

Agenda

PLANNING COMMISSION REGULAR DOCKET TUESDAY, January 13, 2015 – 5:30 P.M. CITY COUNCIL CHAMBERS

I. PLANNING COMMISSION GATHERING -- 4:30 P.M. (Held in the NDS Conference Room)
Commissioners gather to communicate with staff. (4:30-5:30 P.M.)

II. REGULAR MEETING -- 5:30 P.M.

A. COMMISSIONERS' REPORTS

B. UNIVERSITY REPORT

C. CHAIR'S REPORT

D. DEPARTMENT OF NDS

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

F. CONSENT AGENDA

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

1. Minutes - December 9, 2014 – Pre meeting
2. Minutes - December 9, 2014 – Regular meeting
3. Minutes - November 18, 2014 – Work Session

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

G. JOINT PUBLIC HEARINGS

1. SP-14-12-12 – SUP for Farmer's Market - An application pursuant to City Code Sections 34-161 and 34-796 for a special use permit to allow for a Farmers Market (the Charlottesville City Market) on property located within the Water Street Mixed Use Corridor Zoning District, located at 100 East Water Street, identified on City Tax Map 28 as Parcel 62, owned by Charlottesville Parking Center, Inc. The subject property is located within the Water Street Mixed Use Corridor zoning district and is approximately 0.99 acres or 43,124 square feet. The Land Use Plan generally calls for Mixed Use. Currently the property is used for a commercial surface parking lot. The proposed special use permit is to authorize, in accordance with zoning use regulations, periodic use of the parking lot for the City Market. **Report prepared by Brian Haluska, Senior Planner.**
2. Spot Blight Abatement (610 Ridge Street): A request for the Planning Commission to make findings and recommendations concerning the repair or other disposition of the property located at 610 Ridge Street, which has been determined to be a blighted property pursuant to City Code Article V, Division 5. The property is identified on the City Real Property Tax Maps as Tax Map 29 Parcel 263, having approximately 50 feet of frontage on Ridge Street and containing approximately 0.23 acres. **Report prepared by Jim Tolbert, Director & Patricia R. Carrington, Property Maintenance Code Official.**

IV. REGULAR MEETING – (continued)

H. Preliminary Discussion

1. 201 Garrett Street
2. Ridge and Cherry – William Taylor Plaza PUD Amendment

I. FUTURE MEETING SCHEDULE

Date and Time	Type	Items
Tuesday January 27, 2015 – 5PM	Work session	Unified Development Code & Small Area Plans
Tuesday, February 10, 2015 – 4:30 PM	Pre- Meeting	
Tuesday, February 10, 2015 – 5:30 PM	Regular Meeting	Planning Awards Presentation ZTA –Flood Plain Ordinance Special Use Permit – 201 Garrett St Spot Blight – 1810 Yorktown Drive Rezoning – William Taylor Plaza PUD Amendment

Anticipated Items on Future Agendas

- Zoning Text Amendment - PUD ordinance updates
- Locklyn Hill PUD
- Carlton Avenue – Lot A – Site Plan
- ZTA – Unified Development Ordinance

Persons with Disabilities may request reasonable accommodations by contacting ada@charlottesville.org or (434)970-3182

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.

**LIST OF SITE PLANS APPROVED ADMINISTRATIVELY
12/1/2014 TO 12/31/2014**

1. Final Carlton Avenue (PACE site) Parcel C

**LIST OF SUBDIVISIONS APPROVED ADMINISTRATIVELY
12/1/2014 TO 12/31/2014**

1. TMP 41 – 10 & 10.1 Boundary Line Adjustment
 1503 Rugby Road Old Albemarle Surveying, LLC
 File No. 1527 Final
 Final Signed: 12/5/14
 Signed by: Heather Poole & Kurt Keesecker

2. TMP 42A - 58.3 & 58.5 Boundary Line Adjustment
 100 & 105 Peterson Place Roudabush, Gale & Associates
 File No. 1528 Final
 Final Signed: 12/23/14
 Signed by: Heather Poole & Kurt Keesecker

