

Agenda

PLANNING COMMISSION REGULAR DOCKET TUESDAY, September 11, 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. ANNUAL MEETING

1. Report of Nominating Committee
2. Election of Officers
3. Review of Annual Report

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

G. CONSENT AGENDA

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

1. Minutes - August 14, 2012 – Pre meeting
2. Minutes - August 14, 2012 – Regular meeting
3. Minutes – August 28, 2012 - Work Session
4. Zoning Text Initiation – PUD, Rezoning and SUP procedures

III. JOINT PUBLIC HEARINGS (Beginning at 6:00 P.M.)

H. JOINT PUBLIC HEARINGS

1. SP-12-07-10 – (1304 East Market Street) An application for a special use permit for a music hall at 1304 East Market Street. The property is further identified on City Real Property Tax Map 56 Parcel 8 having frontage on East Market Street. The site is zoned M-I (Manufacturing- Industrial) and is approximately 2.11 acres or 91,911 square feet. The Land Use Plan generally calls for Industrial. **Report prepared by Brian Haluska, Neighborhood Planner.**

IV. REGULAR MEETING ITEMS (Cont.) – 8:00 P.M.

I. FUTURE MEETING SCHEDULE

Date and Time	Type	Items
Tuesday, September 18, 2012 – 5:30PM County Office Building	Work Session	Joint Work Session with Albemarle County Planning Commission – Livability Project
Tuesday, September 25, 2012 – 5:00PM	Work Session	Comprehensive Plan
Tuesday, October 9, 2012 – 4:30 PM	Pre- Meeting	
Tuesday, October 9, 2012 – 5:30 PM	Regular Meeting	Rezoning - Stonehenge PUD, 100 Barbour Drive (IPP)

		Site Plan - Burnett Commons II Critical Slopes – Stonehenge PUD

Anticipated Items on Future Agendas

- Entrance Corridor – Shell Station at Barracks Road
- LID Guideline Review
- Major Subdivision – Maury Avenue
- Rezoning – 1536 Rugby Road

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
August 2012

August 20, 2012

Consent Agenda

j. RESOLUTION: Special Use Permit at 218 West Water Street (1st of 1 reading)

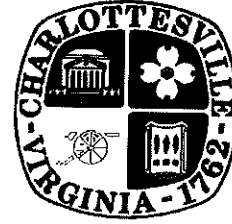
This item was approved

Regular Agenda

6. REPORT/ORDINANCE* Application for PUD Rezoning – Lochlyn Hill (1st of 2 readings)

This item was approved and moved to second reading

**CITY OF CHARLOTTESVILLE
NEIGHBORHOOD DEVELOPMENT SERVICES
MEMO**



To: Planning Commissioners, City Councilors
From: Jim Tolbert, Secretary of the Charlottesville Planning Commission
Date: July 23, 2012
Re: City of Charlottesville Planning Commission Annual Report

The following report outlines and highlights the activities of the City of Charlottesville's Planning Commission between July 2011 and June 2012. The Planning Commission (PC) was established pursuant to the provisions of Chapter 22, Title 15.2 of the Code of Virginia and is also addressed in Chapter 34 of the City Code. This board, which consists of seven full time members that each serve a staggered four year term and one exofficio member, has the primary function of promoting the orderly development of the City in an advisory capacity to the governing body. Each member is appointed by City Council and must be a resident of the City of Charlottesville. The University of Virginia Architect serves as the exofficio member.

The PC holds one regular meeting on the second Tuesday of each month and one regular work session on the fourth Tuesday of each month. The Commission also holds a pre-meeting prior to each regular meeting to streamline discussion in an attempt to shorten the regular meetings by clarifying questions in advance. Special meetings may be scheduled as necessary.

Over the past year the PC held eighteen public hearings, reviewed two site plans, and one slope waiver application. In addition, the PC in its role as Entrance Corridor Review Board, reviewed five requests for certificates of appropriateness. Attached is a brief summary of the cases and their outcome.

The majority of work sessions held during this time period focused on the Critical Slope regulations, Zoning Waiver amendments and the Livability Project/Comprehensive Plan Update. Once the majority of the Critical Slopes deliberations took place and it was ready for approval, we received the Supreme Court of Virginia ruling in the case of Sinclair v. New Cingular Wireless PCS, LLC, et al. that invalidated waiver, exception and modification provisions found in the City Zoning Ordinance. Much time was spent in the winter of 2012 updating the ordinance to remove waiver references. Additional considerations to slopes were made in the spring as a result of the Town of Occoquan v. Elm Street Development, Inc., et al. case. The code changes were approved in July 2012.

Commission Members:

Genevieve Keller, Chair
Dan Rosensweig, Vice Chair
Michael Osteen
Kurt Keesecker
John Santoski
Lisa Green
Natasha Sienitsky (appointed August 2011)

David Neuman - Exofficio, Non voting
 Secretary: James Tolbert

Natasha Sienitsky joined the Commission in August of 2011 to fill Jason Pearson's unexpired term. All Commissioners have completed, are currently working on or are registered for the Planning Commissioner State Certification program.

Planning Commission Application Summary (July 11- June 12)

The attached charts provide an overview of the actions taken between July 2011 and June 2012.

<i>Application Type</i>	<i># of different applications reviewed</i>
Planned Unit Developments (PUD)	3
Slope Waiver	1
Off Street Parking Waiver	0
Entrance Corridor	5
Site Plans	2
Subdivisions	2
Ordinance Amendments	5
Special Use Permits	6
Rezoning (excluding PUD)	1
Zoning Initiation	1

Planning Commission Committee Assignments

Commissioners serve on a number of boards and commissions as a representative of the Planning Commission. Members are assigned to these groups and provide reports to the full commission at regular meetings. The assignments for this time period are attached.

Planning Commission Work Sessions

The Commission is tasked with many topics that can not be addressed in the context of formal meetings. Work sessions are held on a variety of topics to discuss the details prior to formal proposals consideration for recommendation. Work sessions are scheduled for the 4th Tuesday of each month. Special work sessions are held from time to time. Here is information on work sessions held between July 2011 and June 2012.

<i>Work Session Date</i>	<i>General topics for discussion</i>
August 16, 2011	Joint City County Commissions – Grant update, introduction to Public Outreach
September 20, 2011	Joint City County Commissions – Environmental Goals and One Map
September 27, 2011	Land Use and Demographics
October 25, 2011	Future Land Use

November 22, 2011	Capital Improvement Program, Critical Slopes, Build Out Analysis
January 24, 2012	Livability Project update, Build Out Analysis
March 27, 2012	Joint Council PC – History Presentation, Land Use Project
April 17, 2012	Joint City County Commissions – Recap of Community Outreach, Areas for regional collaboration.
June 7, 2012	Joint Council PC – Land Use Map Exercise
June 26, 2012	Grant Discussion, Capital Improvement Program,

The Commission spent this year focused on the Comprehensive Plan and the Livability Project. There were a number of joint work sessions with the City Council and the Albemarle County Planning Commission relating to both projects. It is anticipated that the Comprehensive Plan discussions will continue into Spring 2013.

Plan, Perform, Perfect (P3)

The City of Charlottesville is implementing a process, hereafter known as **Plan, Perform, Perfect, or P3**, that builds on the City’s internal capacity to develop (1) departmental strategic business plans, (2) a performance measurement and management system and (3) a means of reporting results to staff, City management, Council and the public, all of which will guide the organization towards intentional application of strategies and techniques to achieve desired results. This initiative will be institutionalized as a process that is used to guide the organization and its partners in making key decisions and tracking progress towards achieving its goals, and to ensure that these goals are aligned upward to the City Council Strategic Vision. Therefore P3 must be implemented as an ongoing process that is integrated in the organization’s culture, not simply the production of a document.

The long term goal of Plan, Perform, Perfect, or P3, is to have in place a system of performance management that enables the City to do the following:

- Focus on results, rather than activities
- Align results to City Council’s Strategic Vision and Initiatives
- Serve as a management tool for the City Manager and Department Heads on which to evaluate progress of various programs and services
- Report to City Council and the public on what the City is doing and how well we are doing it
- Create a more comprehensive budget process, with decisions based on data, research and evidence and includes greater participation from City staff and the public; and
- Improve transparency in all areas of the organization

We have included measures related to the work of the commission with this report.

2011-12 PLANNING COMMISSION COMMITTEE ASSIGNMENTS

Committees	Current Member
<p><u>Thomas Jefferson Planning District Commission</u> Encourage planning for the physical, social and economic Development of the region and provides local governments with planning and coordination assistance as requested. Provides professional assistance in areas of land use, housing, economic development, human resources, resource conservation, and transportation. Meets on the 1st Thursday at 7:00 p.m.</p>	Genevieve Keller
<p><u>Board of Architectural Review</u> The Board of Architectural Review considers proposed construction in the Historic Preservation and Architectural Design Control District (ADC) to preserve and protect the old, historic or architecturally worthy structures, spaces and neighborhoods and their environs and settings which serve as visible reminders of the history and the cultural and architectural heritage of the City, state and nation. The Board establishes requirements to ensure that any new development or alteration of existing structures and spaces is in harmony with the historic or architectural character of the area. Meets monthly on the 3rd Tuesday at 5:00 p.m.</p>	Michael Osteen
<p><u>School Board CIP Committee</u> This is a School Capital Improvement Program Committee appointed by the School Board. One Planning Commission member serves on this Committee. Meets 2-3 times during the fall/winter</p>	John Santoski
<p><u>Parks & Recreation Advisory Committee</u> Consult with Department of Parks and Recreation and advise on allocation of funds to the Five-Year Capital Improvement Program for neighborhood and regional parks, including use of school recreational facilities as neighborhood recreational facilities; discuss and formulate a planning process for parks; review the summer recreation programs and special events from a citizen's prospective and recommend locations of programs and program priorities fore the next year; and review data on summer youth transportation program.</p>	Dan Rosensweig
<p><u>Board of Zoning Appeals</u> Semi-judicial body appointed by the Circuit Court Judge. This</p>	No PC member at this time

body is responsible for reviewing any variance or hardship cases as they violate the zoning ordinance. Meets monthly on the 3rd Thursday at 4:00 p.m.	
<u>PACC Technical Committee</u> This committee advises the PACC Policy Committee on coordination of planning between the City/County/University. Includes representation from the City/County/University, staff as well as the Planning Commission. Meets Quarterly (January, April, July, October) on the 3rd Thursday at 3:00 p.m.	Kurt Keesecker
<u>CDBG Task Force</u> The CDBG Task Force advises City Council on the City's physical community development needs, proposed projects to meet such needs, suggested allocation of CDBG funds for such projects and to conduct periodic evaluations of the physical aspects of the CDBG program. The CDBG Task Force also review and comments on recommendations for human service programs. Meets at least monthly Aug - March - Heaviest in Dec/Jan	Natasha Sienitsky
<u>MPO Technical Committee</u> This is a City/County transportation planning body mandated by Federal Law, which does transportation planning for the City and Urban areas of the County. Meetings are held monthly on the 4th Tuesday at 10:30 a.m.	Lisa Green
<u>Federation of Neighborhoods</u> Meets Quarterly	Natasha Sienitsky
<u>Tree Commission</u> - This is a group created to outline initiatives to support the City's goal of increasing tree canopy. 4th Wednesday of the month initially.	Michael Osteen
<u>Ad Hoc Committees</u>	
• UVA Master Planning Council	Genevieve Keller
• Housing Advisory Committee	Dan Rosensweig
• Budget Development Committee	John Santoski
• CIP Ranking Committee	John Santoski

