michael Manto
Lorie Craddock
2637 Jefferson Park Circle
Charlottesville, VA 22903

Dear Mr. Haluska:

I have lived in this neighborhood for 39 years - 20 on Sunset Avenue and the last 19 at 2645 Jefferson Park Circle - at the corner of the Circle and Eton Road. I am saddened, disheartened and dismayed at the prospect of a development of any kind at the end of Eton Road for the following reasons:

- **Tree loss/noise impact:** when I first moved onto Jefferson Park Circle 19 years ago, it was as quiet as one would expect living in an old growth oak forest. As more and more developments have gone in in the County, I 64 traffic noise is a given now as the trees have been cut down. **Please do not take another buffer, both visual and auditory from us.** It will greatly negatively effect the character of this quiet neighborhood on the outskirts of the City limits.

- **Traffic hazards:** there already has been such an increase in traffic in the neighborhood since I have lived here. The Circle and Eton Road are tiny one way streets with on street parking and a favorite walking route and destination for people from all over Fry's Spring and the University, especially with their children and pets. I walk my dog (and previous ones) twice a day - and I no longer stroll, but walk with vigilance as the 15 mph speed limit on Brunswick Road and JPC is never observed! Because of the traffic problem, I choose to keep my 3 cats indoors now, and I worry about my neighbor's outdoor animals. **An increase in traffic would certainly make this problem worse.**

- **Community relations:** on a personal note, I feel that Alex Hancock has done nothing but antagonize neighbor's feelings over the years for various reasons. It offends me that he is bargaining with the City to refuse access for the Rivana River Trail if his project is not approved. If he truly cared about the neighborhood and community, this access would not even be in question. **And now he is asking for our good will and approval - no way!**

And I ask that this be your response, too, and not approve this PUD application.

Thank you for your consideration,

Beverly Harner
2645 Jefferson Park Circle
Charlottesville, VA 22903
434-295-2789
peace-om@earthlink.net

Dear Brian;

Please register my opposition to the PUD which is being considered for 2712 Eton Road. I oppose it on the following grounds:

It would create too much traffic on JPA Circle and Eton Road whose roads are already very small.

Adequate parking is not provided for the PUD in the present plan. Eton Road would be inundated with parked cars.

Increased traffic on JPA and Eton circles would pose safety hazards to the children, dog walkers and other pedestrians who frequent these streets.

How would the community other than Alex Hancock benefit from such a development at this place and at this time?

The PUD would be out of character with the rest of the neighborhood.

Loss of green space would be significant. Noise from 64 would be buffered less.

This kind of subdivision should not be allowed on slopes this steep.

I believe that this parcel of land should not be developed due to its steep slopes and proximity to Moore's Creek and the Rivanna Trail.

Sincerely,
Carol Hendricksen
2706 Eton Road

Hello Mr. Haluska

I am writing to you to say I am NOT in favor of the Eton Road Rezoning. Please do not let this project move forward.

Nine new homes will bring quite a bit of traffic and its accompanying noise to small and narrow Eton Road, and will completely change the nature of this small quiet lane. The increase in traffic will also affect JPA Circle. With all the pedestrians that favor the "circle", having, say, 20 new drivers coming through would also change the nature of the pedestrian experience on the circle. I am one of those pedestrians and always enjoy my walks there.

This is a small piece of property to accommodate so many houses. It seems like denser housing than the existing homes on Eton Road and on the neighboring streets.

I understand there is an issue of critical slope. I have walked the Rivanna Trail which runs through the bottom of this property and I can see that there is quite a slope. Building homes on such a slope is just plain foolish.

There have been so many building projects on the other side of Moore's Creek that have already changed the feel of this part of town, I beseech you and yours to consider keeping this small area green green green, and not allow this rezoning to happen.

Christine Wiedman
Property owner at 2704 McElroy Drive

I oppose the proposed rezoning of the property at 2712 Eton Road.

The project is out of character for the neighborhood, will create traffic problems and generally bring down the surrounding area.

Jim Mustin
2706 Eton Road

Charlottesville, VA 22903, USA
434/906-4239
mustin3000@yahoo.com

2710 Eton Road
Charlottesville, Virginia 22903
VIA EMAIL
September 28, 2010
Mr. Brian Haluska
Neighborhood Planner
City of Charlottesville
City Hall
Charlottesville, Virginia 22902
Re: ZM-10-08-24 Eton Road PUD

Dear Mr. Haluska:

I am writing to you on behalf of myself and my wife, Janet King. We reside at 2710 Eton Road, and our property abuts 2712 Eton Road, the property that is being proposed for rezoning as a PUD. My wife and I moved into our home on Eton Road in 1997. We have resided in Charlottesville since 1990. We also lived in Charlottesville from 1983 to 1987 while I attended the University of Virginia School of Architecture.

I am a licensed landscape architect and my practice focuses on historic preservation. I started my career as a land development planner working for McKee Carson, a local firm, from 1985-1986 and from 1989-1991. I have a good understanding of land development practices through my previous work with McKee Carson including undertaking land planning for projects such as Lake Reynovia, Dunlora, Ivy Creek, and Mill Creek subdivisions in Albemarle County. My current practice, which began in 1991, involves the research, documentation, analysis, and treatment of cultural landscapes including historically-significant designed landscapes such as subdivisions and historic districts.

My wife and I do not support the rezoning of the property as proposed by the applicant.

We oppose the rezoning for the following reasons:

Environmental Protection: Existing Topography, Steep Slopes, Tree Clearing, and Mass Grading:

Much of the subject parcel includes steep slopes as defined by the City. The City has enacted a steep slope ordinance to protect the environment for good reason. The steep slopes of the subject property are a part of a drainage and stream corridor that is covered with mature healthy woodlands and form part of a system of wooded stream corridors within the City. It is vitally important to the community to control water runoff, protect water quality, and to maintain the integrity of undeveloped wildlife habitats in the form of open space systems. The proposed land plan will require mass grading of much of the lot resulting in the disturbance of high quality woodlands on steep slopes abutting and

connected with drainage ways and stream corridors. The substantial system of proposed retaining walls is a clear indication that the proposed development is located on a site that is not conducive to subdividing into 9 lots.

If the City approves the land plan and a steep slope waiver the direct impact may not be major. However, combine this approved plan with other future steep slope waivers and construction within sensitive stream corridors and the cumulative impact could be quite significant. The bar height for steep slope waivers should be very high. Please consider the impact of a steep slope waiver on the future review of land development plans throughout the city. Approval of a waiver for this plan could result in other developers asking for waivers citing the Eton Road PUD as precedence.

Public Safety: Streets and Vehicular and Pedestrian Traffic:

The current street widths of JPA Circle and Eton Road are very narrow with a lack of sidewalks. Residents and visitors routinely parallel park along JPA Circle and Eton Road. Though these conditions contribute to the special historic character of the neighborhood, they also contribute to conditions that pose safety problems. The only route for pedestrians around JPA Circle and Eton Road is within the street. Adults, children, the elderly, people walking pets, and disabled people, all have to move within the streets. In some locations there are no opportunities to move out of the street when vehicles approach owing to parked cars and/or stone retaining walls. When vehicles are moving at a higher rate of speed they pose a danger to pedestrians and bicyclists. The additional vehicle trips generated by the proposed new 9 lots could be considerable and could contribute to the already dangerous situation along JPA Circle as well creating a dangerous condition on lightly travelled Eton Road.

Historic Preservation and Property Values: Historic Neighborhood Character:

The City recently completed a historic resource survey of the Fry's Spring neighborhood (*Fry's Spring Neighborhood Historic Survey*, Informational Book, Department of Neighborhood Services, Research and Inventory by Maral S. Kalbian, History by Margaret T. Peters, July 2010). The study clearly documents the historical development of the area and identifies the contributing buildings and structures to a potential National Register of Historic Places-eligible historic district. The study identifies not only the buildings and structures that contribute to the significance of a potential district, but also other character-defining features and systems. The study identifies the major mature tree cover, the stone wall systems, building setback, outbuildings, and streets and roads. The proposed development will negatively impact both the historic and property values of my home at 2710 Eton Road and the neighborhood.

2710 Eton Road-

My home, 2710 Eton Road, is clearly one of the oldest surviving homes within the Fry's Spring neighborhood. As a rustic camp-style craftsman bungalow, it is highly unique in character with few other examples of this type in the city. The proposed development will diminish the historic setting of my historically-significant home. Eton Road was the original driveway accessing our home. The 2710 Eton Road residence was the garage for

our home prior to subdivision in the 1950s. The proposed land plan will likely result in the demolition or partial demolition of the former garage that served 2710 Eton Road.

2712 Eton Road-

The current house on 2712 Eton Road includes the former garage for our home. The two-car garage was converted into a dwelling likely in the 1950s. The Fry's Spring historical study indicates that outbuildings are important elements of a potential historic district. The PUB rezoning application should be reviewed with an understanding that the new development could result in the demolition of the former garage for 2710 Eton Road. In addition, it's important to note that the sanitary sewer lateral extending from 2710 Eton Road extends into and through 2712 Eton Road, likely owing to the fact that the former garage on 2712 and the dwelling on 2710 were once part of a single parcel with a single owner. The 2712 dwelling and its wooded landscape context should be evaluated for its potential significance as a contributing structure in the potential historic district as part of the review of the rezoning application.

Potential Fry's Spring Historic District-

The 2712 Eton Road rezoning application should be reviewed with an understanding that a potential historic district could include the 2712 Eton Road parcel and other undeveloped parcels and buildings currently not identified in the study as contributing. The study only provides preliminary recommendations regarding contributing resources and a district boundary. It's my professional opinion based on review the evaluation criteria in the National Register of Historic Places bulletin: *Historic Residential Suburbs: Guidelines for Evaluation and Documentation for the National Register of Historic Places* and the statement of significance in the Fry's Spring Historic District study that the original plated lots of the Eton Road subdivision, including the 2712 lot, should be included in an historic district boundary. The boundary should not be driven exclusively by the location of contributing buildings. The undeveloped land areas that form the landscape context for 2710 and other areas of the Eton Road/JPS Circle neighborhood should be identified as contributing character-defining elements of the district. In addition, the mid-20th century homes that are located on Eton Road should be re-evaluated. These vernacular dwellings are a part of the story of the subdividing and development of the neighborhood. *Historic Residential Suburbs: Guidelines for Evaluation and Documentation for the National Register of Historic Places* provides a basis for understanding the possible negative impacts to the historic character of the neighborhood. Following below is an excerpt from this guidance document: "Qualifying physical characteristics, under Criterion C, may be present in the overall plan, the architectural design of dwellings and other buildings, and the landscape design of the overall subdivision or of individual homes, parks, or parkways. Significance under Criterion C requires that the features that mark distinction in planning, architecture, and landscape design remain intact and recognizable.