CITY OF CHARLOTTESVILLE
PLANNING COMMISSION PRE MEETING
TUESDAY, December 9, 2014 -- 4:30 P.M.
NDS CONFERENCE ROOM

Planning Commissioners present

Mr. Dan Rosensweig, Chair
Mr. Kurt Keesecker
Ms. Genevieve Keller
Mr. John Santoski
Mr. Lisa Green
Mr. Jody Lahendro
Mr. Bill Palmer

Staff Present:

Mr. Jim Tolbert, NDS Director
Ms. Missy Creasy, Planning Manager
Mr. Ryan Davidson, Budget Analyst
Mr. Brian Haluska, Senior Planner
Mr. Matt Alfele, Planner
Ms. Mary Joy Scala, Preservation and Design Planner
Mr. Read Brodhead, Zoning Administrator
Ms. Lisa Robertson, Chief Deputy City Attorney

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

Mr. Davidson provided a briefing on the Council budget work session from December 8, 2014.

Ms. Keller noted that she was interested in removing Johnson Village site plan and entrance corridor items from the consent agenda. Other Commissioners agreed so it was noted that this would occur.

Mr. Green asked for clarification on a question for the Rialto Beach PUD site plan and that answer was provided.

The meeting turned to the Transient Lodging Facility zoning text amendment item. Ms. Robertson provided an outline of the options the Commission could consider this evening. It was noted that the Commission would make a determination on how to handle this item following the consent agenda.

Mr. Palmer asked which West Main Street plan was under consideration for the 1106 West Main application. It was noted that the current plan which is to go for approval shortly should be the one considered.

Concerning 722 Preston Avenue, it was noted that there should be clarification that the use being requested should be contained in the existing building.

The discussion adjourned at 5:25pm.

MINUTES
PLANNING COMMISSION MEETING
December 9, 2014 - 5:30 P.M.
CITY COUNCIL CHAMBERS

Planning Commissioners Present

Dan Rosensweig – Chairperson
Tanea Dowell
Lisa Green
Kurt Keesecker
Genevieve Keller
Jody Lahendro
John Santoski

Staff Present

Ms. Missy Creasy, Planning Manager
Ms. Lisa Robertson, Chief Deputy City Attorney
Mary Joy Scala, Preservation and Design Planner
Brian Haluska, Senior Planner
Matt Afele, City Planner

The meeting was called to order by Chairman, Dan Rosensweig at 5:30.

COMMISSIONERS REPORT

Mr. Keesecker – Nothing to report

Mr. Santoski – He attended the final Free Bridge Ecological project meeting and the general consensus was it was an interesting exercise and it may not have been the best location to do this ecological project but there were some recommendations for what might happen with Free Bridge. He also attended the MPO Technical Committee meeting and there is unallocated funding for the long range transportation plan and one of the considerations is to use some of the funds for a Free Bridge related project.

Mr. Lahendro – He attended the Parks and Recreation Commission on 11/19. The discussion involved McIntire Park, schematic designs of the park with the visitor's center, the potential botanical garden and the design for the skate park. The two designs were approved for further review by City Council. He said the process for CIP funding was discussed and described.

Mr. Rosensweig – asked about the northern portion of McIntire Park including alternate smaller active use area and if these were included in the master plan?

Mr. Lahendro said there are ponds, walkways and trails and visitors center are being proposed.

Ms. Keller – reported that the PLACE Task Force will be meeting at noon in the NDS conference room on December 11th.

Ms. Green – nothing to report

Mr. Palmer – stated that the bike share pilot project is moving forward with about 90 bikes and they hope to have the full project ready by the next semester.

A. CHAIR'S REPORT – Mr. Rosensweig said the Housing Advisory Committee met on November 19th and talked about two issues of interest to the Planning Commission. One is how best to participate in the Code Audit specifically with regard to affordable housing, and the goals and vision within the housing section of the updated Comprehensive Plan; and two the ongoing work of a subcommittee to examine best practices and incentives for creating more affordable and mixed income housing. They approved a recommendation to Council regarding the scope of a comprehensive housing study. The River Committee met and discussed some next steps guided by Dan Mahon, Albemarle County Parks and Recreation, expanding the boundaries of the proposed planning area to incorporate everything north up to the Native American burial grounds across from the South Fork Soccer Park, and