Public Hearing Items

Month/ Year	Zoning Code	Project Name	Address/Location	Type of Application	Description	Planning Commission Decision	City Council Decision	Additional Comments
Aug-11	ZT-11-07-07	Public Infrastructure Maintenance Bonds		ZTA	bonds for SF and TF residential once to allow for occupancy prior to repair	approval	approval	
Aug-11	ZT-11-07-08 & ZM-11-07-09	104 Stadium Road IPP	104 Stadium Road	IPP	Designate a Individually Protected Property	approval	approval	
Oct-11	SP-11-08-11	Fraternity expansion request	600 Preston Place	SUP	Expand fraternity by 5 bedrooms	approval	approval	
Oct-11	ZT-11-08-12	Housekeeping code changes		ZTA	civil penalty increase and code clarification	approval	approval	
Oct-11	ZT-11-09-13	PUD code change		ZTA	clarify standard for critical slopes for PUD	approval	approval	
Nov-11	ZM-11-07-10	Burnet Commons Phase II	Elliott, Burnet, Lankford	PUD	mixed housing Residential development 9.1 DUA	approval	approval	
Dec-11		CIP		CIP	FY 2013-2017 CIP budget	approval	approval	
Dec-11	SP-11-10-14	Crypt	98 Midmont Lane	SUP	900 sf crypt in basement (on site cemetery)	approval	approval	
Dec-11	ZT-11-04-05	Critical Slopes		ZTA	Ordinance revision	approval	approval	
Jan-12	SP-11-11-14	Oakhurst Inn and Apartments	100, 102, 104 Oakhurst, 1616 JPA and parcel X	SUP amendment	split of approved project to 2 lots which increased density on one parcel, and required variety setbacks and parking requirements	approval	approval	
Feb-12	SP-11-12-15	Arlington and Millmont Apartments	Arlington and Millmont	SUP	height and setbacks	approval	approval	
Mar-12		CDBG/HOME		Budget	5th year action plan 12-13	approval	approval	
Apr-12	SP-12-02-02		2211 Hydraulic Road	SUP	research and testing lab	approval	approval	
May-12	SP-12-03-03	Dominion VA Power	1719 Hydraulic Road	SUP	utility facility	approval	approval	
May-12	ZM-10-08-24	Eton PUD	2712 Eton Road	PUD	7 SF lots with open space	denial	denial	
Jun-12	ZM-12-03-04	Lochlyn PUD	Penn Park Lane	PUD	R-2 to PUD for mix of residential	deferred by applicant		
Jun-12	ZM-12-04-05	Rose Hill Cynthianna	Rose Hill/ Cynthianna	Rezoning	R-1 to R-3 for 6 unit apartment building	approval	denial	
Jun-12	ZT-12-01-01	Zoning Text Waivers		ZTA	Removal of waivers based on the Sinclair case ruling	approval	approval	

Planning items

Month/ Year	Project Name	Project Number	Address/Location	Description	Planning Commission Recommendation	Additional Comments
August-11	Annual meeting			Election of Officers	Chair - Genevieve Keller Vice Chair - Dan Rosensweig	
August-11	The Woods		Elliott Avenue	Preliminary Discussion		
September-11	Comprehensive Plan			Discussion of Environmental Goals		
December-11	planning awards			announcement of nominations		
January-12	planning awards			voting		
January-12	Arlington and Millmont Apartments		Arlington and Millmont	Preliminary Discussion		
February-12	planning awards			presentation		
March-12	Lochlyn Hill PUD			Preliminary Discussion		
May-12	Stonehenge PUD		Stonehenge and Quarry	Preliminary Discussion		
Jun-12	McIntire Park Master plan		McIntire Park	presentation	comments provided to City Council	
Jun-12	1536 Rugby Road PUD		Rugby Road	Preliminary Discussion		

Subdivisions						
Month/ Year	Project Name	Address/Location	Preliminary/Final/Both	Description	Planning Commission Decision	Additional Comments
Nov-11	Sunrise PUD	Midland Street	Preliminary & Final	redivision and public infrastructure	approval	
Apr-12	850 Estes Street	Estes	Preliminary & Final	townhouse subdivision	approval	

Site Plans

Month/ Year	Project Name	Address/Location	Preliminary/ Final/ Both	Description	Planning Commission Decision	Additional Comments
Feb-12	Arlington and Millmont	Arlington and Millmont	Preliminary	Residential	approved	
Mar-12	850 Estes St	851 Estes St	Preliminary	Residential	approved	

Entrance Corridor Reviews

Month/Year	Project Name	Address/Location	Description	Planning Commission Decision	Additional Comments
Aug-11	Fontaine Fire Station	Fontaine/Summitt	commercial	approved	
Aug-11	CFA - Octagon Partners	457 Locust Avenue	commercial	approved	
Sep-11	CFA - Octagon Partners	458 Locust Avenue	commercial	approved	
Sep-11	Mcdonalds	Barracks Road Shopping Center	commercial	approved	
May-12	Dominion VA Power	1719 Hydraulic	commercial	recommended approval on SUP	

Slope Waiver

Month/Year	Project Name	Address/Location	Description	Planning Commission Decision	Additional Comments
Nov-11	Burnet Commons Phase II	Elliott, Burnet, Lankford	PUD	approval	



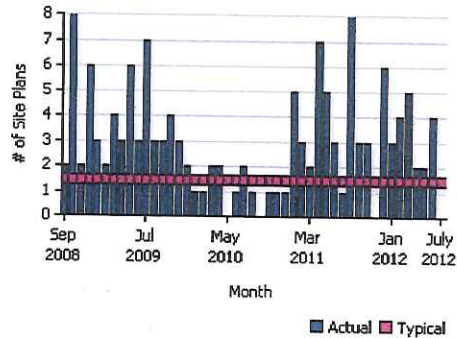
Number of Site Plans Submitted

Neighborhood Development Services

Description

Site Plans, or Plans of Development, are required submissions for new or modified multi-family, commercial, industrial or mixed-use developments in the City. Neighborhood Development Services performs administrative review for all site plan submissions. This measure shows the number of applications for preliminary site plan approval, final site plan approval and site plan amendment submitted to the department each month.

Number of Site Plans Submitted per Month



Analysis

After a decline in CY 2010, the number of site plan submissions has rebounded in CY 2011. This can be attributed to a rebounding economy, as well as developers preparing new projects for eventual construction in a more favorable financing climate.

The increase in site plan submissions is also evidence that the Charlottesville building market does not closely follow national trends in building, and that Charlottesville may be better positioned for growth in the future than other communities.

Recommendations

No staffing changes are anticipated, in spite of the increased volume.



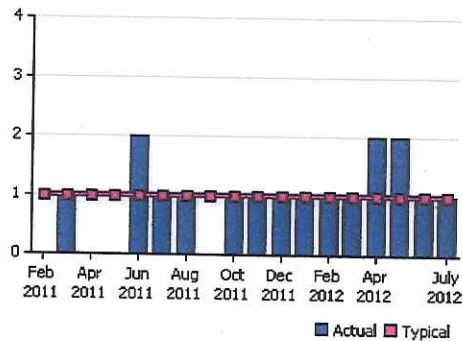
Number of rezoning/SUP applications submitted per month

Neighborhood Development Services

Description

Rezoning is a request to change the zoning of a property. Special Use Permits are requests to use a property for a use that is permitted in the City, provided the impacts of that use can be managed so as not to negatively impact surrounding properties. Both rezoning and special use permit applications require Planning Commission and City Council review. The Department of Neighborhood Development Services coordinates the review of these applications, and write the staff reports that accompany these applications through the review process.

Number of rezoning/SUP applications submitted per month



Analysis

The volume of new rezoning and special use permit applications has remained relatively constant over the last 18 months.

Recommendations

No changes are recommended at this time.



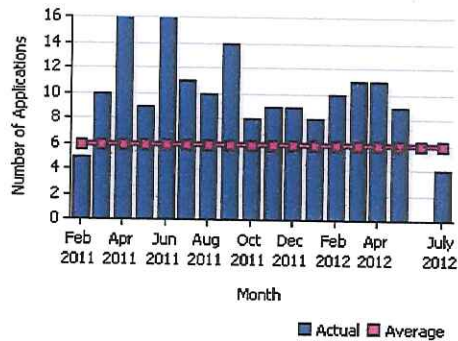
Number of BAR cases per month

Neighborhood Development Services

Description

BAR stands for Board of Architectural Review, the appointed body that reviews building projects within the City's designated historic districts. Historic Districts are areas of the City deemed to have historical significance, and have been designated as locally protected. Neighborhood Development Services performs administrative review for all signs/building permits for projects in historic districts. NDS staff also prepares staff reports for Certificate of Appropriateness applications to be review by the Board of Architectural Review. This measure shows the number of applications forwarded to the BAR each month.

Number of BAR cases per month



Analysis

Increase in number of districts has caused an increase in the number of applications. A large number of applications have been submitted in the 2011 calendar year, resulting in ten or more applications going before the BAR on six occasions this year. Sixteen applications went before the BAR in April and June 2011, the highest number of items on the BAR agenda in the last five years. There were a large number of applications taken to the BAR in the first four months of 2012 as well.

Recommendations

Closely monitor the number of applications going to the BAR in the next several months. Sustained application volume could necessitate exploring staffing options to provide additional staff time to assist in writing BAR staff reports and managing BAR meetings.

CITY OF CHARLOTTESVILLE
PLANNING COMMISSION PRE MEETING
TUESDAY, August 14, 2012 -- 4:30 P.M.
NDS CONFERENCE ROOM

Planning Commissioners present

Ms. Genevieve Keller
Mr. Dan Rosensweig
Ms. Lisa Green
Mr. Michael Osteen
Mr. Kurt Keesecker
Mr. John Santoski

Staff Present:

Mr. Jim Tolbert, Director
Ms. Missy Creasy, Planning Manager
Mr. Brian Haluska, Neighborhood Planner
Mr. Willy Thompson, Neighborhood Planner
Ms. Ebony Walden, Neighborhood Planner
Mr. Richard Harris, Deputy City Attorney

The Commission began to gather at 4:30 and was called to order at 5:02. Ms. Keller reviewed the agenda. Clarification on the minutes and Council Action items were made. Mr. Haluska provided an update on the Stonehenge PUD application since the packet submission which included deferral options and potential motions. Though the Fire Marshall ruling on the road has been obtained, there is still concern with the application. The process for both a by-platted and a PUD development for this site was clarified and commissioners asked questions to clarify their understanding of the processes.

Concerning the Nalle Street application, a question was asked about potential for setting precedence and how permit parking could be addressed for this site. Those questions were addressed.

Mr. Thompson provided an update on the Willoughby Place appeal which included the scope of review for the commission and background on how this item reached this point.

The discussion adjourned at 5:28pm.