Organization of space is a key factor in ascribing significance in community planning and landscape architecture. Visible in the general or master plan and aerial photographs, spatial organization is defined by the relationship between design and natural topography, the arrangement of streets and house lots, the arrangement of buildings and landscape

features on each lot, and the provision of common spaces, such as walkways, playgrounds, and parks. The recognition of important local patterns may require examining records held by the local planning or zoning office, the development company, or architectural firms involved with construction, as well as making comparisons with other suburbs in the local area from the same period of time. Significance in landscape architecture may also derive from special features such as a unified program of street lighting or tree plantings; the landscape design of yards, entrance ways, or roadways; the presence of scenic vistas; or *conservation of natural features (author's emphasis).* “

The proposed land plan will result in a substantial intrusive development owing to an out-of character, incompatible new intervention on Eton Road. The proposed development would result in the loss of character-defining distinctive features including altering historic spatial organization that is derived in part from the patterns of buildings, streets, and conserved and/or undeveloped nature areas. Owing to City land development requirements the new roads would not match the character of existing roads and buildings siting, and the developed landscape would likely not match the patterns of development within the JPA and Eton Road areas.

Planning Process:

It is important to note that the applicant has not reached out to me or my wife to discuss his plans or application other than a front-yard conversation with my wife a few days prior to the September 14, 2010, City Planning Commission work session. Even though the Commission recommended at that meeting that the applicant reach out and work with his neighbors, he has not contacted me or my wife.

To the best of my knowledge there are no good-faith interactions with the neighbors to address our collective concerns. At this stage in the process we have no confidence that the applicant will address our concerns. We feel that the plan as proposed will NOT protect our property values, will NOT protect historic structures and the historic character of the neighborhood, and will NOT protect natural systems.

Lastly, it's our position that public safety must be considered as part of the review process recognizing that the 9 new lots will contribute additional traffic to already dangerous streets used by both vehicles and pedestrians. Of all of the issues that this application raises, the issue of safe use of the streets by pedestrians is one of the most important.

Thank you and the Planning Commission members for the opportunity to submit our comments on the proposed plan for rezoning 2712 Eton Road. I would like to thank the City staff and Planning Commission members who visited the subject property and neighborhood, and for speaking and meeting with the residents of the neighborhood.

Please contact me at 434-962-9110 should you have any questions or would like to discuss the proposed rezoning.

Sincerely,
Rob McGinnis

Dear Mr. Haluska,

I am a Charlottesville resident and have been for the past 10 years, having lived in and around C'ville since 1986. I live in the Fry Springs neighborhood and frequently walk the section of the RTF which travels along Moore's Creek, right behind the Eton Road properties. I appreciate the feeling that I can still find a little bit of quiet forested land in the city, which is becoming quite reduced. It seems everywhere you look around town, people are trying to squeeze houses into little spaces, developing as much as possible. On top of obvious ecological issues with building / developing on critical slopes (erosion etc), and in order to protect this little sheltered section of the RTF and the pleasant feeling of solitude which one has when they walk it, I strongly oppose this proposed rezoning request.

Thank you and have a good day,
Michael K. Moore

City Planners,

The Eton Road development will not just affect Eton Rd and JPA Circle but also those living on McElroy Drive like myself. The rural neighborhood character will be destroyed. My backyard view will no longer be of a pristine woods with deer and once a red fox but of 20-30 feet retaining walls. The best part of living here will be gone. The deer have maintained their habits even after the Eagles Landing development occurred but this development will take away the last of their territory here including a favorite thicket in which to bed down.

One of the planners commented the yards will be too small for children to play in and there would need to be a fence along the top of the retaining walls but there would be a path down to Moore's Creek. How sad when my children and the neighborhood children growing up here had a whole woods to play in.

I see nothing in the public interest in order to grant a critical slope waiver for the Eton Rd Development.

Sincerely,
Priscilla Reed
2717 McElroy Drive

2708 Eton Rd.
Charlottesville, Va 22903
Sept. 14, 2010

Dear Mr. Haluska,

I have lived on Eton Road for over 50 years and have been familiar with Jefferson Park Circle, Eton Rd. and McElroy for over 60 years. On the whole the development of this area has been very well done. Why spoil it now.

The extension of Eton Road and the multiple house construction now being planned for property at 2712 will not only destroy the Natural Beauty of the area but also cause drainage and erosion problems for landowners in the area and the City of Charlottesville. Along with the increased traffic problem from increased traffic on Eton Road and Jefferson Park Circle, make this a very unwise development.

I am familiar with the tract at 2712 Eton Rd having surveyed the area some years ago for a previous owner. The topography of the tract does not lend itself to further building. The slopes are too steep and the limited access to the area makes this an unsuitable area for further development.

I ask that all those considering this project think carefully and consider what is best for all in the community and leave Eton Road area as it now is.

Sincerely
Charles J. Witter

2712 Eton Road PUD proposal -- wrong place to develop

Existing neighborhood roads simply aren't adequate to support construction or occupancy of more houses at the end of Eton Road.

Eton Road extends off Jefferson Park Circle. All 10 houses were built at least 60 years ago in a time with fewer cars than today. Some houses lack driveways, so on-street parking is usual. Wherever cars are parked directly across the street from each other, there the street is effectively one-lane. There are no sidewalks, so pedestrians and bicyclists share the road with motorists.

Eton Road once ended in a small circle and this original part contains the first 7 houses. This circle still exists as such, but the street is now extended further down a steep slope to serve the final 3 houses -- including the house on the property proposed for development at 2712 Eton. There is no turnaround at the end of the road, which simply dead ends with a guard rail and is up a steep slope from Moores Creek.

Residents of these 3 houses routinely drive their cars in reverse the last hundred-or-so feet, as turning their cars around after parking would be a several-step, back-and-forth procedure. This includes the owner at 2712, who has the only driveway among those last three houses. This driving in reverse is already somewhat a safety issue for people and pets. These residents also occasionally park their cars further up Eton Road to avoid

driving on that steeper hill and after snowfall. This could likely become the practice of new residents of the proposed 9 houses.

Trash trucks manage to get through now. The snow plow comes late and goes as far down the street as it can manage.

The main route into the neighborhood has a similar street parking congestion and is needfully one-way because it is for practical purposes mostly one-lane. Into the neighborhood, this goes from Sunset Avenue to Brunswick Road to Jefferson Park Circle and onto Eton. Out of the neighborhood, this goes from Eton to Jefferson Park Circle to Park Road to Jefferson Park Avenue (at Fry's Springs Beach Club).

Driving into and around Jefferson Park Circle and down Eton Road is already a problem for car drivers -- and more so for utility and emergency vehicles. Trucks and other construction vehicles would find this at best an uneasy, troublesome route. Again, there are no sidewalks on Jefferson Park Circle or Eton Road. So construction traffic would increase risk to pedestrians and bicyclists. The turn from Jefferson Park Circle onto Eton Road is tight -- a narrow single lane, and often cars parked on either side of the street continues the constriction.

Ark of the Piedmont has a group home at the intersection, at 2642 Jefferson Park Circle. Their on-street parking has never been a problem, and they are good neighbors. A Jaunt mini-bus often makes stops there. It's a great location for the group home without construction vehicles and increased resident traffic.

The only other route has two-way traffic on McElroy Drive and Middleton Lane to Old Lynchburg Road. Though this appears an easier route for construction vehicles to take, where to go next is still a problem: Old Lynchburg Road is winding and planned improvements between Middleton Road and Azalea Park could slow or prevent direct access to 5th Street Extended. Going the other direction on Old Lynchburg, the corner at JPA Extended has a hard right turn which probably couldn't be undertaken by a large truck. This would prevent a route down Harris Street. The upcoming railroad bridge closure at Jefferson Park Avenue will remove that possible route and expose Shamrock Road as an attractive cut through -- though it is another road ill-suited to heavy traffic.

It's unclear whether the current concept plan would provide adequate garage or street parking for residents and their guests. It doesn't look encouraging. And this is completely unknown for any later revised or new plan. Failure to provide this could encourage parking to back up the now-existing street, even without snowfall, making our current situation worse.

The steep dropoff straight at the end of Eton Road dictates the sharp turn onto the proposed new road. Access would be difficult or worse for garbage trucks, emergency vehicles, snow plows, etc. There is no apparent forward-gear turnaround. It would always be cumbersome even for cars and slow and difficult at best for firetrucks.

This is not what we want in a road built today. What is good enough for a shared driveway is not good enough for a city street.

A reasonable estimate is two or more cars per new house. That would be 18 cars added to the Eton Road traffic, more or less doubling it, and it would add incrementally to Jefferson Park Circle, McElroy, and adjacent traffic. Our current traffic and parking problems would become that much worse.

Drivers tend to drive faster on what they perceive as a "through" street. There's every reason to believe that's how the added drivers would approach going up Eton Road. Although a speed bump at the extremity of the existing Eton Road circle might help this, the road grade and storm water drainage needs might make a speed bump there impractical.

All this is easily seen by driving around Jefferson Park Circle and down Eton Road. Please do.

I strongly oppose changing zoning for 2712 Eton Road away from R1. I see only harm if this rezoning is allowed and see no community or neighborhood benefit from allowing this proposal. I ask that you simply deny the request.

Thank you for considering these points and others from the neighborhood. With my wife, I own and live at 2707 Eton Road. Everyone I have talked with about this, on this and neighboring streets, is strongly against the proposed development, except of course the owner at 2712 Eton Road.

Bill Niebel

Dear Planning Commissioners:

I ask that you please consider carefully the Eton Road PUD proposal that is on the agenda for discussion on Tuesday night. As an eighteen-year resident of Eton Road, an architect, and a citizen of Charlottesville who cares deeply about the unique character of our city, I am strongly opposed to this type of development in this neighborhood.

Eton Road is a forested dead-end, off a one-way circle, at the very edge of the city limits. The land beyond the street drops down to Moore's Creek and the Rivanna Trail. The streets in the area are extremely narrow, with no sidewalks. Because of its low traffic, shady character, stone walls, lush landscaping, and varied early to mid 20th-century architecture, it is a magnet for joggers, dog-walkers, and pedestrians from throughout the southern end of the city. There are few places in town like Jefferson Park Circle and Eton Road.