to the south down to the site of Jack Jouett's crossing at the Rivanna. Everyone thought it was a great suggestion to incorporate all the historic sites along the way. The committee discussed scheduling a meeting to inform citizens what is going on and to get feedback about what are the features, the factors, and the things we hold dear collectively in and adjacent to the Rivanna River. This meeting should be scheduled with the opening of the Lewis and Clark facility at Darden Towe Park. At the next meeting of this committee, plans are to include members of the tourist industry, economic development from the City and the County, and members of the committee asked TJPDC staff to bring forwarded case studies from other cities, towns, and municipalities who have done a similar River type of project. He said Council ask the chairman's of various bodies participating in the Code Audit and Streets That Work initiative to discuss the process moving forward. Four Councilors were in the room joining the chairs of the BAR, Planning Commission, Tree Commission, PLACE Design Task Force to discuss and he felt like it was a very productive meeting. We received an update of the extensive neighborhood out-reach program conducted by the NDS staff and also discussed some higher altitude guiding principles for both the Code Audit and the Streets that Work initiatives. As the process continues we will get a summary of the public out-reach including the up-coming community day this Saturday 13th at the Jefferson School.

B.DEPARTMENT OF NDS - Ms. Creasy reported that the Saturday event will be held at Carver Recreation Center in the multipurpose room from 8 am – 11:30 am. The meeting will start with a general discussion and presentation and then move into group work, and some report out. We will have a facilitated meeting and hope we will have good attendance. Should anyone need additional information give us a call; and we do have information online at Charlottesville.org/CompleteStreets. She said she received Real Estate forms from everybody. Ms. Creasy said it's time to think about the Planning Award nominations so start thinking about who you would like to nominate for those awards. The January work session will be on the 27th and the first item on the agenda is the Unified Development Code Ordinance for discussion; and a place holder for small area plans will be the second part of that discussion.

Matters By the Public

Bill Emory – 1604 E. Market Street in the Woolen Mills, Charlottesville's waterfront, a historic garden neighborhood located at the foot of a world heritage site, cradled by the Rivanna River. I am the secretary of the WMNA and have been authorized by our neighborhood association to welcome Ms. Dowell and Mr. Lahendro to the Planning Commission and invite their active participation in our long running conversation regarding land use in the east end of the City. Staff is working on setting up a January work session to prioritize small area plans. We are on pins and needles regarding this discussion.

In 1988 Planning Commissioner Sue Lewis advised residents of the Woolen Mills to become involved in the discussion of development in our area "before something happens". We took Ms. Lewis advice to heart. We got in the queue. The queue is updated every few years, most recently, with the 2013 revision of the Comprehensive Plan. Before that Woolen Mills neighborhood concerns were voiced in the 2007 and 2001 Comp Plans. How are Small Area Plans and Land Use issues prioritized? What part does community engagement play? At small area plan subcommittees meeting in April and June of this year, the Woolen Mills and the Rivanna Corridor were mentioned dozens of times. These mentions arose from the corridor visions put forward in the Torti-Gallas early in this millennium. The mentions sprung from the incompatibility inherent in adjacent industrial and residential zoning. The mentions arose from the recreational potential of reconnecting Charlottesville with its waterfront, from the possibility seen by the Charlottesville and Albemarle County Planning Commissions of working cooperatively within the Rivanna River Corridor. The mentions arose from a desire to address a gate way to our City, High Street. As a neighborhood we ask that you consider Placekeeping. Presently, the underlying zoning in our neighborhood and in the river corridor doesn't support city's nascent vision for the area. We ask that you deal with underlying zoning in the Woolen Mills neighborhood and the Rivanna Corridor. Planning is preferable to triage. Get law on the ground in advance of development proposals so that we might realize the gifts of this unique area to the larger community.