MINUTES
CITY OF CHARLOTTESVILLE
PLANNING COMMISSION
TUESDAY, August 14, 2012 -- 5:30 P.M.
CITY COUNCIL CHAMBERS

Commissioners Present:

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

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

Not Present:

Ms. Natasha Sienitsky

Staff Present:

Ms. Missy Creasy, AICP, Planning Manager
Mr. Willy Thompson, AICP, Neighborhood Planner
Mr. Brian Haluska, AICP, Neighborhood Planner

Also Present

Mr. Richard Harris, Deputy City Attorney

II. REGULAR MEETING

Ms. Keller convened the meeting.

A. COMMISSIONERS' REPORT

- Ms. Green –attended the MPO meeting July 17th and TIP amendments were discussed. The bike application data will be available in September and the application is still available for usage.
- Mr. Osteen-Nothing to report.
- Mr. Rosensweig-The HAC met on July 18th and presented a report pertaining to market rate affordable housing. He noted that the McIntire Park study would be going back to City Council next week.
- Mr. Keesecker- Nothing to report.
- Mr. Santoski-Nothing to report

B. UNIVERSITY REPORT

Mr. Neuman – Some students return on August 18th and preparation is being finished around the academic village. First year students will arrive August 24th & 25th with classes starting on the August 28th. The utility work at the intersection of Emmet and Ivy will begin in preparation for widening drive lanes and adding new bike lanes. This is an UVA and City of Charlottesville joint project.

C. CHAIR'S REPORT

Ms. Keller –announced the nominating committee which includes Kurt Keesecker and Lisa Green. She also attended the TJPDC monthly meeting which included a tour of the new Fluvanna County High School. She congratulated them on a very nice state of art building.

D. DEPARTMENT OF NDS/STAFF REPORTS/WORK PLAN

Ms. Creasy stated that there will be a work session August 28th including a discussion on the last three elements of the Comprehensive Plan and areas to work with the County on regional efforts. There will be a Joint work session September 18th and at that time the information from all three summer work sessions

will be brought together. There will be some citizen outreach events for the land use map in late October or early November. The dates and times are still being worked out. Two chapters of the comp plan will be distributed by Friday and she would like any comments forwarded back in the next two weeks in preparation for work sessions on those two chapters.

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

Mike Meintzshel, 621 Harris Road stated that he is in opposition of the Willoughby Place expansion. There is a big challenge currently for navigating the roadway when it snows. The land needed for the easement is owned by the HOA and they will not be granting the easement.

Logan McKinley, 106 Leigh Place is the neighborhood president and feels the road is currently unsafe. The neighborhood already has two sets of things such as buses, trash pick that are constantly in and out. . He feels that this development would cause traffic to back out onto 5th street during rush hour.

F. CONSENT AGENDA

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

1. Minutes - June 12, 2012 – Regular Meeting
2. Minutes- July 10, 2012-Pre Meeting
3. Minutes - –June 26, 2012-Work Session
4. Minutes- July 24, 2012-Work Session

Mr. Rosensweig made a motion to approve the Consent Agenda

Ms. Green seconded the motion

All in favor

Consent Agenda passes

G. CRITICAL SLOPE WAIVER

1. Stonehenge PUD-This item will be considered during the Joint Public Hearing with Stonehenge PUD

III. JOINT PUBLIC HEARINGS

1. H. JOINT PUBLIC HEARINGS

1. ZM-12-04-06 (Stonehenge PUD): A petition to rezone the property located off of Stonehenge Avenue from R-1S Residential District to Planned Unit Development (PUD). The property is further identified as Tax Map 60 Parcels 81.8, 90, 91, 120, 120A-C, 121, 122.4-7 having road frontage on Stonehenge Avenue and containing approximately 240,887 square feet of land or 5.53 acres. The PUD zoning allows an applicant to present a proposal independent of established zoning categories for consideration by the governing body. This proposal consists of 29 single family detached dwellings with open space and a density of no greater than 5.25 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 and gave an overview of the project proposed. He also stated why a Critical Slope waiver is needed. Mr. Haluska informed the Planning Commission that he had received letters from neighbors who are in opposition of the development and those are included in the materials.

Mr. Harris gave an overview of how, when and why the lots were platted the way they are. He also explained what could and could not be built on the lots as they are currently platted.

Question from the Commission

- Is the site work conforming with City regulations?
- Was Rockland Ave considered to be used as another entrance way?
- Are the lots sizes typical Belmont lot sizes if they are by right in the by-right configuration?
- Will there be public transportation servicing the area?

- Is there a stream off of Rockland and Stonehenge?
- Can 24 units currently be built with road access?
- How many trees will need to be removed and how many will be added?

Mr. Haluska stated that the applicant can apply for a Land Disturbance Permit to move earth with the proper plans. He also stated that Rockland does not abut the property and the lot size is typical of current Belmont lot sizes. Public transportation will not be able to be provided because the road is a dead end. If the owner builds “by right” only two trees will be saved, but if they build by “PUD” then 72 of the 81 trees will be saved. Street trees will also be added as required.

Questions from Council

Mr. Huja wanted clarification on how many homes could be built right now. He also wanted to know if City Council could ask the applicant for proffers. He would also like to see some affordable housing.

Ms. Galvin asked if City Council could request house size dimensions, affordable housing and connectivity.

Mr. Haluska gave a breakdown of the lot sizes. He stated that 29 houses can be built.

Comments from the Commission

Mr. Keesecker asked about road design at this location and it was noted that the connections provided were designed to address existing topography.

The applicant, Justin Shimp, 201 East Main St, stated that the project is unusual in nature. He gave a brief explanation of why a “PUD” would be better than a “By Right “ configuration.

Question from the Commission

- Has there been any neighborhood meetings?
- Would like to see a harmonious development that included additional design details.
- What will happen to the parcels that are not used in the development?
- Can an alternative travel connection through Rockland be looked at or some type of pedestrian connector be provided?

Questions from Council

Mr. Huja would like to know if affordable housing was ever considered?

Mr. Shimp stated that there have been three neighborhood meetings. At two of the meetings many were in opposition but by the third most of the neighbors were in favor of the PUD. He also stated that a rendering of the type of housing has not been created yet and they will probably not develop the lots that aren’t being used. Rockland will not be available for vehicles but a pedestrian walkway will be looked at.

Ms. Keller opened the Public Hearing

Dan Widmer, 900 Stonehenge Ave, feels that the PUD is the best proposal and the developer has done their best with the design.

Katrina Hennigar, 1006 Druid Ave, noted that the PUD is a thoughtful alternative. She feels the “By Right” design would be too costly for the developer.

Michael Hennigar, 1006 Druid Ave, stated that the current zoning keeps with the current Belmont design but would cost the developer a lot more money to build.

Jeanette Halpin, 1011 Druid Ave, would like to have been given the chance to consider the development on its own merits. If the development is done properly it could be a real asset to Belmont.

Marla Ziegler, 1008 Druid Ave, felt that trees were removed before the survey was done. She was only invited to 2 of the 3 meetings and the only change made was the addition of sidewalks.

Susan Byrd, 361 Quarry Rd, would only like to see 24 units added to the development.

Martha Dix, 914 Druid Ave, was unaware of the meetings. She is really devastated that only 2 trees were left following the site work.

Julia Williams, 751 Belmont Ave, feels that there is already a problem with pedestrians crossing on Monticello Rd and this development will make it worse. She would like to see some buffers added.

Ms. Keller closed the public hearing.

Discussion

Ms. Keller felt there is justification for the PUD over the by right configuration. She also feels that comments could be addressed better if we had an idea of how the development will look. This application is incomplete. She feels that smaller lot sizes are more consistent to what is in Belmont now.

Mr. Rosensweig had the same thoughts as Ms. Keller. He also feels that work needs to be done with linkages and affordable housing.

Mr. Osteen could not get past #1 on the PUD standard of review.

Ms. Green felt that the development could be a more livable and walkable community. She feels that the development is disconnected and a pedestrian bridge could be worked out. The developer needs to look at all ten standards of review and be able to address all questions.

Mr. Santoski agrees with previous commissioner's comments. He feels he has seen better concept plans on other developments. We need to make sure things are done harmoniously

Mr. Keesecker feels that the road design is a smart one. He doesn't really see any other way to make this work.

Mr. Shimp requested a deferral and feels that some things that were discussed can be addressed.

2. SP-12-06-09 – (715 Nalle Street) An application from Stephen Hitchcock and Kendall Cox for an infill special use permit to establish an additional single family residential lot. The property is further identified on City Real Property Tax Map 30 Parcel 37 having road frontage on Nalle Street. The site is zoned R-1S and is approximately 0.25 acres or 10,800 square feet. The Land Use Plan generally calls for single family residential. **Report prepared by Willy Thompson, Neighborhood Planner.**

Mr. Thompson presented the staff report and stated that a lot of public comment was received and included in the materials.

The applicant Steve Hitchcock gave a brief description of the project and their intentions on what they are planning to build.

Questions from the Commission

- Will the applicant be allowed to have a home occupation?
- Is there a structure on the lot that needs to come down?

Kendall Cox, the applicant stated that there is not a structure on the property that needs to come down. The shed shown on the plat has already been removed.

Mr. Thompson stated that if the homeowner meets the requirements for a home occupation they can apply for one.

Ms. Keller opened the public hearing.

William Koenig, 716 Nalle St, is in opposition of the project. He feels that the construction would be very disruptive to the neighborhood.

Jeff Erkelens, 310 6th St SW, is in support of the project. He feels that parking is a problem for everyone that lives in the neighborhood. The new house will make the street better.

Kathleen Pennick, 802 Nalle St, agrees with the previous speaker and is comfortable with what is being proposed.

Ms. Keller closed the public hearing.

Discussion

Mr. Osteen wanted to know if guest parking would be an option?

Mr. Rosensweig feels that it would be a community amenity to fill in the vacant area on the street. He doesn't have a problem with a guest parking pass.

Mr. Keesecker suggested that maybe the off street parking can be adjusted to allow two spaces.

Ms. Keller would like the height of the house to be consistent with adjacent properties.

Mr. Santoski doesn't want the parking to be limited.

Mr. Rosensweig moved to recommend the approval of this application to allow an infill special use permit in the R1-S Residential - Small Lot district for variations in minimum lot size and regulations subject to the following conditions and exceptions or modifications:

- a. Staff approval of the LID features presented on an engineering plan.
- b. A dwelling built on the newly created lot shall be entitled only to one residential parking permit.

Ms. Green seconded the motion

Ms. Creasy called the question

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

Motion Carries

III. REGULAR MEETING ITEMS

I. Willoughby Place Appeal

Mr. Thompson presented the staff report.

The applicant, Keith Woodard, was present and added that he gave the City Traffic Engineer a hard copy of a new roundabout design.

Question from the Commission

- What is the basis for the appeal?
- Did the multi-way stop meet the warrant study?

Mr. Thompson stated that there is nothing in the code that states the applicant needs a reason for an appeal and a study was never done, but the applicant could submit one now.

Mr. Woodard stated that the project has a long history and he really didn't have an understanding of the process this evening. He thought he was getting an approval. He only sees one thing in the code that relates to site distance and submitted that to the Traffic Engineer and has not gotten a response.