The proposed development would increase traffic on Jefferson Park Circle substantially, and double the traffic on Eton Road, based on the current number of dwelling units. The only access to Eton Road is off the circle. It is a blind curve, that is dangerous with the current traffic flow. The proposal does not offer any off-street parking, nor is there enough road frontage to accommodate the number of vehicles the PUD would bring. Cars would park along Eton and along the community-maintained garden circle where neighborhood children play. Nine additional units would double the traffic (there are ten houses on Eton Road, and one elderly resident doesn't drive). In addition, I have concerns about emergency and utility vehicle access that will be apparent in your review of the Site Plan. To say the additional traffic and parking would impact the neighborhood is an understatement.

The environmental impact of this development would also be enormous. My neighbors and I have seen the proposed Site Plan and it is clear that to create the terracing needed for the building sites and the bio-retention basin, many trees will be cut. At best this development would rely on artificial means to control run-off (these bio-filters are not maintenance free). At worst there will be further run-off into an already sensitive stream. Moore's Creek has already been compromised by our neighbors in the county, who apparently had no problem clear cutting down to the water's edge for the apartment developments on the county side of the creek. If we intend to be a green city, we should worry about following this example. This property is part of a larger urban forest that rings the city and is a vital resource and valued amenity that we all share.

I realize that PUD's create needed city housing, and as an architect, I support density. I have travelled through German cities on a graduate fellowship to study housing, and it is my clear conclusion that high-density promotes good, energy efficient communities. However, one of the greatest benefits of high density urban housing is that it allows for precisely the pockets of natural beauty to be found on Eton Road. This is a beauty that is not just appreciated by property owners, but by anyone walking their dog, going for a bike ride, or children running through the woods down to the creek.

In my opinion, this is simply the wrong development for this property.

Roger Birle
2705 Eton Road

Dear Mr. Santoski,

At your upcoming planning commission meeting you will be faced with a proposal that directly threatens the quality and integrity of the neighborhood that our family has called home since 1992 (and we're still the new family).

Eton Road is a sweet residential circle, located off of Jefferson Park Circle in the Fry's Spring neighborhood. The recently-completed Fry's Spring Neighborhood Historic Survey very neatly summarizes the appeal of this area:

"Its rolling topography, winding streets and generous tree cover along with its distinctive avenue along which the trolley and electric street car line ran have made the Fry's Spring neighborhood a well known landmark among Charlottesville's residents for over 100 years. It is ... a surprisingly vibrant example of suburban development that followed public transportation lines leading to popular outdoor recreation sites. Its significance is greatly enhanced by the availability of detailed information about its residents in city directories, census records, and tax records, making possible an analysis and portrayal of a truly eclectic neighborhood in the period from the last decade of the 19th century to the mid 20th century."

In reviewing the proposed PUD, which would require the demolition of a single-family dwelling to be replaced by a PUD with nine detached homes, I ask that you consider the following factors:

1. The proposed PUD compromises a site with critical slopes, on the edge of Moore's Creek and the Rivanna Trail.
2. Density of this nature is not in keeping with the remainder of the neighborhood, nor is it logical in the heavily forested ring at the city's perimeter.
3. Neither Eton Road nor Jefferson Park Circle have sidewalks and both streets are heavily populated by pedestrians, primarily neighborhood residents but increasingly residents of adjacent, newly-constructed developments seeking a quiet street to walk their dogs and push their strollers. The increased traffic from both construction vehicles and residents would be a true hazard to those who walk in the neighborhood.
4. People in our neighborhood actually walk to work, restaurants, and the University. We send our kids to walk to Fry's Spring Beach Club, the school bus and the city trolley stops. This is all possible because traffic moves slowly and our streets are safe--it is an amazingly successful urban model that developed organically and is continuing to improve.
5. Emergency vehicles, snow plows, garbage trucks, delivery vehicles, and utility trucks all face tremendous challenges working in and around Eton Road as it is now: the proposed PUD would only make matters much, much worse, as the road is narrow and steeply slopes toward Moore's Creek.
6. Eton Road was built as a driveway for a wonderful 1907 Craftsman-style home. The "island" left in the center of the circle has been a play place for generations of neighborhood kids. It was recently landscaped by the city as part of the adopt-a-spot program and continues to be a focal point for neighbors and walkers. Extending Eton Road to a dead-end development would completely alter the character of the circle and increase the speed at which cars move through it, compromising the quality of life and the very nature of our street.

Roger and I will be in attendance at Tuesday's meeting and look forward to hearing the discussion among the board regarding the merits of this proposal. If the city values its existing green spaces, streams, and neighborhoods that are vibrant and safe, I can see no compelling reason to consider approval of this PUD. If you or any of your fellow board members would like to visit Eton Road we would be happy to share with you our very special part of the city.

Thanks for your time and careful consideration,

Ann Lucas
2705 Eton Road
295-0823

Mr. Haluska,

Hello. While my address, 2639 Jeff Pk Cir, it is a corner lot and my driveway comes out on Eton Road.

I am hoping that the Planning Commission will not approve the application. My primary objection is that the plan calls for 9 units. This will essentially double the traffic that will come to Eton Road. The intersection at JPC and Eton is not good both the corner needed to get on Eton and the merge into JPC.

Thanks making it clear to the Commission what the traffic implications of the application are. I have not seen enough of the details of the planned road extension, however, access by emergency and garbage collection vehicles is already difficult and the addition of 9 units with no "turn around" included in the plan seems ill advised.

Thank you,
Worthy Martin

2704 Eton Road
Charlottesville, VA 22903

VIA EMAIL

To: Brian Haluska, Neighborhood Planner

Jason Pearson, Planning Commission Chairman
Kurt Keesecker, Planning Commission Member
Genevieve Keller, Planning Commission Member
Michael Osteen, Planning Commission Member
Dan Rosensweig, Planning Commission Member
John Santoski, Planning Commission Member
David Neuman, Planning Commission Member

Dave Norris, Mayor
Holly Edwards, Vice Mayor
David Brown, Council Member
Satyendra Huja, Council Member
Kristin Szakos, Council Member

Re: ZM-10-08-24 Eton Road PUD

I am writing on behalf of myself, but I believe what I have to say represents the overwhelming sentiment of neighbors, both on Eton Road and in our section of the Fry's Spring Neighborhood. I have lived at 2704 Eton Road since 1989 and raised my three children there as a single mom, always confident that it was a safe and healthy environment for them to play and grow up in, whether in the yard, in the street, or on the circle. That was a great gift, for which I am forever grateful.

Although I am not a practicing attorney, I do have a background in the law. After looking at the proposal and the governing provisions in the Zoning Ordinance and the

Comprehensive Plan, I strongly oppose the development of 2712 Eton Road, for the following reasons.

The application for Eton Road development requests a rezoning in order to obtain maximum profit to the landowner through subdivision to a greater density than is allowed under the current R-1 zoning designation, given the steep slope area on the property, through a PUD which will inevitably require a steep slopes waiver. Under the City Code and under Virginia law, the first question that the City must resolve is whether the standards for rezoning have been met. If, and only if, the standards have been met, then the City must determine whether the PUD standards have been met.¹ It appears to me that the rezoning standard has not been met and that the PUD standards have not been, and cannot be, met and that the application should, therefore, be denied.

The power to zone is part of the police power of the state and, as such, zoning regulations must serve the public interest. This is part of the social compact between the state and its citizens, based on the state's need to protect the public health, safety and welfare, and between citizens, based on the fact that the limitation on one property owner's ability to use his land any way he likes is also a protection because of the reciprocal limitation on his neighbor's property, for their mutual benefit.

Once zoning has been enacted, rezonings, which alter the limitations on either the owner or his neighbor, readjust the social compact and must, therefore, also be justified in the public interest. When a rezoning is by application of a landowner, rather than as part of a

¹Zoning Ordinance § 34-490.

general rezoning by the City, the burden is on the owner to show that the change is justified, by showing either that the existing zoning classification is unreasonable or that conditions have changed so as to make the existing classification inappropriate, and that the change is consistent with the Comprehensive Plan. The City must also consider the effect of the proposed change on the surrounding property and public services.²

Eton Road was downzoned a number of years ago to R-1, the most restrictive residential classification, further limiting the rights of Eton Road owners to use their property freely. Because the rezoning affected all owners equally, there was reciprocity, and it did violate the social compact. The proposed rezoning, by contrast, requests a more intense use by a single property owner. Since the application will serve only the private interests of that owner, while imposing substantial additional burdens on neighbors—not only those on Eton Road, but also on those on the surrounding streets that make up a one-way circle and the alternate exit—without serving any legitimate public interest, it would amount to an unsupportable spot zoning.

Since the zoning was only recently changed, it is hard to see how the current classification could be determined to be inappropriate, particularly since there have been no changes whatsoever in the neighborhood that would render the current classification unreasonable as to that single property. Moreover, the only possible public interests that might conceivably be served would be additional housing, generally, and the proffered easement for the Rivanna trail.

²Zoning Ordinance §§ 34-41 & 34-42.

Neither of these represents a legitimate public interest. At a time when the over-availability of housing stock is driving down property values, additional housing clearly would not serve the general public interest and would directly serve to further devalue Eton Road and other neighborhood homes, particularly those behind the property on McElroy. The issue of the proffered easement related to the Rivanna trail, is should be noted, is actually totally independent from any development of the property and is clearly not based, as it is required to be, on a need that would arise *from the rezoning*.³ It should be noted that the trail has been used by the public for a period in excess of 50 years,⁴ without regard to the owner's permission,⁵ and that it is shown in the Comprehensive Plan as an existing trail.⁶ It should also be noted that the owner himself originally listed the property as having "Rivanna Trail & Moores Creek frontage."⁷

³Va. Code Ann. § 15.2-2297(A) (voluntary proffers of reasonable conditions may be offered, provided that "the rezoning itself must give rise for the need for the conditions").

⁴This has been confirmed by long-time residents of the neighborhood.

⁵Depending on the language in the deeds and the circumstances of trail use, it is possible that a public easement may already exist.

⁶Comprehensive Plan, Figure 6-10.

⁷MLS listing 478465 for 2712 Eton Road. I am informed that the listing gave an asking price of \$999,000. On July 15, 2010, the asking price was reduced to \$844,600 and the wording changed to reference only "Moores Creek frontage." The listing was subsequently dropped and the property taken off the market. On or about August 24, 2010, "No Trespassing" signs were first observed on the property along the Rivanna Trail and Moores Creek, at about the same time that the rezoning application was submitted.