Emily Walker – 1515A Antoinette Avenue in Johnson Village, is speaking on behalf of other families who live on Antoinette Avenue at the intersection of Shamrock. She said they have reviewed the site plans for Johnson Village Phase III and have two concerns, 1) concerned about construction and equipment in the cul de sac area at

the end of Shamrock road and 2) Michael West (represents our properties) is concerned that the plan for a barrier wall at the end of Shamrock would not serve any purpose because of elevation and his suggestion was to leave a larger barrier of the natural area instead which would be an effective natural barrier as opposed to the wall. She said the elevation would prevent it from being effective and there are a couple of other points he had made which I don't have at this time. Our neighborhood is filled with children playing in the street. We are renters but we have a strong community there and feel that the nature of our neighborhood will be irreversibly changed by the loss of that swath of trees. The forest area and the development we understand is going to change but would be right on our backyards. Please leave a section of trees along the perimeter at the top of Antoinette and the end of Shamrock. Ann Marie Park, 825 Village Road, she is a board member of the HOA for Cherry Hill and Village Place Association. She has worked with the developer over the past few years and it is fair to say that the consensus between the previous site plan and the current plan is under review and contains numerous changes. The current plan is more desirable for the neighbors on Village Place. The changes include moving the clubhouse away from the pool. The long side of the building is not facing the front side of the homes so there is less visual space. If something is going to be built, please use the current plan which is more desirable. Putting a parking lot between the apartment and the homes preserves more of the backyard space.

Heather Walker, 603 Shamrock Road, President of the Johnson Village Association, noted the developers of Village Place and Cherry Hill are the same developers of Phase III and she wants to remind you of the barrier that was supposed to be left between Cherry Hill and Johnson playground but was not left. It was completely clear cut and she wants to make sure there is a wide barrier of trees to protect the homes that are on Antoinette.

F. CONSENT AGENDA

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

1. Minutes - November 11, 2014 – Pre meeting
2. Minutes - November 11, 2014 – Regular meeting
3. Minutes - November 18, 2014 – Work Session will be brought back for approval next month.
4. Site Plan – Rialto Beach PUD

Ms. Keller approves the Consent Agenda with the exclusion as noted , seconded by Mr. Santoski, motion passes 7-0.

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

1. **Charlottesville Capital Improvement Program FY 2016-2020:** Consideration of the proposed 5-year Capital Improvement Program totaling \$86,852,483 in the areas of Education, Economic Development, Public Safety & Justice, Facilities Management, Transportation & Access, Parks & Recreation, technology Infrastructure, Storm water Initiatives and General Government Infrastructure. A copy of the proposed CIP is available for review at <http://www.charlottesville.org/Index.aspx?page=3637>.
Report prepared by Ryan Davidson, Office of Budget and Performance Management.

The Charlottesville Planning Commission is asked to endorse an \$18.2 million capital improvement budget for the next fiscal year, but also asked the City Council to consider adding more money for new street trees and to encourage the fire department to transition to smaller vehicles. The five-year capital plan totals \$87 million through 2020, though councilors will only adopt the first year of funding when they adopt the total budget in early April. The draft plan for next year allocates \$25,000 for “urban tree preservation and planting” but the City’s Tree Commission had asked for more.

Ryan Davidson, City budget analyst explained why a capital improvement oversight committee did not recommend granting their request. He said it is not a reduction but level funding from the previous year, we feel that’s adequate for what we can keep alive. He also said paying to plant more trees also would require the city to hire someone to help make sure the new trees survive, and the committee has to take the impact to the city’s operating budget into account.

Jim Tolbert, Director of Neighborhood Development Services stated this is the first year we've considered the impact of ongoing operating costs that come with additions to the capital plan. He also pointed out the \$11 million dollars allocated in the capital plan for a new streetscape for West Main includes money for street trees to be planted as well.

Mr. Tolbert said Council will hold a work session Dec. 18 to review the West Main plan created by the Alexandria-based consultant Rhodeside & Harwell. The capital plan also anticipates spending about \$6.5 million over the period to contribute to a shared district court with Albemarle County.

Mr. Davidson said the money in the capital plan is there as a placeholder though no official decision has been made by either the Council or the Albemarle Board of Supervisors. He stated the funding there is the city's portion of the cost of co-locating the Albemarle and Charlottesville General District courts at the Levy Opera House to keep all the courts in one place.

Ms. Keller stated she wants to be supportive because it is built on generations of investment in Court Square. Nearly \$4 million would go to public safety including an upgrade to the 800-MHz radio system used by emergency services. The five-year capital plan would allocate \$2 million toward replacement fire trucks. At its meeting in November, the Planning Commission had asked for more information on the types of trucks that would be purchased. The Planning Commissioners requested smaller vehicles so city streets could be made narrower and thus more safe and welcoming for pedestrians.