Question from the Commission

- Why hasn't a warrant study been submitted
- Is there plans for another road to come in from the new road that is being built
- Was the code stated for a single family development?

Mr. Woodard said that a traffic study would not show the volume needed for the three way stop.

Mr. Thompson stated that the code Mr. Woodard is referring comes from the City's standards and design control manual and not state code.

Ms. Green said I move to affirm the Director's July 2, 2012 disapproval of the preliminary site plan submitted by the applicant for Willoughby Place Phase 1 for the failure by the applicant to provide acceptable, safe, and convenient ingress and egress as required under section 34-896 of the zoning ordinance. The applicant shall provide an entrance that meets all applicable city codes and requirements in order to permit approval of the plan.

Mr. Santoski seconded the motion

Ms. Creasy called the question

Green	yes
Osteen	Yes
Rosensweig	Yes
Keesecker	Yes
Santoski	Yes
Keller	Yes

Motion Carries.

Ms. Green made a motion to adjourn to the second Tuesday in September.

Meeting adjourned at 8:50 pm.

Planning Commission Work session
August 28, 2012
Minutes

Commissioners Present:

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

Staff Present:

Missy Creasy
Richard Harris
Willy Thompson
Melissa Thackston
Chris Engle

Ms. Keller convened the meeting at 5:02 pm and turned the time over to Ms. Creasy.

Ms. Creasy gave an update of events. She reminded everyone of the Save the Date flier sent for the upcoming community outreach events and encouraged members to forward it to anyone who may be interested. Comments are past due on the two comprehensive plan chapters that were sent out at the end of July. Commissioners are reminded to submit those in addition to commenting on the chapters submitted for review yesterday. There will be a joint work session hosted by the County Planning Commission on September 18 which means there are three commission meetings in the month of September. She also stated that she received a letter concerning the Stonehenge application and copies of the letter are available.

Ms. Creasy turned the meeting over to Summer Frederick from the TJPDC.

Ms. Frederick provided a report on the housing, economic development and community facilities topics that the Commissions expressed interest in reviewing from previous meetings.

Economic Development

Mr. Rosensweig noted that he agrees with the three areas noted in the report where the City and County provide benefit to one another.

Mr. Osteen feels there is pressure on the County to expand their development areas. He likes # 2 under the benefits section, but wonders if redevelopment in the City truly takes pressure off of the County's rural areas.

Ms. Keller noted that there is no guarantee that it will limit growth in the county. She noted that the wording needs clarification because it sounds like we want to redevelop the entire city.

Mr. Keesecker wants to know more about the City benefits of the County open space. Local businesses are growing from using local agriculture.

Ms. Green noted that the city is currently much more progressive than the county in urban agriculture.

Mr. Santoski is not sure the county will be influenced by what the city does.

Ms. Sienitsky suggested looking at the revenue sharing agreement to see if that tool can be used for different objectives.

Mr. Engle noted that the City and County are more aligned on economic development goals than the Planning Commission may think. Ms. Frederick feels that another layer of conversation is needed between the two localities.

Commissioners would like to look more at the perceived differences and see if the community can line up initiatives further. There is concern that staff and the commissions are in a similar place but Council and the Board of Supervisors may not agree.

Community Facilities-Parks and Recreation

Mr. Santoski feels the city and county should be working more closely and expressed interest in having one group address parks regionally.

Mr. Rosensweig stated that the county's parks are different than city parks. City parks need to be looked at differently than regional parks and maybe looking at urban parks in other cities will provide some ideas. He would not like to see the departments combined but would be open to some sort of regional parks planning group.

Ms. Keller wanted to know if UVA played a role in any of the discussions and asked if some arrangement could be made with them since UVA has many recreational facilities.

Mr. Keesecker would like to see a common map of City and County parks and open space so tourists would know what the community has to offer.

In summary there was interest in discussing a regional park entity, getting Uva involved in providing community recreation services and providing opportunities for additional joint ventures similar to Ivy Creek and Darden Towe.

Housing

Mr. Rosensweig wanted to know if the city had a proffer policy like the county pertaining to affordable housing? A regional goal should be set for affordable housing. He explained the differences between roles in housing development allowed in each locality due to the existence of the Housing Authority.

Ms. Keller said there should be mention of student housing since it has an effect on housing costs in the City and County. She feels it is sad that people in need of affordable housing or services can't remain in rural areas due to a lack of transportation access.

Mr. Osteen feels that student housing doesn't really impact the county.

Ms. Green stated that transportation plays a big role in providing access to housing. There are different modes of transportation, not just buses, that should be considered. The County has affordable housing but there is no way to get to it except in a car.

Mr. Sienitsky feels that the new development (Lochlyn Hill) isn't the best location for affordable housing due to distance from services.

Mr. Santoski feels that we don't really know what affordable housing is. Can the city and county really agree on what affordable housing should be, how much is needed and where it should be located? There should be a linkage between localities and transportation access should be made easier.

Ms. Frederick noted that the first step is to align the goals and see what direction each locality is going. There should be a future joint conversation between the city and county to discuss.

Ms. Keller asked Ms. Sienitsky to voice her question about plan implementation. There was interest in understanding the status of current comprehensive plan objectives. It was noted that these were included with each chapter's working papers as part of the draft reviews.

Mr. Keesecker noted as a follow up to the economic development conversation that it would be helpful for there to be a common definition for "industrial" as well as for "affordable housing." He also noted that cooperation between the localities in recruiting business is great. It was noted that this occurs.

Mr. Osteen wanted to see if there are revenue linkages which can be made and perhaps there will be opportunities to have those hard conversations concerning cost of projects into the future.

Public Comment

Mr. Harris stated that he takes his family to Gypsy Hill Park in Staunton due to the variety of activities it offers in one place. He hopes something like that can be established here in the future.

Meeting adjourned at 6:50 pm

CITY OF CHARLOTTESVILLE
DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES
STAFF REPORT



**REQUEST FOR INITIATION OF ZONING TEXT
AND MAP AMENDMENTS**

PLANNING COMMISSION REGULAR MEETING
DATE OF PLANNING COMMISSION MEETING: September 11, 2012

Author of Staff Report: Missy Creasy

Date of Staff Report: August 29, 2012

Applicable City Code Provisions: Chapter 34 - Zoning

Origin of Request

Concern has been raised pertaining to the amount of information currently required to evaluate Planned Unit Development, Rezoning and Special Use Permit applications as outlined in the code. Recent applications, though meeting the letter of the law, raised questions that additional materials could have made the review more efficient. Staff would like to initiate study of the zoning ordinance to determine if code revisions would be helpful to address this concern.

Initiation Process

Whenever the public necessity, convenience, general welfare or good zoning practice require, the City Council may, by ordinance, amend, supplement, or change the city's zoning district regulations, district boundaries, or zoning district classifications. Any such amendment may be initiated either by (1) resolution of council or (2) motion of the planning commission. (See City Code §34-41(a), which is based on Virginia Code §15.2-2286(a)(7))¹.

If a person or groups seeks to effectuate such a change, the amendment can be initiated by Council or Commission, as required by Code. In such an instance, an applicant will be given the opportunity at a regularly scheduled Planning Commission meeting to present their request, seeking a vote in favor of *initiating* the amendment. Initiating, in this context, is the action by which the Commission decides whether to begin a formal study on the proposal, or to decline the request.

Appropriate Motions

After listening to the proposal, the Planning Commission has the following options for moving forward:

¹ A rezoning of a particular piece of property can be initiated by Council, Planning Commission, the property owner, owner's agent, or contract purchaser.

- 1) Initiate the process by making a motion such as:

“I move to initiate study of a proposal to amend the city’s zoning ordinance concerning application and process requirements for rezoning (including Planned Unit Development) and Special Use Permit applications.

- 2) Decline to initiate the process, by voting against such a motion; or
- 3) Defer voting on the motion until a later time.

If the Planning Commission votes in favor of initiation, the study period will begin as outlined below. Otherwise, the proposal goes no further. The applicant, however, would not be precluded from seeking initiation by City Council.

Study period and public hearing

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

Standard of review

If initiated, the planning commission shall review and study each proposed amendment to determine:

- (1) Whether the proposed amendment conforms to the general guidelines and policies contained in the comprehensive plan;
- (2) Whether the proposed amendment will further the purposes of this chapter and the general welfare of the entire community;
- (3) Whether there is a need and justification for the change; and
- (4) When pertaining to a change in the zoning district classification of property, the effect of the proposed change, if any, on the property itself, on surrounding property, and on public services and facilities. In addition, the commission shall consider the appropriateness of the property for inclusion within the proposed zoning district, relating to the purposes set forth at the beginning of the proposed district classification (City Code §34-42).

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: September 11, 2012
APPLICATION NUMBER: SP-12-07-10

Project Planner: Brian Haluska, AICP
Date of Staff Report: August 27, 2012

Applicant: Matteus A. Frankovich
Current Property Owner: Linen Building LLC

Application Information

Property Street Addresses: 1304 East Market Street
Tax Map/Parcel #: Tax Map 56, Parcel 8
Total Square Footage/Acreage Site: 2.11 acres
Comprehensive Plan (Land Use Plan) Designation: Industrial
Current Zoning Classification: MI (Manufacturing-Industrial)
Tax Status: The City Treasurer's office indicates that there are no delinquent taxes owed on the subject property at the time of the writing of this staff report.

Applicant's Request

Matteus A. Frankovich has applied for a special use permit to permit a music hall on property located at 1304 East Market Street, property also known as The Linen Building.

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. The applicant is proposing no changes to the current site, and therefore is not required to submit a site plan per sections 34-158 and 34-802 of the zoning ordinance.

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

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

- (1) Whether the proposed use or development will be harmonious with existing patterns of use and development within the neighborhood;
- (2) Whether the proposed use or development and associated public facilities will substantially conform to the city's comprehensive plan;
- (3) Whether proposed use or development of any buildings or structures will comply with all applicable building code regulations;
- (4) Whether the proposed use or development will have any potentially adverse impacts on the surrounding neighborhood, or the community in general; and if so, whether there are any reasonable conditions of approval that would satisfactorily mitigate such impacts. Potential adverse impacts to be considered include, but are not necessarily limited to, the following:
 - a. Traffic or parking congestion;

- b. Noise, lights, dust, odor, fumes, vibration, and other factors which adversely affect the natural environment;
 - c. Displacement of existing residents or businesses;
 - d. Discouragement of economic development activities that may provide desirable employment or enlarge the tax base;
 - e. Undue density of population or intensity of use in relation to the community facilities existing or available;
 - f. Reduction in the availability of affordable housing in the neighborhood;
 - g. Impact on school population and facilities;
 - h. Destruction of or encroachment upon conservation or historic districts;
 - i. Conformity with federal, state and local laws, as demonstrated and certified by the applicant; and,
 - 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;
- (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; and
- (7) When the property that is the subject of the application for a special use permit is within a design control district, city council shall refer the application to the BAR or ERB, as may be applicable, for recommendations as to whether the proposed use will have an adverse impact on the district, and for recommendations as to reasonable conditions which, if imposed, that would mitigate any such impacts. The BAR or ERB, as applicable, shall return a written report of its recommendations to the city council.