The proposed rezoning, moreover, is not consistent with the Comprehensive Plan. The Comprehensive Plan does not show any intended extension of Eton Road and affirmatively encourages infill in development corridors, while avoiding development in the outlying areas of the City.⁸ Eton Road is one of the farthest outlying areas in the City, situated as it is right at the border with the County. The Comprehensive Plan does not show Eton Road as an area for any proposed changes in zoning or land use⁹ and encourages no upzoning.¹⁰ More importantly, the changes from any development like that proposed would have a significant negative effect on the surrounding properties.

The addition of that many houses would essentially double the number of houses on Eton Road, adding somewhere between 45 and 90 vehicle trips per day to Brunswick Road, Jefferson Park Circle, Eton Road, and Park Road, all of which are part of a one-way circle which consists of a very narrow road with on-street parking and without sidewalks. The rest of the circle and Eton Road are used by City residents—many of whom come from beyond the immediate neighborhood—for walking or jogging, often with dogs and with children in tow or in strollers. As the circle comes to Eton Road, there is a blind corner onto what is essentially a one-way street when cars are parked there,¹¹ which neighborhood children use as a play

⁸Comprehensive Plan, pp. 77-78 (areas in which infill can be encouraged—Eton Road is not within that area); *see also* Figure 6-4 & Chart 2025 Project Listing.

⁹Comprehensive Plan, p. 253.

¹⁰Comprehensive Plan, p. 299.

¹¹This has been illustrated by resident-taken photos.

space. The changes that would occur with the PUD would, in fact, forever change the very character of the neighborhood.

Not only can the applicant not show that his proposal satisfies the rezoning standards, but he also cannot show that it satisfies the PUD standards.¹² Of the ten considerations, the proposal fails to satisfy at least eight. The proposed development is not of equal or higher quality than would be required under the current zoning. It distinctly does not represent an environmentally sensitive design, nor a variety of housing types and/or sizes. It will not be harmonious with the existing uses and character of adjacent properties, nor will it preserve the natural features of the property itself. It is not at a scale appropriate to adjacent neighborhoods, and it does nothing to facilitate access to public transportation.¹³ Also, the proposal does not complement existing development on adjacent properties.¹⁴ Moreover, the proposed open space does not satisfy the requirement that it be for the use and enjoyment of the PUD residents, as required.¹⁵

To the contrary, the proposed development will do significant damage to the natural and historical features of the neighborhood.¹⁶ It will necessitate extensive tree removal, particularly, the oldest, largest trees, which are located primarily on the proposed road and

¹²See Zoning Ordinance § 34-490.

¹³See Comprehensive Plan, Figure 6-7.

¹⁴See Zoning Ordinance § 34-501(b).

¹⁵Zoning Ordinance § 34-493(a).

¹⁶See Rob McGinnis Letter of September 28, 2010, to Mr. Huluska.

housing sites, and extensive modification of the topography, including the critical slopes, with attendant changes in groundwater and stream health.¹⁷ It will remove the existing visual and aural buffer between the neighborhood and the high density development across the county line, as well as the aural buffer from the increasing noise from Route 64, rather than provide a buffer, as required.¹⁸ Because the proposed road width is inadequate for street parking, the development would create an additional parking burden on Eton Road, on which parking is already a problem, particularly when it snows, when cars frequently cannot make it off the street as it now exists. Because the proposed width is inadequate, the turnaround will certainly also be inadequate and will result in an even more difficult situation for public service vehicles, including trash trucks and fire trucks, and could potentially impact school bus routes, which currently do not include Eton Road. Because the Eton Road circle is so narrow and because the road ends with a steep downhill portion, public service vehicles would be forced, not only to back up the hill, as they do now, but to make a turn as they back. Especially when the hill is snow or ice-covered, this presents a major problem.

Not only is this an inopportune time to be adding to the housing stock, as already noted, but there are a number of things in progress that should bear on any development of the property, by whatever proposal. First, the City is currently considering whether to eliminate

¹⁷See Zoning Ordinance § 34-503 (providing that steep slopes on properties zoned for PUDs are to be “left natural and undisturbed,” except for hiking trails, utilities and erosion control devices).

¹⁸Zoning Ordinance § 34-502(c)(1) & (4) (requiring visual separations or buffers and landscaping to minimize the impact of noise from the development).

all waivers on critical slopes. Second, a number of groups and residents are working on establishing a green belt along the Rivanna trail. Third, a study has just been completed on the neighborhood, and the area is eligible as a potential historic district.

Eton Road is an important part of the historic character of the Fry's Spring neighborhood and a wonderful example of good planning. The Eton Road developer worked with the terrain, placing the homes around a circle on the ridge, while preserving the natural features, including the trees and the slopes. The applicant's property was configured as it was because it was largely unbuildable due to the steep slopes—not in order to provide for future development. Particularly with the elimination of steep slope waivers under consideration and the housing market overstocked, this is no time to approve this project, even if it were otherwise advisable, which it clearly is not.

Jefferson Park Circle and Eton Road, along with Brunswick and Park roads, make up one of the City's jewels. Not only do people want to live in this little neighborhood, but people from the larger area use and enjoy these streets as a public park of sorts. The proposed development would forever change the character of the neighborhood, and the neighbors, therefore, strongly oppose it.

Thank you for the opportunity to share perspectives from the neighborhood.

Sincerely,

Dora Vivaz

Jim Tolbert, AICP
Director, Neighborhood Development Services

Brian Haluska, AICP
Neighborhood Planner

October 4, 2010

We are submitting the attached petition opposing ZM-10-08-24 Eton Road PUD Rezoning. Please include it in your staff analysis to the Planning Commission leading up to its October 12 meeting and its consideration there of this rezoning request. The petition signatures were collected in about 48 hours and are from the closest streets to the proposed development: Eton, McElroy, Troost, Marion, Brunswick, Park, and Jefferson Park Circle.

The 83 signatures include 3 by email. Those email messages are included after the pages with signatures. All of the signatures are from current residents and/or property owners, except for 2 from former residents.

We plan to continue the petition at a relaxed pace and in a wider coverage, and to present the additional signatures to the Planning Commission at the October 12 meeting.

Thank you for passing along to the Planning Commission this show of opposition to the proposed rezoning.

A handwritten signature in black ink, appearing to read "W. Niebel, Jane C. Smith". The signature is written in a cursive style with a large, sweeping flourish at the end.

William Niebel and Jane C. Smith
2707 Eton Road

In Opposition to Rezoning & Development at 2712 Eton Road

We the undersigned oppose the proposed rezoning of 2712 Eton Road to Planned Unit Development (ZM-10-08-24). We also oppose a waiver of the Critical Slope ordinance for either P.U.D. or by-right development at that address. We ask that the Charlottesville Planning Commission reject the rezoning application and deny the waiver.

	Address	Signature	Please Print Name
1	2708 Eton Rd	Charles J. Witter	Charles J. Witter
2	2709 Eton Rd.	Rev. Sarina Meyer	Rev. Rev. Sarina Meyer
3	2707 Eton Rd	Jane C. Smith	Jane C. Smith
4	2645 Jefferson PK Cir	Beverly D. Harner	Beverly D. Harner
5	2704 Eton Rd	Dora Vivaz	DORA VIVAZ
6	2710 ETON RD	Janet King	Janet King
7	2705 Eton Rd	Ann M. Lucas	Ann M. Lucas
8	2717 McELROY DR.	Priscilla A. Reed	PRISCILLA A. REED
9	2607 Jefferson Park Circle	Margaret P. King	Margaret P. King
10	2607 Jefferson Park Circle	James F. King, Jr.	James F. King, Jr.
11	2705 ETON RD.	Roger L. Birle	ROGER L. BIRLE
12	2710 ETON ROAD	Robert McBlinnis	ROBERT MCBLINNIS
13	2706 Eton Rd	Jim Mustin	Jim Mustin
14	2706 Eton Rd	Carol Hendricksen	CAROL HENDRICKSEN
15	2709 Eton Rd	Dr. Brett Meyer	Dr. Brett Meyer
16	2637 JEFFERSON Park Circle	Michael J. Manto	Michael J. MANTO
17	2617 JEFFERSON PARK CIR.	Sallah Baloch	SALLAH BALOCH
18	2617 JEFFERSON PK CIR	Lou Baron	LOU BARON
19	2619 JEFFERSON PK CIR	Bill Rowland	Bill Rowland
20	2625 Jefferson Park Circle	Andrew Sweathern	Andrew Sweathern
21	2666 Jefferson Park Circle	Elena R. Speidel	Elena R. Speidel
22	2639 Jefferson Park Circle	W.N. Martin	W.N. MARTIN
23	2672 JEFFERSON Park Circle	Walter B. Sallee, Jr.	WALTER B. SALLEE, JR.
24	2707 Eton Road	W. Niebel	William Niebel
25	2707 Eton Road	William Niebel	William Niebel

In Opposition to Rezoning & Development at 2712 Eton Road

We the undersigned oppose the proposed rezoning of 2712 Eton Road to Planned Unit Development (ZM-10-08-24). We also oppose a waiver of the Critical Slope ordinance for either P.U.D. or by-right development at that address. We ask that the Charlottesville Planning Commission reject the rezoning application and deny the waiver.