Mr. Rosensweig said he wants the city to have a broader discussion on the topic. Fire Department staff responded in a memo to the Commission. Fire Department officials stated in order to go to a smaller apparatus we would have to add additional resources, including specialized apparatus's and hiring more personnel in order to get an effective firefighting force on the scene of a fire or other emergency, and the city budget trends do not look favorable for hiring more personnel.

Mr. Rosensweig said this conversation has to happen between Council and the Fire Department.

Mr. Davidson said there is about \$58 million dollars in unfunded requests over the five-year period.

Ms. Green said she served on the capital committee this year and it was the most eye-opening thing she's ever done since being on the Planning Commission. She said there's just not enough money to do it all. There is also \$1 million dollars in the capital plan between now and 2020 to create new small area plans such as the West Main study. The Council will prioritize planning areas at a work session in January.

G. JOINT PUBLIC HEARINGS

2. **SP-14-10-09 – 722 Preston Ave** - An application pursuant to City Code sec. 34-796 for a special use permit for a mixed-use development to allow for retail space up to 10,000 square feet (gross floor area) on property located within the Central City Mixed Use Corridor Zoning District, located at 722 Preston Avenue, identified on City Tax Map 31 as Parcel 38. The subject property is located within the Central City (CC) Mixed Use Corridor zoning district and is approximately 1.89 acres or 82,328 square feet. The Land Use Plan generally calls for Mixed Use.

Report prepared by Brian Haluska, Senior Planner.

The Applicant has submitted an application seeking approval of a Special Use Permit in an existing building at 722 Preston Avenue. The Property has additional street frontage on Albemarle Street. The proposed development plan shows locating several businesses in the structure, one of which would be a retail business of greater than 4,000 square feet of gross floor area. The building would have parking for 101 cars located in a surface parking lot adjacent to the building. The Central City Corridor zoning permits retail businesses of up to 4,000 square feet by right, and retail businesses in excess of 4,000 square feet by special use permit. The applicant has requested a special use permit for retail uses up to 10,000 square feet of gross floor area. Land Use and Comprehensive Plan

Staff finds that the proposal is supported by the City's Comprehensive Plan, that the use requested is appropriate for this location, and that the impacts of the development can be addressed through conditions placed on the special use permit.

Staff recommends approval with the following conditions:

1. The maximum gross floor area that a single retail establishment may occupy is 10,000 square feet.
2. All deliveries to the site should be directed to enter and exit via the Preston Avenue entrance.

Ms. Green asked if we did a SUP for bio-tech.

Mr. Haluska said there was a SUP for bio-tech which was a previous plan that was abandoned.

Pete Gergan, 114 Hessian Hills Ridge, said he has been working closely with Mary Joy and Brian Haluska. He said the first business should be opening in the spring. He said the reason he is here is to get 10,000 square feet and a SUP for retailers. He said they have amended their site plan to close the parking lot to Albemarle Street and all of the deliveries will be coming from Preston. Shawn Tevendale and Blue Ridge Cycling is one of the tenants who we are excited to be in the building

Mr. Lahendro asked is there any kind of deliveries and vehicular traffic off of the side street.

Mr. Gergan said yes, we are completely closing off to the 10th and Page neighborhood for any vehicular traffic from the project to the site.

Ms. Green asked if this is a multiple retail establishment.

Ms. Smith asked if there will be pedestrian excess to Albemarle Street.

Mr. Gergan said yes, you will be able to walk the stairs into a parking lot up to Albemarle Street.

Opening the public hearing

Shawn Tevendale, is the owner of Blue Ridge Cycling located currently on Millmont Street. He is moving into the Coke Building. He said one thing they like about the building is the appeal of the location and the size of the building is the focus of being a small business oriented. He said we needed the additional floor footage for us to work from and so part of what we are looking at with this is the ability to go in with the 5200 square feet but also potentially flex up with our space if needed in the future and this is reflected in the 10,000 square feet request to the Planning Commission. We are very focused on the community access to the cycling aspect of this. We excited to be on bikeable routes and bike share lanes. We are also in the process of implementing a bike share program down on the University of Virginia grounds. We are hopefully looking at expanding that so that the bike share program can come over to where we are currently located. We currently employ 8 employees and looking to increase up to 12 in the spring time. We are excited to be moving to Preston, we just need the permit in order to do the square footage.