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

Project Review / Analysis

1. Background

1304 East Market Street, commonly known as “The Linen Building” is a mixed-use property. The building houses a metal work studio, a boutique soap manufacturer, a furniture store, several contractor offices, residential apartments, a gym, and a restaurant. A Certificate of Occupancy (COO) for a restaurant was obtained on February 1, 2012 with the notation on the paperwork that amplified music was not allowed without an approved Special Use Permit (SUP). This notation was pointed out on numerous occasions to the applicant due to a prior concern with this applicant in a similar circumstance. The establishment was shut down on July 7, 2012 for violating this COO condition and the applicant instructed again to have no music

without an approved SUP. The applicant is the proprietor of the restaurant, the Black Market Moto Saloon and has now requested a special use permit to operate a music hall along with the restaurant use.

A music hall is defined in the City Code as “any place or business open to the general public on a regular basis where music concerts are provided and/or dancing is permitted, for which an admission fee is charged or for which compensation is in any manner collected, directly or indirectly, by cover charge or otherwise. Foods or beverages may be purchased by or served to patrons on premises incidentally to the music hall's stated primary function as defined herein.”

2. Proposed Use of the Property

The property is currently being used as a mixed-use building. It contains residential units as well as commercial uses. No new buildings will be built or developed as a part of this application.

3. Impact on the Neighborhood

a. Traffic or parking congestion

- Traffic congestion: The peak traffic for restaurant and music hall uses comes well after the peak hour of commuter traffic on surrounding roads, and thus will not impact the adjacent roads above what can be expected during the morning and evening rush hours.
- Parking: The suite in which the restaurant is located is roughly 2,400 square feet in size. The parking regulation for a restaurant is 1 space per 250 square feet of seating area, which would yield a parking requirement of no more than 10 spaces. The City parking ordinance does not specifically address music halls, but it does set a parking regulation of 1 space per 200 square feet for seating area in an assembly use. Applied to the proposed music hall, the use would require no more than 14 spaces. Staff has reviewed the parking facilities and finds that the required parking for the use can be accommodated on site. The 1304 East Market building has a large parking lot in the rear of the building that primarily serves offices and business establishments that will be closed during music shows. This parking is located behind the building and there is a concern that patrons may be less likely to use this parking and park more often on the street.

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

The primary concern with music halls is noise, from direct and indirect sources. Noise directly from the establishment is covered by the noise ordinance

regulations on music halls that prohibits noise in excess of 75 decibels at a residential property boundary between the hours of 11pm and 6am. (Section 16-11)

Indirect noise, noise from cars and patrons leaving the business establishment, is far more difficult to manage. The applicant has proposed a condition to address this issue by ceasing all live music no later than 12:30 am on Fridays and Saturdays, and no later than 10:30 pm on Tuesdays, Wednesdays and Thursdays.

A member of the public noted that by approving the SUP, Council would be giving the music hall license to operate at 75dB. “The other businesses in the building are not restricted to this level, though. Unless I am mistaken, as just a restaurant, he could crank the music up as loud as he wants. For reference, a telephone dial tone is louder than 75dB.”

Staff has requested information from the police department concerning calls for service at this location and will present any information obtained at the hearing.

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 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 the school facilities or population.

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

The property is not in an Architectural Design Control District.

i. Conformity with federal, state and local laws.

The proposal complies with all federal, state, and local laws to the best of the applicant’s knowledge.

j. Massing and scale.

No new buildings will be built or developed as a part of this application.

4. Zoning History

In 1949 the property was zoned B-1 Business. In 1958 the property was zoned M-1 Restricted Industrial. In 1976 and 1991, the property was zoned M-1 Industrial. The property was zoned Manufacturing-Industrial in 2003.

5. Character and Use of Adjacent Properties

Direction	Use	Zoning
North	Commercial and Residential	MI/R1-S
South	Industrial Uses	MI
East	Industrial and Residential Uses	MI/R1-S
West	Retail, Commercial and Residential Uses	MI

6. Reasonableness/Appropriateness of Current Zoning

The current M-I zoning is reasonable and appropriate. By-right uses in the M-I District include commercial office, retail uses, and light industrial activities.

7. Consistency with Comprehensive Plan

The current use of the property is consistent with the Comprehensive Plan designation for the property.

Public Comments Received

At the time of the drafting of this report, staff had received one comment from the public, in favor of the request and three who were opposed. Those opposed raised concerns about noise and the effect on neighborhood character.

Staff Recommendation

Staff finds that the chief concern from the proposed use is the indirect impacts the facility will impose on adjacent properties. While the surrounding properties are primarily industrial and commercial in nature, there are low density residential neighborhoods within proximity of the proposed music hall on Meade Avenue and East Market Street, as well as to the south on Chestnut and Cherry Streets. Approving a music hall at the proposed location will impact nearby

residential properties as patrons leave the establishment following a show and go to their cars. The City received complaints regarding the conduct of music hall patrons in the Downtown Belmont area of the City when Bel Rio was operating. The applicant has attempted to address this concern by voluntarily limiting when shows will end at the establishment. The Commission should consider whether these time limits will protect the residential character of nearby properties.

An argument for the approval of the special use permit is that the building is located adjacent to Meade Avenue, a prominent thoroughfare that would permit patrons to leave without driving down residential streets. Additionally, the noise limits on the music hall are more restrictive than the noise regulations for the other uses permitted on industrially zoned land.

If the Commission chooses to recommend approval of this application, staff encourages inclusion of the following conditions:

1. Adherence to all regulations outlined in Section 34-1174 of the Zoning Ordinance.
2. The music hall use will be limited to 2,450 square feet in a unit located in the northeast corner of the building with entrances on East Market Street and Meade Avenue.
3. All live music will cease at no later than 12:30 am on Fridays and Saturdays, and no later than 10:30 pm on Tuesdays, Wednesdays and Thursdays.
4. No live music shall be permitted on Sundays or Mondays.
5. Any outdoor performances of live music shall cease no later than 7:00pm.

These conditions could lessen the concerns with indirect noise from patrons of the establishment, as well as prevent any sizable enlargement of the facility without further consideration by City Council and the Planning Commission.

Suggested Motions

1. I move to recommend approval of this application for a special use permit for the operation of a music hall in the Manufacturing-Industrial zone for 1304 East Market Street, with the conditions outlined in the staff report which include:
 - a.
 - b....

OR,

2. I move to recommend denial of this application for a special use permit for the operation of a music hall in the Manufacturing-Industrial zone for 1304 East Market Street.



SPECIAL USE PERMIT APPLICATION

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

RECEIVED

III 23 2012

Fax (434) 970-3359

NEIGHBORHOOD DEVELOPMENT SERVICES

For Non-Residential and Mixed Use projects, please include \$1,500 application fee. For Residential projects, please include \$1,800 application fee; checks payable to the City of Charlottesville. All petitioners must pay \$1.00 per required mail notice to property owners, plus the cost of the required newspaper notice. Petitioners will receive an invoice for these notices and approval is not final until the invoice has been paid.

I (we) the undersigned property owner(s), contract purchaser(s) or owner's agent(s) do hereby petition the Charlottesville City Council for a special permit to use the property located at: 1304 E. Market St. (address), zoned: MI, for: _____

A. Property Information - Please note on the back of this form any applicable deed restrictions.

- 240 feet of frontage on Market St. (name of street)
- Approximate property dimensions: 2 acre sq. feet by _____ feet.
- Property size: 46,000 sq ft (square feet or acres)
- Present Owner: LINEN BUILDING LLC (Name) as evidenced by deed recorded in Deed Book MANA 608 Number _____ Page _____, with the Clerk of the Circuit Court.
- Mailing Address of Present Owner: 108 2ND ST SW #2 CHARLOTTESVILLE VA 22902
- City Real Property Tax Map Number _____ Parcel(s) _____; Lot(s): _____

B. Adjacent Property Owners' Addresses (Use the back of this form if necessary.)

Property Owner Name	Mailing Address	City Tax Map and Parcel #
1. <u>Alex Wright/Wright Salvage</u>	<u>1320 E. Market St.</u>	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____

C. Applicant Information - Please note that if the applicant is not the owner, proof of status as contract purchaser or owner's agent must be furnished. (Office Use: Proof Furnished _____)

Applicant's Name: Matheus A. Frankovich
 Mailing Address: 1304 E. Market St. Suite D, Charlottesville VA 22902
 Applicant's Phone Number(s): 434-284-1260 Work _____ Home _____
 Applicant's Signature: [Signature]

D. Attachments Submitted by the Applicant

- A required site plan was previously submitted on _____ (Date) with the required fee, for a pre-application review conference on _____ (Date). This site plan was prepared by:
Name: _____
Address: _____
Phone: _____
- Other attachments as required by Section 34-158 of the City Code (Office Use: Submitted _____).
- The correct application fee (see above).

For Office Use Only

I certify that the sign(s) as required by Section 34-44 of the City Code as amended has been posted on the following date: _____

Signature: _____ (Zoning Administrator)

Amt. Paid 1500.00 Date Paid 7/23/12 Cash/Check # 1394 Received by O. Eubank

7/22/12

Attn. Brian Haluska

**Notes on Special Use Permit Application for Secret Swami LLC
DBA Black Market Moto Saloon**

Dear Brian,

Attached is the SUP Application and some supplemental information concerning it.

I have addressed the Woolen Mills Neighborhood Association on this issue via an open dialogue on their Google Group Page. I have been met with tremendous support from the neighborhood and have received some valid inquiries as to how we will address noise control. The only negative voice has come from Victoria Dunham via a Facebook rant where she berated our establishment with crude language and excessive anger. She has refused my invitations to converse directly. I mention this because there is a significant part of the neighborhood that her voice does not represent, regardless of her title. I have provided some e-mails that allude to this.

We have put together a Petition of Support that will continue to grow in the coming months. It includes both neighbors and patrons who support live music at our establishment.

My intention is to host quality music in a controlled fashion, not to create a free-for-all that will disrupt the neighborhood. I have attached a set of restrictions that I am willing to have as conditions on a Special Use Permit. These include ending shows by 1030 on Tuesday through Thursday and by 1230 on Friday and Saturdays. Legal decibel limits will of course be honored at all shows.

One point I have clarified is that outdoor shows coming from the Lunchbox were creating much more disturbance for residents than those shows in our sound insulated building. The neighbors seem to appreciate this important fact being brought to light. Some assumed that the Lunchbox noise was coming from our establishment.

We have taken the following soundproofing methods to prevent sound from reaching the neighborhood-

- 1) Installing Double Pane Insulated glass on all windows
- 2) Installing four inch sound board panels over windows on the Market St. side
- 3) Building an entire insulated room to separate sound from escaping through a metal garage door on the neighborhood side
- 4) Hanging sound baffles to dampen sound
- 5) Currently obtaining new theatre curtains to dampen sound

These steps should curtail the practical concern of our music disturbing anyone.

Please review these documents and let me know if you have any advice on how to make this a workable solution for business and neighborhood alike.

Sincerely,

A handwritten signature in black ink, appearing to read 'Matteus Frankovich', with a large, sweeping flourish at the end.