	Address	Signature	Please Print Name
1	2605 Jefferson Park Circle	Emily Cone Miller	EMILY CONE-MILLER
2	2610 Jefferson Park Circle	Patricia Coffin	Patricia COFFIN
3	2603 Jefferson Park Circle	Patricia Phipps	Patricia Phipps
4	2603 Jefferson Park Circle	Steve Phipps	Steve Phipps
5	2616 Jefferson Park Circle	James E. Norton	James E. Norton
6	2616 JEFFERSON PARK CIRCLE	Phillip Beard Eastham	PHILLIP BEARD EASTHAM
7	2677 Jefferson Park Circle	Jean B. Lee	Jean B. Lee
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	Address	Signature	Please Print Name
1	2704B ETON ROAD	Ward L. Foeller	WARD FOELLER
2	2637 JP Circle	Lorie L. Craddock	LORIE L. CRADDOCK
3	2649 JP Circle	Amber Cohen	AMBER COHEN
4	2652 JP Circle	Dede Smith	DEDE SMITH
5	"	Tim Wilson	TIM WILSON
6	2625 Jefferson Park Cir.	Larissa Sneathern	LARISSA SNEATHERN
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	Address	Signature	Please Print Name
1	2734 McElroy Dr.	Hannah Edelén	HANNAH EDELEN
2	2736 McElroy Dr	Bryan Eckert	Bryan Eckert
3	2735 McElroy Dr	Josh McAdams	JOSEPH McADAMS
4	2735 McElroy	Doug McAdams	Doug McAdams
5	2742 McElroy Dr	Richard Tollens	Richard Tollens
6	2742 McElroy Drive	Melissa Poelling	Melissa Poelling
7	122 Park Rd	Ben Feiner	BEN FEINER
8	122 Park Rd	Emily B. Feiner	Emily B. Feiner
9	2608 Jeff Park Circle	Kathi Brown	Kathi Brown
10	2633 Jeff Park Cir.	Howard Evergreen	Howard Evergreen
11	2633 Jeff Park Cir	Janet Evergreen	Janet Evergreen
12	2605 Jeff Park. Cir.	Tony Field	Tony Field
13	2521 Brunswick Rd	Sue K. Buckner	SUE K. BUCKNER
14	2511 Brunswick Rd	Kenee Fuller	Kenee Fuller
15	2509 Brunswick Rd	Stephen Pfleiderer	Stephen Pfleiderer
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	Address	Signature	Please Print Name
1	2701 McElroy Drive	Steve Harris	Steve Harris
2	2704 McElroy Drive	Christine Wiedman	Christine Wiedman
3	2704 McElroy Drive	Tang Tang	TANG TANG
4	2706 McElroy Dr.	Beverly Amato	BEVERLY AMATO
5	2712 McElroy Dr	Fannie Johnson	FANNIE JOHNSON
6	106 Troost Court	Indraneel Samanta	INDRANEEL SAMANTA
7	106 Troost Court	Jessie Mckercher	Jessie Mckercher
8	2700 McElroy Dr	Andrew Krachak	Andrew Krachak
9	104 Troost Ct	Michaela Foky	Michaela Foky
10	102 Troost Ct	Rita Kieffer	Rita Kieffer
11	104 Troost Ct	Anne Foky	ANNE FOKY
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	Address	Signature	Please Print Name
1	2717 McElroy Dr	Jennifer A Reed	Jennifer A Reed
2	2718 McElroy Dr	Debra L. Guy	Debra L. Guy
3	2718 McElroy Dr.	Meredith Wolnick	Meredith Wolnick
4	2719 McElroy Dr	Virginia Dodd	Virginia Dodd
5	" "	Calvin E. Todd	CALVIN E. TODD
6	2725 McElroy Dr.	Ann S. Lhospital	Ann S. Lhospital
7	2725 McElroy Dr.	Dean Lhospital	Dean Lhospital
8	2729 McElroy Dr.	Virginia E. Parr	VIRGINIA E. PARR
9	2734 McElroy Dr	David Kithley	DAVID KITHLEY
10	2730 McElroy Dr.	Joseph M. Goldsmith	JOSEPH M. GOLDSMITH
11	2722 McElroy Dr	Ann S. Holmes	ANN S. HOLMES
12	2711 McElroy Dr.	R.J. Robinson	R.J. Robinson
13	2712 McElroy Dr	George Simpson	GEORGE SIMPSON
14	2715 McElroy Dr	Betty Decker	Betty Decker
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	Address	Signature	Please Print Name
1	2628 Jefferson Park Circle	<i>Nicole Franco</i>	Nicole Franco
2	2525 Jefferson Park Circle	<i>Kirt von Dapke</i>	Kirt von Dapke
3			
4			
5	2702 Eton Road former residents of 2709 Eton	for + on behalf of Sonja A. Casero <i>Jane Smith</i>	Sonja A. Casero
6		for + on behalf of Jennie Doberne & Nadav Rokach <i>Jane Smith</i>	Jennie Doberne & Nadav Rokach
7			
8	Please		
9	See attached emails from these 3 people		
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From: sonjac@cstone.net
Subject: **Re: A Petition in Opposition to Rezoning & Development at 2712 Eton Road**
Date: October 3, 2010 3:05:46 PM EDT
To: "Jane Smith" <celastrina@comcast.net>

>Hi Jane:

You are welcome to sign for me, just sign your name, for and on behalf of Sonja A. Casero.

As my husband Bill Niebel predicted in his email to the list on Sept.
> 27, we are circulating a petition in the Jefferson Park Circle
> neighborhood this weekend. We made our first pass on the circle
> around noon today, and got quite a few signatures, but also missed a
> lot of you. Bad timing. We left informational flyers at some houses
> with our phone numbers on them, offering to return so that you could
> see the petition and decide whether to sign.

> Here is what the petition says:

> -----
> In Opposition to Rezoning & Development at 2712 Eton Road
>
> We the undersigned oppose the proposed rezoning of 2712 Eton Road to
> Planned Unit
> Development (ZM-10-08-24). We also oppose a waiver of the Critical
> Slope ordinance for
> either P.U.D. or by-right development at that address. We ask that
> the Charlottesville
> Planning Commission reject the rezoning application and deny the waiver.

> -----
>
> We are circulating the petition and distributing the flyer to
> Jefferson Park Circle, Brunswick, Park, Eton, McElroy, Marion Court,
> and Troost. Sunday night, we'll scan the signatures we have by then.
> Monday morning, we'll hand-deliver the original pages to Brian
> Haluska, and then send page images to him, Planning Commission, and
> City Council. We can present at the Planning Commission meeting on
> October 12 the remaining signatures we get later on.

>
> If we missed you and you want to sign the petition, please call my
> home at 293-3101, and I will bring it straight to you for your
> signature.

> Thanks,

> Jane C. Smith
> 2707 Eton Road

>

attachment 1 JS

From: Jennie Doberne <jcd2v@virginia.edu>
Subject: **Re: A Petition in Opposition to Rezoning & Development at 2712 Eton Road**
Date: October 3, 2010 4:34:04 AM EDT
To: Jane Smith <celastrina@comcast.net>

Dear Jane,
I can't sign in person (not in Virginia right now), but would like to add the following names to the petition:

Jennie Doberne, Doctoral Candidate, University of Virginia email: jenniedoerne@yahoo.com
Nadav Rokach, Architect, De-Haas Architects (Tel Aviv) email: roknad@yahoo.com

Many thanks, and good luck!

Jennie

On Sat, Oct 2, 2010 at 3:13 PM, Jane Smith <celastrina@comcast.net> wrote:
As my husband Bill Niebel predicted in his email to the list on Sept. 27, we are circulating a petition in the Jefferson Park Circle neighborhood this weekend. We made our first pass on the circle around noon today, and got quite a few signatures, but also missed a lot of you. Bad timing. We left informational flyers at some houses with our phone numbers on them, offering to return so that you could see the petition and decide whether to sign.

Here is what the petition says:

In Opposition to Rezoning & Development at 2712 Eton Road

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If we missed you and you want to sign the petition, please call my home at 293-3101, and I will bring it straight to you for your signature.

Thanks,

Jane C. Smith
2707 Eton Road

attachment 2 JS

3. 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) with a proffer for a trail easement to the City along Moore’s Creek. 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. Haluska presented the staff report.

Mr. Keesecker asked about the existing home adjacent to the property. Mr. Huja was interested in the percentage of open space proposed in the PUD.

Ashley Cooper, representing the proposal on behalf of the applicant, Alex Hancock, provided a powerpoint presentation detailing the proposal. The applicant utilized the presentation to offer Commissioners and the public an opportunity to see the differences between a PUD design and by-right design.

Mr. Pearson opened the public hearing.

Ms. Dora Vivas, 2704 Eton Road, described the uniqueness of Eton Road and also addressed those in the audience opposed to this proposal.

Mr. Charles Witter, 2708 Eton Rd., requested denial of this proposal due to the negative impact this development would have on the neighborhood.

Ms. Ann Lucas, 2705 Eton Rd., questioned the development pattern and its inconsistency with the surrounding architecture.

Jane Smith, 2707 Eton Rd., spoke on the health of Moore’s Creek and the harmful effects this development would create.

Bill Niebel, 2707 Eton Rd, presented an overview of why the neighborhood seeks denial of this proposal.

James King, 2607 Jefferson Park Circle, believes traffic volume will degrade the neighborhoods walkability.

Peggy King, 2607 Jefferson Park Circle, echoed Mr. King’s traffic concerns.

Carol Hendrickson, 2607 Eton Rd, was concerned about traffic safety and parking congestion
Dede Smith, 2652 Jefferson Park Circle, also highlighted the threat development would have on the health of Moore's Creek.

Eric Gelker, 2421 Jefferson Park Ave, encouraged the Commission to consider mistakes made from past planned unit developments when reviewing this proposal.

Brian Hogg, 2611 Jefferson Park Circle, opposed to this proposal, however, was not completely opposed to development on this property.

Jean Lee, 2622 Jefferson Park Circle, was adamant about protecting the uniqueness and charm of the neighborhood.

Betty Mooney, 201 Sunset Ave, believed this proposal was not appropriate for the neighborhood.

Dan Grogan, 2649 Jefferson Park Circle, asked the Commission to consider the detriment to the neighborhood approving this PUD would create.

Joe Mooney, 201 Sunset Ave, expressed reservations on trusting staff analysis of steep slopes.

With no one else wishing to speak to the matter, Mr. Pearson closed the public hearing and called for discussion among the Commissioners.

Commissioners asked various questions regarding by-right development (traffic increase, slope requirements). Mr. Haluska clarified all lots have to fall outside the critical slope boundary and prove no disturbance of slopes.

Mr. Santoski believed the request for PUD is not justified because the application does not prove a substantial difference to a by-right use.

Mr. Osteen believed better design would come from a PUD, but this application did not suggest a rezoning to PUD would produce better results than a by-right. He also expressed frustration with the current zoning regulations and the poor design that stem from certain code regulations.

Ms. Keller did not believe this application provided a strong enough argument for a rezoning. She was disappointed in the lack of involvement between the applicant and the community. She

thought working with the neighborhood would serve the applicant well in moving forward. She noted that the site has significant characteristics that warrant a design that responds to those characteristics.

Mr. Rosensweig echoed his previous Commissioners' opinions and felt the applicant had not identified a justified need for the PUD.

Mr. Keesecker did not believe this proposal met the guidelines for approval and provided critique on the design of the PUD proposal.

The Commissioners all agreed that this rezoning would not be approved unless the applicant submitted a substantially different proposal.

The applicant requested deferral.

Mr. Pearson requested the resubmittal provide more concrete analysis of a by-right development.

CITY OF CHARLOTTESVILLE
DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES
PLANNING COMMISSION



PRELIMINARY DISCUSSION:
PLANNED UNIT DEVELOPMENT

Author of Memo: Brian Haluska, Neighborhood Planner

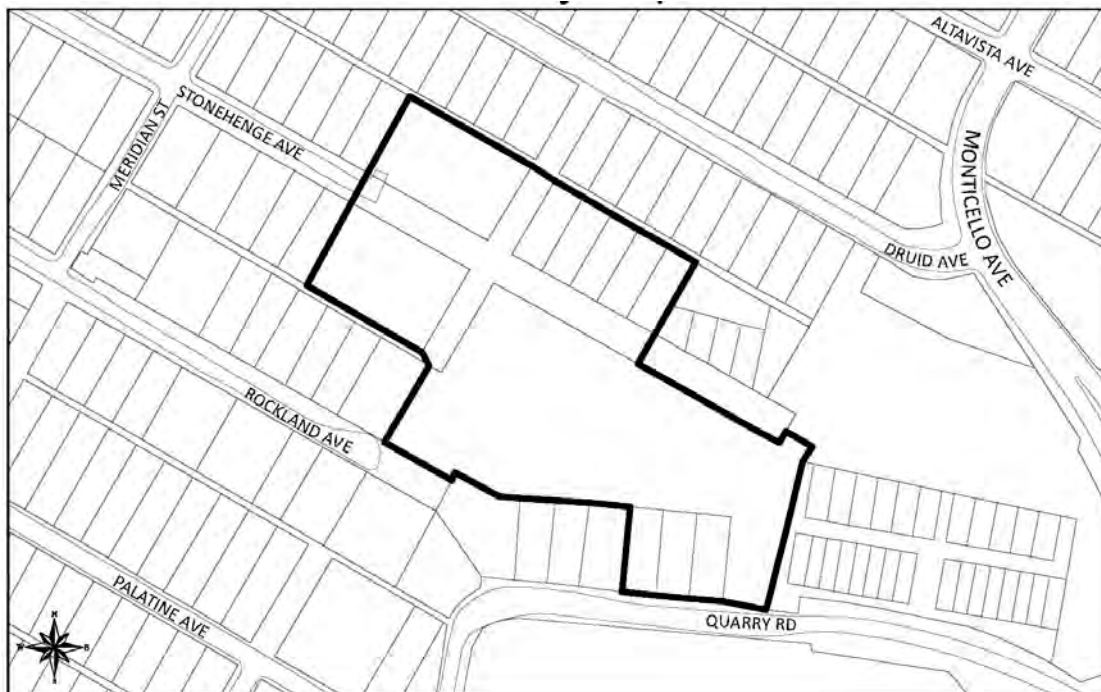
Date of Meeting: May 8, 2012

RE: Stonehenge Avenue PUD

Background

Justin Shimp, PE; acting as the agent for contract purchaser Simeon Investments, has submitted the following application to rezone 5.53 acres comprised of Tax Map 60, Parcels 81.8, 91, 120, 120A, 120B, 120C, 121, 122.4, 122.5, 122.6, and 122.7 from **R-1S to PUD**. The conceptual plan provided by the applicant shows 29 new single-family residential units.

Vicinity Map



Preliminary Analysis

Reason for PUD

The applicant proposes “to create a more environmentally friendly development than would be possible with a by-right plan”.

Open Space

The applicant shows 37.0% open space.

Density

The overall density of this phase of the development would be 5.24 dwelling units an acre.

Parking

The applicant does not show how parking would be accommodated on the road. The development would be required to provide 1 space per unit, accommodated either in a driveway or garage.

Public Input

Staff has received several comments on the project in advance of the preliminary discussion. Several residents of the neighborhood expressed concern that the development will feature large houses on small lots that is not in keeping with the character of the surrounding neighborhood. At least one resident raised the concern that the traffic generated by the development would exacerbate problems at the existing intersections of Monticello Avenue and Druid Avenue or Monticello Avenue and Quarry Road.

One member of the public expressed support for the proposal, and hoped that additional housing types beyond single-family detached might be incorporated into the design.

Attachment

Conceptual plan

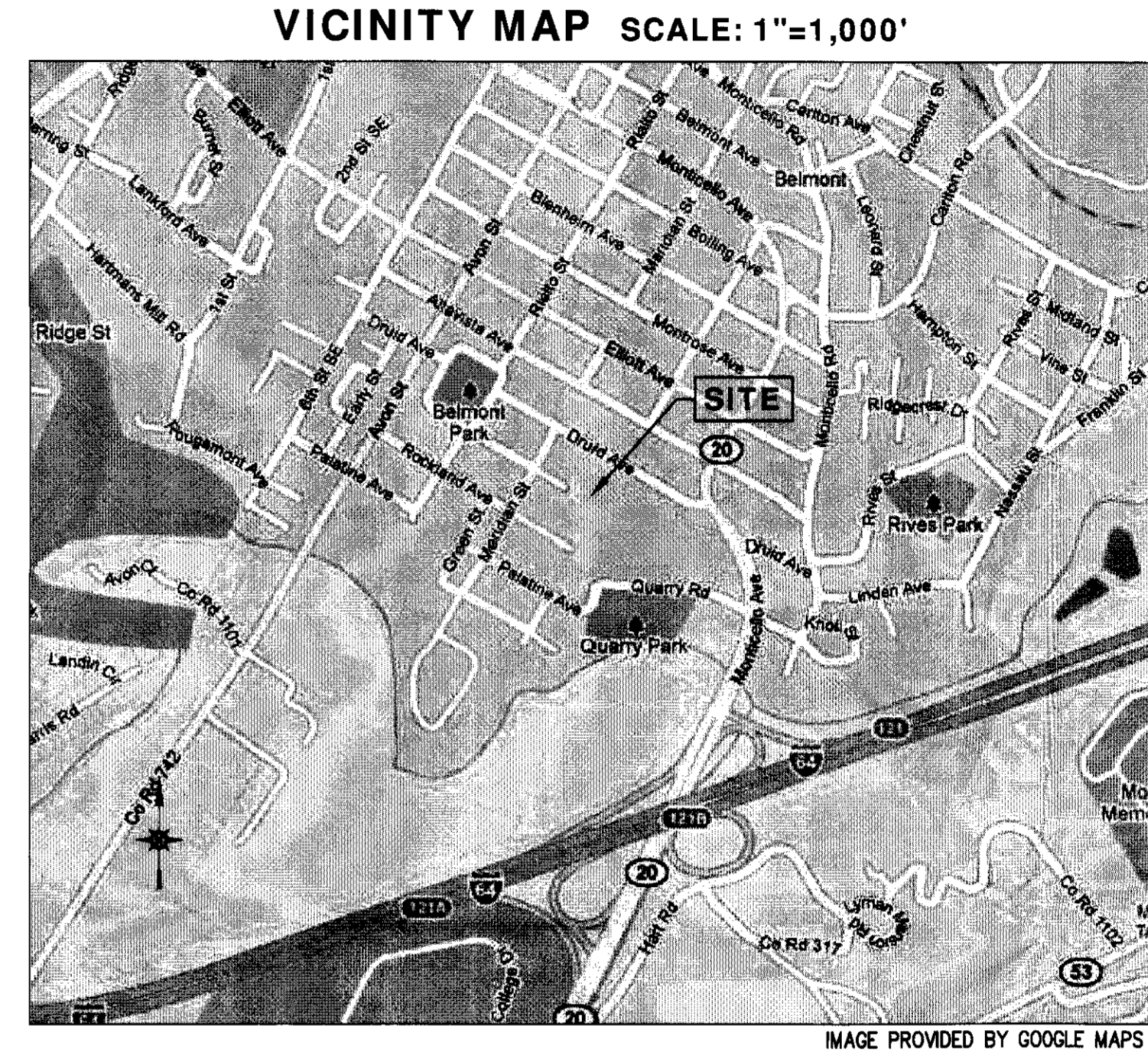
ZONING MAP AMENDMENT FOR STONEHENGE AVENUE EXT.