Matteus Frankovich
434-284-1260
motopilgrim@gmail.com

Dear Woolen Mills,

Thanks to everyone for voicing your opinions on this hot topic. I would encourage everyone to keep the discussion objective and bear in mind that we are neighbors regardless of the outcome.

It is important that our e-mail thread clarified the fact that there have been two drastically different venues offering live entertainment at the intersection of Market and Meade. The Lunchbox has been offering outdoor shows with sound oriented towards the neighborhood. The Moto Saloon has been offering shows at an insulated indoor venue oriented towards the intersection. I would hope that the idea of noise coming from the area is something that can be traced to its specific source rather than a blanket statement cast on both restaurants.

As I have mentioned, I am turning in my \$1500 Special Use Application Permit by July 24th. I am planning to submit with it a set of guidelines by which I hope to operate live music at my establishment. I would like feedback from each of you on what you may need to support this. Please be clear and direct about any objections as they have only come to me second-hand thus far.

As Daniel Nairn pointed out, the City Ordinance requires sound to be below 75db between 11pm and 6am. I believe that our establishment will *never* have a show that exceeds these levels, regardless of time or day of the week.

As a starting point for discussion, I would like to propose show end times at 1030 on weekdays and 1230 on Fridays and Saturdays. This is realistic for most venues where showtimes would likely start at 9am on weekdays and 10pm on weekends.

Also, we are continuing to create *additional* soundproofing including heavy stage curtains and more suspended sound boards so that no music is *ever* heard in the neighborhood regardless of legal requirements.

I have heard kind words of support from many of you. Please continue to sign our Petition at the Saloon to express your voice. I would encourage any of you that have objection to my hosting of live music with these constraints in place to please speak with me so that I may do my best to accommodate your concerns.

There is a Wooly Wednesdays event happening at the Moto Saloon every Wednesday now from 5-8pm. I hope that each of you can visit the establishment. Come to eat, drink, be merry and enjoy the spirit of democracy.

Cheers,
Matteus

Dear Friends, Neighbors, and Residents of Woolen Mills,

Thanks to each of you for showing concern about this issue. It is refreshing to see a community association that shows a living, breathing voice and a valid interest in the future of their neighborhood!

Many of you know me as a long-time resident of Charlottesville and a business owner who started the Twisted Branch Tea Bazaar on the Downtown Mall in 2002. Others of you know me through the Waldorf School community that my five year old daughter attends. I have spent the last four years of my life as a resident of Woolen Mills, living on Market Street and I undoubtedly consider it one of the best places in Charlottesville to call home.

I appreciate this opportunity to comment on the issue of hosting live music at my establishment...

In March of this year, I opened doors at the Black Market Moto Saloon which is a vintage motorbike-themed restaurant and bar. (If any of you haven't had a meal here, I encourage you to give our House Reuben a try!) It was no easy task obtaining a business loan in the slowed economy and I am very thankful to the Linen Building Landlord Oliver Kuttner for his cooperation in the project. It is a rare opportunity to find a location where one can share their passions with the public and see a livelihood emerge from it.

One of my passions is the love of live music. As previous owner of the Tea Bazaar, I have had the opportunity to introduce Charlottesville to many talented entertainers over the years. In fact, many of the musicians who now grace the stages of the Jefferson and the Pavilion played their very first gigs at the Teahouse. Over the past six months at the Moto, we have had the chance to host Balkan wedding bands, Elvis impersonators, circus performers, African drummers and the Bridge Public Arts Initiative Fundraiser. (Not to mention performers who are residents of the neighborhood.) One of my primary concerns with the hosting of live music has been the well-being of my neighbors. This is not an idle PR statement meant to quell the voices of the concerned. This is an honest fact that my employees and patrons can attest to. I have signed a seven year lease at this location and will do everything in my power to make this business a positive experience for everyone it affects.

Steps that I have taken to demonstrate concern for noise levels in the neighborhood-

- 1) I have signed an agreement with the Virginia ABC Dept. to stop serving alcohol at mid-night. This was an option that I could have contested, however it is not an interest of mine to create a sordid late-night scene as took place at Bel-Rio in Belmont. This decision is adverse to the income that late-night business could generate, but it is not a scene that I am interested in cultivating - specifically for the detrimental effects it could have on the neighborhood.

- 2) At significant expense, I have installed double pane insulated glass in all of our windows to prevent the spill-out of sound. You may have negative memories of the previous tenant who had illegal rock shows that were easily heard through the broken shop windows. This situation has been alleviated.
- 3) We have constructed insulated sound baffles to cover the windows on the Market St. side. (Additional plans include theater curtain to further dampen sound.)
- 4) We have created an interior, insulated wall within the last month that completely encloses sound in the building. Legal sound levels have been verified by the Charlottesville City Police.
- 5) We have primarily scheduled our shows on Friday and Saturday nights. These shows end by mid-night or shortly thereafter. I am not interested in disturbing working neighbors during the week or keeping residents up into the wee hours of the night. (I am a parent - I am tired too.)

Chances are good that if you have heard any music at night in the past two months, it has not been coming from our restaurant, but perhaps from an outdoor venue nearby.

My disagreements with the City on this issue have primarily involved their selective enforcement of this Zoning Ordinance. There are many questions still to be ask about the Special Use Permit Application (which costs a small business \$1,500 just to inquire whether they are eligible to have live music). We are one of four restaurants among hundreds in Charlottesville required to obtain this permit. In the midst of an e-mail exchange with City Zoning to clarify the terms of this permit, we were shut down this Saturday night and had our customers escorted out. The irony being, we had no live entertainment, yet an outdoor hip-hop show was taking place directly across the street at a venue which shares our zoning constraints but had never received so much as a warning or notice as to their activity!

So, as it stands, I have had my Certificate of Occupancy returned by the City to operate as a restaurant. (We are actually releasing a new menu tonight featuring four new salads, gourmet burgers and plenty of bar snacks in addition to our old favorites.) I am submitting an application for the Special Use Permit by the 24th of this month. There will be a City Council Meeting on Sept.11th that public opinion on this topic can be heard at.

It is not my intention to come into the neighborhood and see what I can get away with while disregarding public well-being. I am simply trying to operate a neighborhood pub where everyone is welcome. My future plans include developing a lunch and breakfast menu (once I can afford to get my espresso maker working).

I would like each of you to support my request to offer live music at my venue. I don't seek to be considered a club or music hall in the public eye. I would simply like the right

to offer live music when it is appropriate and sustain a thriving business that I can support my family with.

I would like to make a simple and down to earth pledge to the neighborhood. I will not misuse the privilege of offering live music if you support me. I have taken practical, proactive steps to keep our entertainment from adversely affecting the neighborhood in which we live and I will continue to adapt to the needs of Woolen Mills.

I thank Woolen Mills for taking the time to consider this issue. I thank each of you on the Neighborhood Association who have supported me thus far. I encourage those of you who haven't been in to visit us. I can be reached by phone 434-284-1260, by e-mail, or in person to discuss any questions you may have.

Saloon hours are 5PM-Midnight, Tues-Saturday.

Sincerely,
Matteus Frankovich



Matteus Frankovich <motopilgrim@gmail.com>

Full support of Moto!

1 message

Kristin Solomon <kahsolomon@gmail.com>

Mon, Jul 23, 2012 at 8:40 AM

To: motopilgrim@gmail.com

Cc: Tommy Solomon <tsolomon111@gmail.com>

Hey Matteus. I just wanted to drop you a line individually and tell you that my husband, Tommy, and I are in full support of your operation. We haven't actually had a chance to get to the saloon yet, but it's on our date night list the next time we next get a sitter (or maybe we'll bring the baby in on Wednesday night...I did hear that Moto is kid-friendly!)

Tommy and I are new to the neighborhood (we actually moved next door to your old place at 1513 E. Market in April), and thus far I don't really know/understand how this neighborhood functions. After the last week or so of all the emails, I'm embarrassed and disgusted with all the "dialogue" that has played out. I find it REALLY disturbing that four board members are "representing" Woolen Mills as a whole, that people are engaging in trash talk over email, and that no one seems to care to have an honest conversation face to face. I have no idea how to rectify this situation, but it saddens me that we've moved to a place where people so easily make assumptions and create discord. I don't think the answer is for me to write yet ANOTHER email to the list-serve, but this whole thing troubles me to say the least.

Anyways, I just wanted to give you pat on the back for doing something exciting at the Linen Building. I respect your efforts to work with the neighborhood, and am so sorry you've been the subject of a witch hunt. I'm sure this will all simmer down in a bit, whenever something more "scandalous" than a neighborhood bar rocks the Woolen Mills. 'Til then, Tommy and I will be quietly trumpeting the saloon by word of mouth, and NOT over email.

Sincerely,
Kristin Solomon

1515 East Market St.

A few of many
supporting
e-mails from
neighbors



EX Machina <blackmarketmotosaloon@gmail.com>

Live Music problems?

2 messages

Allan McCoy <allanmccoy@gmail.com>

Wed, Jul 18, 2012 at 1:50 PM

To: blackmarketmotosaloon@gmail.com

Hey Black Market Moto Saloon,

So I heard about your problems having live music and they you have to have a hearing/meeting with the local city government maybe in August or September.

Anyway I live very close to your establishment at 148 Carlton road (road just behind meade). Anyway I never have any problems in terms of noise or other problems and I think your place is great and love having a place with live music so close by. As a neighbor to your place I am happy to write a letter or even go to a meeting and say that your establishment causes no problems at all in terms of live music - I never really hear it when I am at my house. Just let me know if something like that would help.

All the best,

Allan McCoy

EX Machina <blackmarketmotosaloon@gmail.com>

Wed, Jul 18, 2012 at 2:42 PM

To: Allan McCoy <allanmccoy@gmail.com>

Thanks for taking the time to mention this Allan. We do have petition at our bar to support live music here. Come on by and sign it if you get a chance. There will also be a city meeting September 11th where public support will be very helpful. We will post more info on that via our Facebook Page. Thanks for your support. There is a neighborhood happy hour from 5-8 on Wednesdays.

Cheers,

Matteus

[Quoted text hidden]



Matteus Frankovich <motopilgrim@gmail.com>

Woolen Mills - Moto Saloon Dialogue

Leela HG <leelahg@gmail.com>

Sun, Jul 22, 2012 at 2:52 PM

To: Laura Covert <lcmacb@gmail.com>

Cc: Woolen Mills List <woolen-mills-neighborhood@googlegroups.com>

Well said Laura. I am a little disturbed at some of the comments, i.e., re Jonathan and how long he's been here.

Who cares? He's our neighbor and entitled to an opinion. We all are, and we can discuss them, even have strong feelings, but please let's not forget respect. I don't know where some of the comments about Matteus came from, but am horrified that anyone would post hateful things on their facebook pages. Even if you think it's funny, look around at what's happening here and in the world; it's not funny. If you don't like the music he plays in the saloon, don't go listen. He's very committed to not disturbing the neighbors. I am convinced of that. And his partner and baby live there too. He is very protective of them. I love what he did with the Tea House and think he deserves our support with Moto. If something is wrong or a problem we will discuss it, and try to find solutions.

That is what I love about this neighborhood; good will and a feeling of connectedness. Let's keep that going whatever the issue.