TAX MAP 60, PARCELS 81.8, 90, 120, 120A-C, 121, & 122.4-7
CITY OF CHARLOTTESVILLE, VIRGINIA

ADJACENT PARCELS WITHIN 500' OF SITE

TAX MAP & PARCEL #	ADDRESS	OWNER NAME	ZONING
590300000	818 ALTAVISTA AVE	COLLINS, ELWOOD L & LUCILLE G	R-1S
590301000	817 DRUID AVE	KNIGHT, EDWARD M & SYLVIA H	R-1S
590302000	815 DRUID AVE	TRODDEN, RICHARD & NORA	R-1S
590303000	813 DRUID AVE	ROBERTSON, GOODWIN B	R-1S
590313100	808 DRUID AVE	WHITE, LAVENDER J JR & MARY T	R-1S
590314000	DRUID AVE	CORDANO, PHILIP M & INGRID M	R-1S
590315000	814 DRUID AVE	TEMPLETON, STEPHEN & HANNAH BESSELL	R-1S
590316000	816 DRUID AVE	GARRISON, NETTIE W	R-1S
590317000	817 STONEHENGE AVE	NEULAND, DONALD J & EVA L	R-1S
590318000	815 STONEHENGE AVE	SHIFFLETT, ROGER LEE & CAROLYN S	R-1S
590319000	813 STONEHENGE AVE	MORRIS, JOSEPH E & VIVA B	R-1S
590320000	811 STONEHENGE AVE	SCLATER, BETTY E & BETTY J HERRING	R-1S
590330000	812 STONEHENGE AVE	LIVELY, LOUISE M	R-1S
590332000	816 STONEHENGE AVE	DE BAUN, CHRISTIAN C & ROCHELLE R PULL	R-1S
590333000	818 STONEHENGE AVE	WALKER, WILLIAM E SR & DAISY A	R-1S
590334000	819 ROCKLAND AVE	GAYLORD, DONALD A	R-1S
590335000	817 ROCKLAND AVE	GENTRY, WALTER D & BETTY M	R-1S
590336000	ROCKLAND AVE	ROSELIUS, MARILYN JOAN	R-1S
590337000	813 ROCKLAND AVE	BINGLER, ROBERT F & PATRICIA G	R-1S
590348000	1500 GREEN ST	DUDLEY, PEARL M	R-1S
590348100	1502 GREEN ST	GENTRY, DAVID R & LYNETTE B NARCISO	R-1S
590349000	1504 GREEN ST	BRANCH, NORMAN W	R-1S
600066000	900 ALTAVISTA AVE	NAPPI, ANTHONY L, III	R-1S
600067000	902 ALTAVISTA AVE	GARRISON, CATHERINE E	R-1S
600068000	904 ALTAVISTA AVE	GARRISON REAL ESTATE, LLC	R-1S
600070000	908 ALTAVISTA AVE	GARRISON REAL ESTATE, LLC	R-1S
600071000	910 ALTAVISTA AVE	MARSHALL, HARRY S & PATSY	R-1S
600072000	912 ALTAVISTA AVE	PIPPIN, SUSAN G	R-1S
600073000	914 ALTAVISTA AVE	RUSHING, DEBORAH S	R-1S
600074000	916 ALTAVISTA AVE	FABIO, CRAIG A	R-1S
600075000	918 ALTAVISTA AVE	SACRE, THOMAS M, SR, LIFE ESTATE	R-1S
600076000	901 DRUID AVE	EPPARD, RAYMOND R & ETHEL D	R-1S
600076100	903 DRUID AVE	MAYO, BOBBY GENE & SHELBY G, LIFE ESTATE	R-1S
600076200	905 DRUID AVE	EPPARD, RAYMOND R & ETHEL D	R-1S
600076300	907 DRUID AVE	EASTON, FRED J & LOUISE K	R-1S
600076400	909 DRUID AVE	BREEDEN, ARNOLD R	R-1S
600076500	911 DRUID AVE	BLEAKLEY, JAMES F & MEGAN S	R-1S
600076600	913 DRUID AVE	GERMERSHAUSEN, BARBARA ANNE	R-1S
600076700	915 DRUID AVE	LANG, CARY L	R-1S
600076800	917 DRUID AVE	BEDDOW, WILLIAM & OLLIE, LIFE ESTATES	R-1S
600076900	919 DRUID AVE	LYNCH, MARTHA J	R-1S
600077000	900 DRUID AVE	HERRING, FLOYD L & SIDNEY B	R-1S
600078000	902 DRUID AVE	DEANE, BRENDA	R-1S
600079000	DRUID AVE	EVERETT, C E & BETTY H	R-1S
600080000	DRUID AVE	EVERETT, CLAUDE E & BETTY H	R-1S
600081000	908 DRUID AVE	MASSEY, MICHAEL & PATRICIA ANDERSON	R-1S
600081100	910 DRUID AVE	ULLRICH, WILLIAM & KRISTIN LINK	R-1S
600081200	912 DRUID AVE	PURICELLI, VIVIAN S	R-1S
600081300	914 DRUID AVE	DIX, MARTHA G	R-1S
600081400	916 DRUID AVE	VANDEVER, THOMAS J	R-1S
600081500	918 DRUID AVE	MILLER, STEVEN M & SHERYL H	R-1S
600081600	909 STONEHENGE AVE	AUST, NANCY I	R-1S
600081700	911 STONEHENGE AVE	AUST, NANCY I	R-1S
600082000	907 STONEHENGE AVE	WALSH, KATHLEEN A	R-1S
600083000	905 STONEHENGE AVE	MIDTHUM, BILLIE ANN	R-1S
600084000	903 STONEHENGE AVE	OLIVA, DONALD E & TAMMI J	R-1S
600085000	901 STONEHENGE AVE	LAHENDRO, JOSEPH D	R-1S
600086000	900 STONEHENGE AVE	WIDMER, DANIEL J & CANDACE B	R-1S
600087000	904 STONEHENGE AVE	ELLIOTT-GRAHAM, DELORES & MURRIEL	R-1S
600088000	906 STONEHENGE AVE	COUSAR, LAUREN M	R-1S
600089000	908 STONEHENGE AVE	DATTA, NICOLA C I	R-1S
600090000	910 STONEHENGE AVE	BECK, JAMES E & CHRISTINE P	R-1S
600095000	919 ROCKLAND AVE	HONAKER, RACHEL K, TRUSTEE	R-1S
600096000	917 ROCKLAND AVE	KOVARIK, BRENDA BURGESS	R-1S
600097000	915 ROCKLAND AVE	GENTRY, WALTER D & BETTY M	R-1S
600098000	913 ROCKLAND AVE	DOWELL, DORIS J	R-1S
600099000	911 ROCKLAND AVE	WARD, THOMAS G, JR & MAREN E	R-1S
600100000	909 ROCKLAND AVE	GARRISON, CATHERINE E	R-1S
600101000	905 ROCKLAND AVE	FOX, WILLIAM E JR & LINDA M	R-1S
600103000	1408 MERIDIAN ST	WOODSON, EMMA JANE	R-1S
600104000	1410 MERIDIAN ST	DUTOI, BRIAN CHARLES	R-1S
600105000	900 ROCKLAND AVE	SELLERS, ERIC W & JILL R	R-1S

TAX MAP & PARCEL #	ADDRESS	OWNER NAME	ZONING
600107000	906 ROCKLAND AVE	LUGAR, MICHAEL D, JANICE C & KARA M	R-1S
600108000	908 ROCKLAND AVE	MATHENY, CAROLYN V	R-1S
600109000	914 ROCKLAND AVE	GENTRY, WALTER D & BETTY M	R-1S
600110000	916 ROCKLAND AVE	GENTRY, WALTER D & BETTY M	R-1S
600111000	918 ROCKLAND AVE	GIBSON, ANNIE M	R-1S
600112000	1000 ROCKLAND AVE	POWELL, LARRY W	R-1S
600114000	423 QUARRY RD	RESULTS REAL ESTATE, INC	R-1S
600115000	421 QUARRY RD	CRAWFORD, WAYNE C & PATRICIA ANN	R-1S
600116000	419 QUARRY RD	CRAWFORD, PATRICIA ANN	R-1S
600117000	417 QUARRY RD	WOOD PROPERTY INVESTMENTS, LLC	R-1S
600118000	415 QUARRY RD	FLAVIN, PHILLIP L	R-1S
600122000	1000 DRUID AVE	BUTTNER, ERNEST E & PAULINE E	R-1S
600122100	1002 DRUID AVE	LILLY, LINDA K	R-1S
600122200	1004 DRUID AVE	SPEER, KIMBERLY L	R-1S
600122300	1006 DRUID AVE	HENNINGAR, MICHAEL H & KATRINA V	R-1S
600123000	1008 DRUID AVE	ZIEGLER, MARLA M	R-1S
600124000	1010 DRUID AVE	AUTEN, WILLIAM W & HOLLY H	R-1S
600124100	1012-A DRUID AVE	STEELE, MARIE C	PUD
600124200	1012-B DRUID AVE	PASTORE, EDWARD & ELIZABETH BRILLIANT	PUD
600124300	1012-C DRUID AVE	TOBIAS, AVROM & PEGGY	PUD
600124400	1012-D DRUID AVE	BROOM, CHRISTOPHER & CANDACE BURTON	PUD
600124500	1012-E DRUID AVE	ROBINSON, GERARD F & ANNE J HALE	PUD
600124A00	DRUID AVE	BELMONT RESIDENCES HOMEOWNERS ASSOC, INC	PUD
600125000	1014 DRUID AVE	FLETCHER, KRISTEN M	R-1S
600125A00	1016 DRUID AVE	THOMAS, ANDREW & KATHLEEN MUELLER	R-1S
600127000	1019 DRUID AVE	HARRIS, LANDON & SUZANNE	R-1S-EC
600127100	1015 DRUID AVE	GAFFNEY, NORA ALI	R-1S
600127200	1017 DRUID AVE	TAYLOR, RALPH E SR & ELSIE	R-1S
600128000	1013 DRUID AVE	WOOD, LYNWOOD DALE & CANDACE M	R-1S
600129000	1009 DRUID AVE	MEYER, KRISTIN K	R-1S
600129100	1005 DRUID AVE	CRUICKSHANK, JOHN & BARBARA	R-1S
600129200	1003 DRUID AVE	WOOD, WILLARD COLES JR & EDITH M	R-1S
600129300	1011 DRUID AVE	HENAO, IVAN D & JEANNETTE R HALPIN	R-1S
600129400	1007 DRUID AVE	KING, JOHN H	R-1S
600130000	1001 DRUID AVE	MATHIS, CASSANDRA MARIE	R-1S
600131000	1000 ALTAVISTA AVE	MEGAHAN, SCOTT & CAROLINE	R-1S
600131A00	1002 ALTAVISTA AVE	HUGHES, DAVID L & JEANNETTE A	R-1S
600132000	1006 ALTAVISTA AVE	PATRAS, JAMES	R-1S
600132100	1004 ALTAVISTA AVE	H P RENTAL PROPERTIES LP	R-1S
600133000	1008 ALTAVISTA AVE	CTM, LLC	R-1S
600134000	1016 ALTAVISTA AVE	NORTON, CHARLES W, III & JESSICA J	R-1S-EC
600134100	1012 ALTAVISTA AVE	GARRISON REAL ESTATE, LLC	R-1S
600134200	1010 ALTAVISTA AVE	AYERS, ASHLEY L	R-1S
600134300	1014 ALTAVISTA AVE	NORTON, CHARLES W, III & JESSICA J	R-1S-EC
600233000	1100 ALTAVISTA AVE	SPRADLIN, BONNIE & LAWRENCE MARSHALL, JR	R-1S-EC
600233000	1104 ALTAVISTA AVE	BLAKELY, VIRGIE M, LIFE ESTATE	R-1S
600252100	1600-12 MONTICELLO AVE	ONE SIX HUNDRED, LLC	HW-EC
600252200	QUARRY RD	BELMONT VILLAGE OWNERS ASSOCIATION, INC	HW
6002522A0	373 QUARRY RD	HEIDEBRINK, KELLI D	HW
6002522AA	321 QUARRY RD	JORGENSEN, EARL V & CINDY M	HW
6002522B0	371 QUARRY RD	LEE, KENYA C	HW
6002522C0	369 QUARRY RD	CLARKSON, JAMES & KRISTEN KANIPE	HW
6002522D0	367 QUARRY RD	SHIN, KYUNGMIN	HW
6002522E0	365 QUARRY RD	SELLER, NAN W	HW
6002522F0	363 QUARRY RD	CHEW, ERIC M & SUSAN M	HW
6002522G0	345 QUARRY RD	CALLAN, ANDREW T, III	HW
6002522H0	343 QUARRY RD	SELINGER HOMES, INC	HW
6002522I0	341 QUARRY RD	SELINGER HOMES, INC	HW
6002522J0	339 QUARRY RD	JORGENSEN, EARL V & CINDY M	HW
6002522K0	337 QUARRY RD	VAUGHAN, PHILIP R	HW
6002522L0	361 QUARRY RD	BYRD, SUSAN LOWRY	HW
6002522M0	359 QUARRY RD	MCDONALD, PAUL A & CARMEN E	HW
6002522N0	357 QUARRY RD	TRESSLER, MARIA L	HW
6002522O0	355 QUARRY RD	SPILLER, WARREN L	HW
6002522P0	353 QUARRY RD	FAULK, CORDEL L	HW
6002522Q0	351 QUARRY RD	MARICICH, YURI A & BRIDGET	HW
6002522R0	349 QUARRY RD	JORDAN, WILLIAM R	HW
6002522S0	347 QUARRY RD	ORRELL, GEORGE N & SHARON J	HW
6002522T0	335 QUARRY RD	GLASS, BONNIE K	HW
6002522U0	333 QUARRY RD	SELINGER HOMES, INC	HW
6002522V0	331 QUARRY RD	MACGAW, SCOTT M & ELIZABETH G	HW
6002522W0	329 QUARRY RD	SELINGER HOMES, INC	HW



ADJACENT PARCELS WITHIN 500' OF SITE

TAX MAP & PARCEL #	ADDRESS	OWNER NAME	ZONING
6002522X0	327 QUARRY RD	RUDMAN, FRANCES	HW
6002522Y0	325 QUARRY RD	REHM, REBECCA A	HW
6002522Z0	323 QUARRY RD	KUPPALLI, MANU & SMITHA S GOWDA	HW
600255000	420 QUARRY RD	CITY OF CHARLOTTESVILLE	R-1S-EC
600256000	307 PALATINE AVE	DUBENDORFER, DAVID & CARRIE OERTEL	R-1S
600256100	PALATINE AVE	DUBENDORFER, DAVID & CARRIE OERTEL	R-1S
600257000	303 PALATINE AVE	KELLEY, JAMES A, JR	R-1S
600259000	221 PALATINE AVE	WILLIAMS, ARLIE E & EVELYN C	R-1S
600260000	219 PALATINE AVE	ROWLAND, RICKY C	R-1S
600261000	215 PALATINE AVE	SELF, KEVIN E & SARAH J	R-1S
600262000	213 PALATINE AVE	FITZGERALD, JUNIOR H & BETTY JOE	R-1S
600263000	211 PALATINE AVE	WORKMAN, NORMAN LEE	R-1S
600264000	209 PALATINE AVE	CARWILE, M NEAL & ANITA D	R-1S
600265000	207 PALATINE AVE	FITZGERALD, JUNIOR & BETTY	R-1S
600266000	205 PALATINE AVE	BAKER, AARON E & CHRISTIN	R-1S
600267000	203 PALATINE AVE	GROVE, SUSANNAH L	R-1S
600267100	201 PALATINE AVE	KLINGER, JILL E	R-1S
600273000	212 PALATINE AVE	DICKERSON HOMES AND DEVELOPMENT, LLC	R-1S
600274000	214 PALATINE AVE	COLLIER, DANIEL & MARIE, ETAL	R-1S
600275000	216 PALATINE AVE	BABER, SHIRLEY L	R-1S
600276000	218 PALATINE AVE	GRIFFITH, STEPHANIE N	R-1S
600277000	220 PALATINE AVE	GRAY, KRISTEN A & LYNDON LARSON	R-1S
600278000	222 PALATINE AVE	TED REALTY, LLC	R-1S
600279000	304 PALATINE AVE	GRIFFITHS, JILLIAN	R-1S
600279100	302 PALATINE AVE	LORIGAN, CHRISTOPHER R & LAUREL T	R-1S
600279A00	306 PALATINE AVE	MCHUGH, STEVEN F	R-1S
600280000	308 PALATINE AVE	NOWELL, WILLIAM & EFFIE	R-1S
600281000	310 PALATINE AVE	HIGGINS, ELIZABETH	R-1S

SHEET INDEX

- SHEET C1 - COVER SHEET
- SHEET C2 - EXISTING CONDITIONS
- SHEET C3 - APPLICATION PLAN

OWNER / DEVELOPER

Owner
Vulcan Development Company, LLC
PO Box 7532
Charlottesville, VA 22906

Developer
Simon Investments
195 Riverbend Dr.
Charlottesville, VA 22911

ZONING

Current: R-1S, Single Family Residential
Proposed: PUD

LEGAL REFERENCE

T.M. 60-120, 120A, 120B & 120C-
D.B. 906-503, 506 PLAT & RESOLUTIONS CLOSING STREETS BOOK 2-23

T.M. 60-81.8, 91, 121, 122.4 & 122.7-
D.B. 999-616 AND ALBE.D.B. 96-72 THRU 75 PLAT

T.M. 60-122.5 & 122.6-
D.B. 983-562 AND ALBE.D.B. 96-72 THRU 75 PLAT

LAND USE TABLE

Proposed Use: 29 Detached Single Family Residential Units
Residential Density: 29 Units/5.53 Acres = 5.24 Units Per Acre

PROPOSED	Area	%
Lots	111,463 SF	46.3%
Roof ROW	40,180 SF	16.7%
Open space	89,199 SF	37.0%
Total	240,842 SF (5.53 ac.)	

SITE NOTES

- This site does not contain any historic landmarks as registered on the Virginia or Federal registry.
- Existing vegetation on this parcel is mixed evergreen and deciduous trees. Existing vegetation will be protected and remain in areas without disturbance.
- A wetland delineation has been performed. There are no wetlands onsite.
- 2' contour interval topography is shown from Charlottesville GIS data.

NARRATIVE

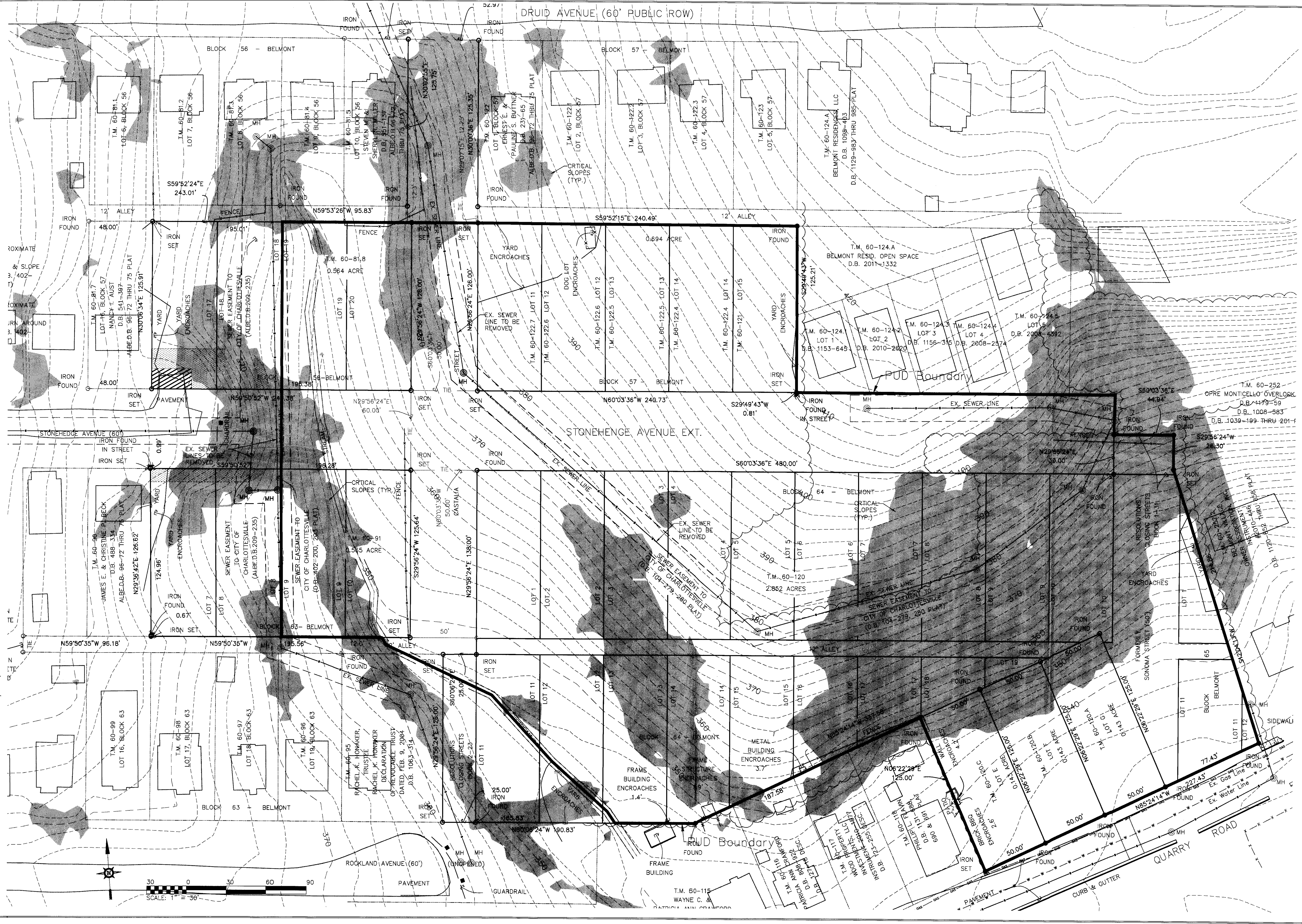
The narrative below addresses the required PUD ordinance objectives applicable to this development (Sec 34-490):

- The by-right development of these parcels is based upon construction of the existing platted streets from the original Belmont neighborhood division. These plots were drawn without detailed engineering and created roads and lots traversing steep terrain without regard to road slope or stream crossings. The adoption of the PUD plan permits construction of roads to lesser slopes and lots more conforming to existing site features.
- The PUD proposes to both preserve the steepest portions of the site and the stream in permanent open space, a more environmentally sensitive design than the by-right option.
- A mix of traditional 50' lots and 40' lots are proposed within the PUD development to provide variety in housing styles within a predominantly R1 zoned neighborhood.
- Units have been clustered along the most constructible portion of the site leaving streams and steep slopes in open space preservation.
- The PUD development will be cohesive with the neighboring R1 properties as the lot sizes and densities are very similar.
- Existing uses around the development are a mix of residential. The PUD development transitions from the higher density along Quarry road into the Belmont neighborhood.
- The purpose of the PUD development is to avoid the by-right crossing of the stream that transects the property.

SHIMP ENGINEERING, P.C.
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 JUSTIN@SHIMP-ENGINEERING.COM

Rev #	Date	Description

ZONING MAP AMENDMENT FOR
STONEHENGE AVENUE EXT.
 CITY OF CHARLOTTESVILLE, VIRGINIA



EXISTING CONDITIONS

Rev #	Date	Description