Leela

On Sun, Jul 22, 2012 at 12:39 PM, Laura Covert <lcmacb@gmail.com> wrote:

The internet is a wonder, but when we forget that each email address has a human being behind it we are lost when it comes to honest and civil discourse.

It would be nice if this were a simple issue and if at the end we could all select from option A, B or C and have the scantron tell us if we were correct or not - but that isn't real life. It would be very convenient for our decision making if there was no passion or personality involved, again, not real life.

[Quoted text hidden]

[Quoted text hidden]

I Support Live Music at the Black Market Moto Saloon.

Name	Mailing Address	E-mail
Rafal Kalemba	1702 Monticello Rd cville VA 22902	Not given
Anthony Casey	941 Southampton Dr cville VA 22901	Not given
Jeffery [unclear]	3580 Loftlands Dr Earlysville	laffojr0@semince.edu
[unclear]	624 Bowling Ln Cville	
[unclear]	2325 Minor Mill Rd, Cville VA	
Brandon Bongley	1013 Linden Ave, Apt N Charlottesville, VA 22902	
Neeraj D. Dillon	1013 Linden Ave, Apt N - Cville VA 22902	
Krista Bentley	1407 Burgess Ln Cville, VA 22902	
Whitney French	1702 Monticello Rd. Cville, VA 22902	
Ryan Drake	1403 Melbourne Ct Cville, VA 22901	
Ashley A. Belu	113 Longwood Drive Apt A Cville VA 22903	
Kerry Rask	758 Merron Greene, Cville 22901	
Charlotte Endres	1325 E. Market St. Cville 22902	
* Jackie Strickland	1325 E. Market St Cville 22902	
Rachel Wingfield	629 Monticello Ave, 22902	
Kathryn Wagner	2040 Fox Hunt dr Troy VA 22974	
Casey Kester	1611-A Mulberry Ave. 22903	

I Support Live Music at the Black Market Moto Saloon.

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Paul Burton	1637 St Anns Rd Cville VA 22901	pburton@silverchair.com
Dennis Telford	1784 Hewtholow Ln 22901	dtelford4020@gmail.com
Rebecca Lee	1108 Welford St. Charlottesville VA 22903	Rebecca@col.com
Harrison Holland	105 N. Baker ST 22903	

I Support Live Music at the Black Market Moto Saloon.

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I Support Live Music at the Black Market Moto Saloon.

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I Support Live Music at the Black Market Moto Saloon.

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Dana Taylor	[Signature]	[Signature]

Change, ORG.

I Support Live Music at the Black Market Moto Saloon.

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Barbara Jelving	705 grouse St Cville, VA 22902	barbarajelving@quark.com

go to color of hair

I Support Live Music at the Black Market Moto Saloon.

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I Support Live Music at the Black Market Moto Saloon.

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I Support Live Music at the Black Market Moto Saloon.

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I Support Live Music at the Black Market Moto Saloon.

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Anton Turner	2645 BARRACKS RD CVILLE VA 22901	
Colin G. Powell	2010 Marchant St. Cville, VA 22902	cgp74@virginia.edu
Anna Jones	200 Riverbend Dr., #4A, Charlottesville, 22911	annawjones@gmail.com
Sergio Castellon	1403 Burger Ln. Cville 22902	gleyfirecrew@yahoo.com
JACK LILIENTAL	4505 STRIBLING AVE EXT	jack.andrew.liliental@gmail.com
Chris Sowers	1024 Scottsville RD, C-Ville 22902	
★ Emily Wilson	1314 Chesapeake St	ecw4t@virginia.edu
★ AJ Fraley	1314 Chesapeake St.	afraley6164@email.pvk.edu
Tim Edgcomb	611 Moseley DR	tim@edgcombss.com
LORI SALLADE	330 Cedar Bluff Rd Cville 22901	lsallade@5sgc.com
Rachel Garrett	1405 Chesapeake St	tagsmace@aol.com
John Salgado	142 Stables Ave	johnsalgado@gmail.com
Denise	142 Stables Ave	Denise@denise.com
Emily Lopez	1718 E Market St Cville 22962	ELopez1516@gmail.com
JOSH STONOR	120 WILKINSON HILLS CIRCLE 22903	

nearby
Jo Sound
2

I Support Live Music at the Black Market Moto Saloon.

Name

Mailing Address

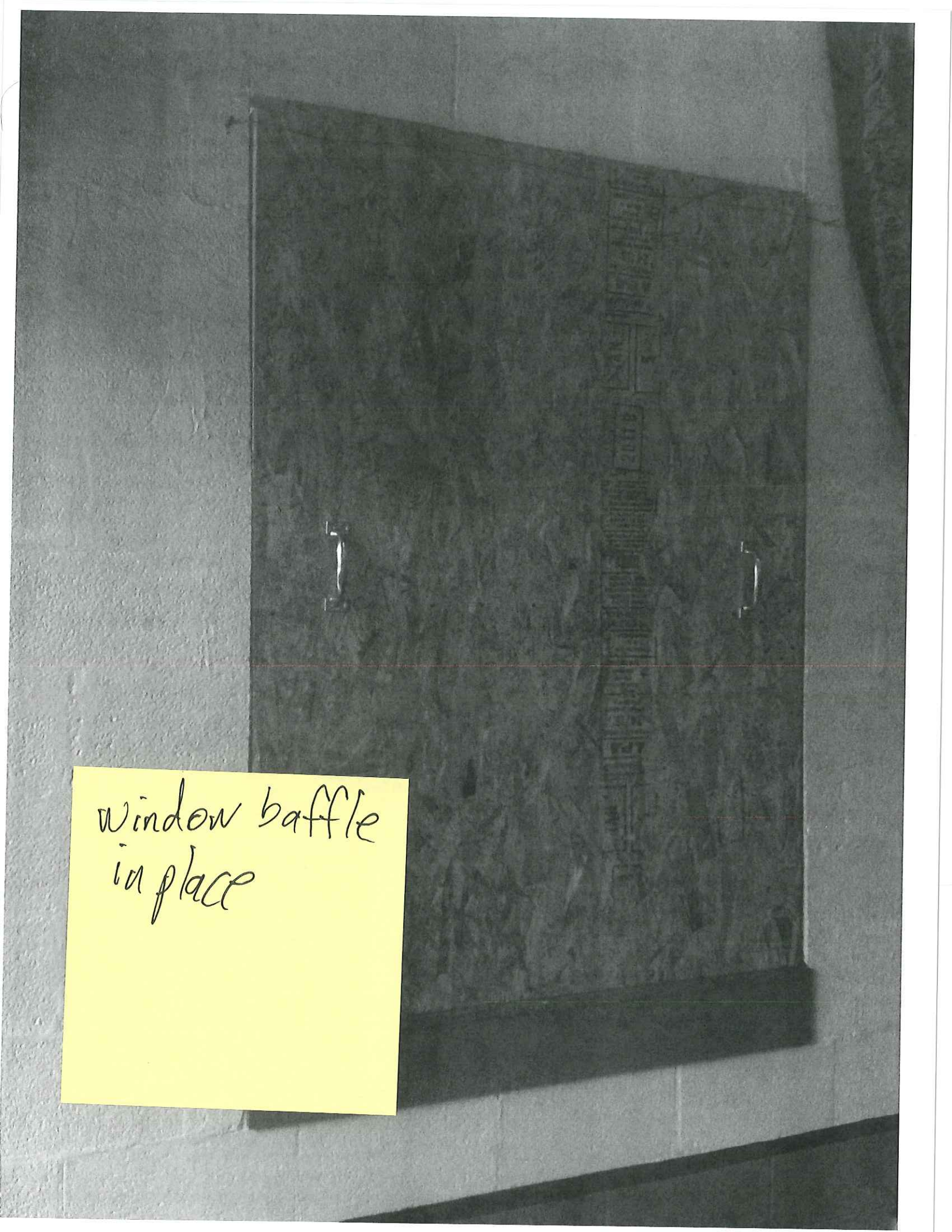
E-mail

Sarah Bardow-Rojzenik	74 Carteberry Rd Cville 22903	swabandj@vital.net
* Wade Charles	708 Riverview St Cville 22902	Charles10@stcc.edu
Carshyn Colley	31 Lafayette Dr Palmyra VA	cmc902@virginia.edu
Tessa Whitney	1900 Avon Street Cville VA 22902	TessaMWhitney@gmail.com
* Kara Rosenthal	1415 Burgess Lane Cville VA 22902	kara.rosenthal@gmail.com
* Aisha Savage	292 Riverside Ave Cville VA 22902	aishachk@igloo.com
* Michael Savage	" " " " " " " "	michaelstevensavage@gmail.com
Juliet Trail	1686 Royal Oak Ct Cville VA 22902	
Kristina Constantine	3351 Wort King Cville VA 22911	kristinaconstantine@gmail.com
Rob Richmond	1132 E. Market St Bay 1 " 22902	rob152@hotmail.com
Guinevere Higgins	307 Fairway Ave Cville	
Gerald Soriano	" "	
* Karen Laveno	1712 E Market St	kgutzmer@live.com
* Jonathan Laverzo	1712 E Market St	jonathanlaverzo@gmail.com
DARREN MURKIN	734 Low St Ave	DARREN@SFT.NRT
Victor Szabo	301 Spruce St Cville 22902	vl57abo@gmail.com

WANTS TO HELP PARTY

Newly
constructed
sound-proof
enclosure on
neighborhood
side





Window baffle
in place

4"
sound-proofing
baffle

File

City of Charlottesville, Virginia
Department of Neighborhood Development Services
 Post Office Box 911 Charlottesville, Virginia 22902
 Telephone (434) 970-3182 Facsimile (434) 970-3359
 "America's #1 City"
www.charlottesville.org

CERTIFICATE OF OCCUPANCY

Address: 1304 E MARKET ST Parcel Number: 5600080000 Lot#:
 Issued Date: 2/1/2012 Type: Permanent Permit #: BN-11-0312

General Description: New Restaurant

Building Code Used: 2006 IBC

Occupancy Classification: A2

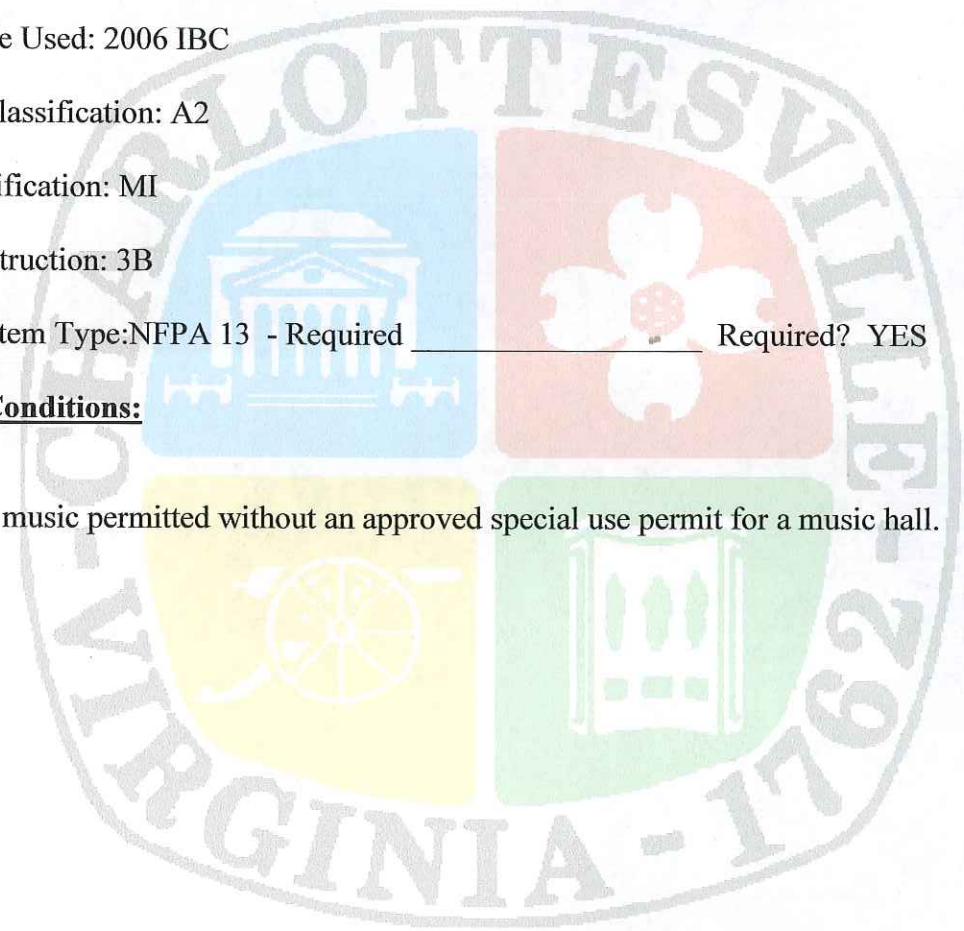
Zoning Classification: MI

Type of Construction: 3B

Sprinkler System Type: NFPA 13 - Required Required? YES

Comments/Conditions:

No amplified music permitted without an approved special use permit for a music hall.



THIS CERTIFICATE MAY BE SUSPENDED OR REVOKED FOR FAILURE TO CORRECT REPEATED VIOLATIONS IN DISREGARD FOR THE PROVISIONS OF THE VIRGINIA UNIFORM STATEWIDE BUILDING CODE. ANY CHANGE IN THE USE OF THIS BUILDING VOIDS THIS CERTIFICATE.

Approvals:

<u>Tom Elliott</u> Building Official	<u>Sony Edwards (BL)</u> City Engineer	<u>Bruce J. Heston</u> Zoning Administrator
<u>2/2/12</u> Date	<u>2/6/2012</u> Date	<u>2/2/2012</u> Date

Bill Emory
1604 E Market Street
Charlottesville Virginia

September 3, 2012

re: Special Use Permit Application, 1304 E Market, Parcel ID 560008000.

Joint public hearing, September 11, 2012

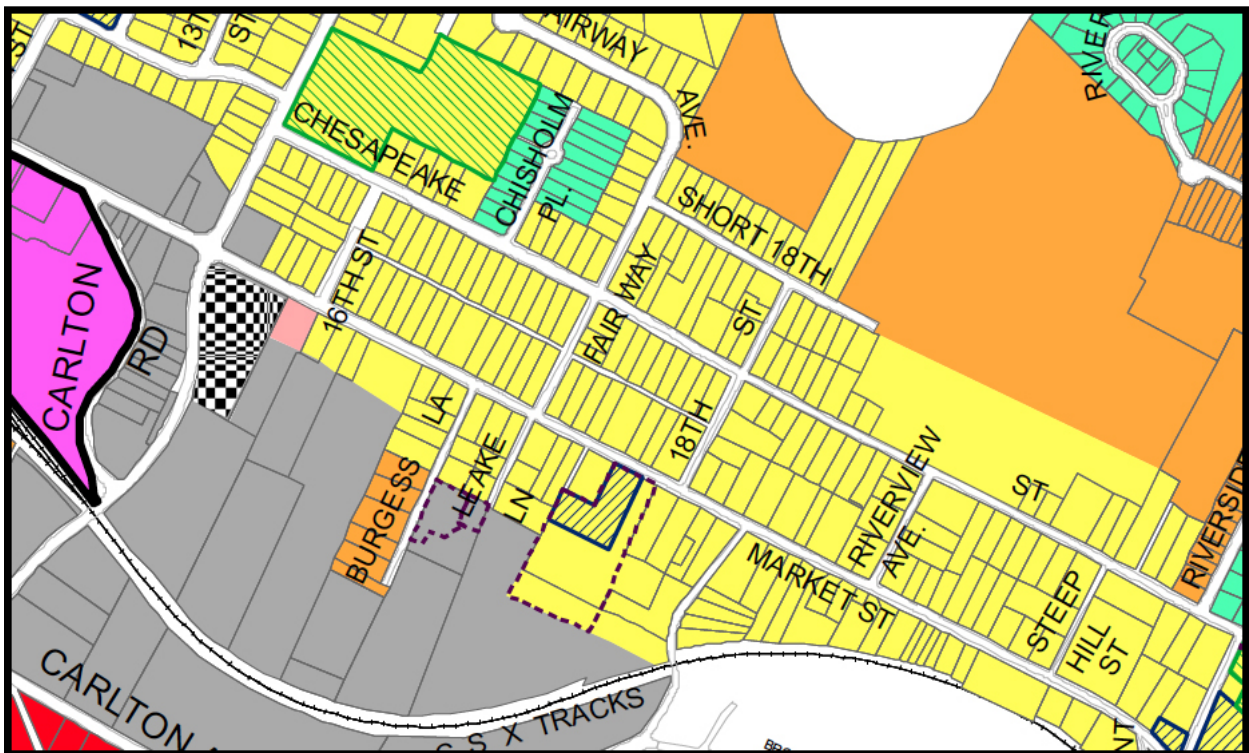
Dear Planning Commission and City Council,

I am writing regarding the application by the Black Market Moto Saloon/Linen Building LLC for a special use permit to operate a Music Hall at 1304 East Market Street.

Section 34-157 of the City Code sets the general standards of issuance for a special use permit. I limit my review of the standards here in the interest of brevity.

(1)Whether the proposed use or development will be harmonious with existing patterns of use and development within the neighborhood.--34-157

There are two “patterns of development” in the Woolen Mills Neighborhood. The zoning map, the 1957 aerial photo and the 2008 Google Earth™ photo that follow provide the altitude and the span of years necessary to show those patterns and to suggest the tension between the patterns.



The parcel in question is designated with a black and white checkerboard pattern above.



The top photo is from 1957, the lower photo is from 2008. Careful examination of the top photo shows a residential neighborhood north of the railroad tracks with one “industrial node” (cars in Harry Wright’s backyard) visible. Take note of the discordant effect that the M-I/R1 continuity has generated in the past 50 years. Observe, in the lower photo, 31 acres of M-I zoned land boasting around four million dollars of assessed improvements. The existing M-I uses, while arguably destructive to the environment (heat islands, brownfield chemical and dust contamination, impervious surface), have not created insurmountable problems for the residential neighborhood. But the future massing and future uses allowed within M-I zoning are a time-bomb for the adjacent residents.



These two patterns of development, industrial and residential, are contiguous. Mr. Tolbert observed in 2006 at the Council Planning Commission Land Use Plan worksession:

“(this is) a very hard line between industrial and residential. Not something that is typical in a land use plan or in a zoning ordinance.”

The contiguous residential and industrial patterns of development have generated discussion and conflict for decades. The conflict, a product of careless, incompatible zoning, remains unresolved.

2)Whether the proposed use or development and associated public facilities will substantially conform to the city’s comprehensive plan. 34-157

The current use of the Moto Saloon property as a restaurant and bar conforms to the City’s Comprehensive Plan, notably the Comp Plan’s subsection, the *Woolen Mills Neighborhood Plan*. In 2007 Woolen Mills residents expressed their desire for a variety of uses at this location (the intersection of East Market Street and Meade Avenue).

For decades our neighborhood has sought to partner with the City to achieve historic protection, pedestrian safety and rational, careful, “best practices” zoning. We have sought to promote quality of life in our neighborhood. The granting of a Music Hall SUP at this intersection would be destructive, long term, to neighborhood quality of life.

(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.--34-157

As a 25 year resident at 1604 E Market Street I believe a Music Hall use will bring **adverse impacts a-d** above to bear on the Woolen Mills neighborhood.

Noise: One of the conditions placed on the Music Hall SP-11-03-02 (1417 Emmet Street) March 8, 2011 was “*sound emanating not to exceed 75 decibels*”. This noise limiting condition was considered adequate near the intersection of the Route 250 Bypass and Route 29 with the nearest residences 700 feet distant, but the same decibel limit would not serve adequately in the Woolen Mills.

Note! 75db is 100 times as loud as the 55db allowed in NCC zoning (downtown Belmont).

The adverse conditions associated with a Music Hall arise from a crowd of people engaging in the aurally/socially stimulated consumption of intoxicants. Sequelae of inebriation include; acts of violence, drunken driving, hit and run, fighting, shouting, littering, destruction of property and personal injury. Introducing these impacts into the Woolen Mills Neighborhood as the result of a discretionary decision (the granting of this SUP) would be in opposition to the Code of Ordinances, City of Charlottesville Chapter 34, Sec. 34-3, Purpose.

This chapter shall be for the general purpose of promoting the health, safety and general welfare of the public.

“Just say no” on the basis that a music hall at this location would be destructive to the stability, the safety and the sleep of a residential neighborhood. A Music Hall at 1304 E. Market Street does not promote the health, safety and general welfare of the public.

Just say no.

A handwritten signature in black ink that reads "Bill". The letters are cursive and fluid, with a prominent loop on the 'B' and a long tail on the 'l'.

Bill Emory

Creasy, Missy

From: Michele Martin <micheledmartin@embarqmail.com>
Sent: Monday, September 03, 2012 4:18 PM
To: Council
Cc: Creasy, Missy
Subject: Special Use Permit

Dear Planning Commission and City Council Members

I am writing in opposition to granting a Special Use Permit to the Moto Saloon at 1304 E Market Street. My husband and I have lived at 1600 E Market St since 1986. Truthfully, being three blocks east of the Saloon means that our peace and privacy will not likely be impacted no matter what you decide. In fact, we are delighted with the idea of a walkable restaurant in our neighborhood. Beer Run has been a positive addition to the area for that reason. We would likely patronize the Saloon if it were largely a restaurant. At 70 years of age we have enough trouble hearing each other and our dinner companions without amplified music.

My objection to the SUP is the amplified music. This disruption has no place in a quiet residential area. The people who live in the closest proximity to the Saloon (within a half Block) include at least three elderly households—older than my own 70 years!—and at least one ESL family. In other words, not families who are likely to support or visit the Saloon and who are not likely to feel comfortable (or know how) to register their viewpoints.

I know that past business behavior is the elephant-in-the-room that is not supposed to impact your decision. In my opinion, rewarding scofflaw behavior with a SUP is not a wise decision.

Best regards,

Michele Martin
1600 E Market St
Charlottesville VA 22902
micheledmartin@embarqmail.com