Marie McDaniel, 803 Anderson Street, She is in favor of this SUP.

Public Hearing closed

Ms. Smith asked the applicant if there any outdoor music.

Mr. Gergan said it could potentially be some outdoor music. Potentially going to be music outside but he doesn't know how much.

Mr. Santoski asked if there were any restrictions on decibel, loudness, and how long music can be played especially if there will be an outdoor beer garden there. If so there could be music in the spring, summer and fall and he said he is not quite sure what the restrictions are.

Mr. Haluska said whatever is covered under the city noise ordinance.

Ms. Green said this is the best use permit for the land but not the applicant and she will not be swayed.

Mr. Keesecker motioned to amend the SUP request to include pedestrian and bike excess off of Albemarle into the site seconded by Mr. Lahendro, the amendment passes unanimously.

Ms. Keller motioned to further amend the SUP to increase square footage but limited it to be contained within the existing historic building because it is an individual protected property in the City of Charlottesville, seconded by Mr. Lahendro, the 2nd amendment passes unanimously.

Mr. Lahendro moved to recommend approval of a special use permit as requested in SP-14-10-09, subject to 4 conditions, because I find approval of this request is required for the public necessity, convenience, general welfare or good zoning practice. My motion includes a recommendation for the conditions referenced in the staff report dated November 24, 2014, subject to the following revisions: maximum gross floor area that a single retail establishment may occupy is 10,000 square feet, all deliveries to the site should be directed to enter and exit via the Preston Avenue entrance, remove vehicular access to Albemarle Street but keep, a pedestrian and bike excess off of Albemarle street and the use of the SUP be restricted to the existing building, seconded by Ms. Green, motion passes 7-0.

Mr. Lahendro - yes
 Ms. Keller - yes
 Ms. Dowell - yes
 Mr. Keesecker - yes
 Mr. Santoski - yes
 Ms. Green - yes
 Mr. Rosensweig - yes

3. SP-14-10-10 – 1106 West Main Street: An application for a special use permit pursuant to City Code sec. 34-637(2), to allow development of a hotel, at a height of up to 101 feet on the property identified on City Real Property Tax Map 10 as Parcels 64 and 65. The subject parcels, together, consist of approximately 0.458 acres of land having street frontage on West Main Street and 11th Street SW. The subject parcels are located within the West Main South (WMS) Corridor, subject to the West Main Architectural Design Control Overlay District referenced in City Code sec. 34-272, and Parking Modified Overlay Zone referenced in City Code sec. 34-971(e)(3). The Land Use Plan generally calls for Mixed Use. In the WMS zoning district, hotels are uses allowed by right; however, the maximum height allowed by right (without a special use permit) is 70 feet.

Report prepared by Brian Haluska, Senior Planner.

The Applicant, Austin Flajser, has submitted an application seeking approval of a Special Use Permit in conjunction with a site plan for a hotel located at 1106 West Main Street. The Property has additional street frontage on 11th Street SW. The proposed development plan shows a 101 foot tall building with 150 hotel rooms and a restaurant. The building would have parking for 90 cars located in structured parking in the building. The West Main South Corridor zoning permits a maximum height of 70 feet by right, and 101 feet by special use permit.

Staff finds that the proposal is supported by the City's Comprehensive Plan, that the increase in height is reasonable at this location and that the impacts of the development can be addressed through conditions placed on the special use permit.

Staff recommends the application be approved with the following conditions:

1. The minimum required setback on 11th Street SW shall be 6 feet.
2. The minimum required stepback on 11th Street SW shall be 0 feet.
3. The frontage on West Main Street will reflect the City's approved West Main Streetscape plan.
4. The design, height, and other characteristics of the Development shall remain essentially the same, in all material aspects, as described within the application materials dated October 21, 2014, submitted to the City for and in connection with SP-14-10-10 ("Application"). Except as the design details of the Development may subsequently be modified to comply with requirements of a certificate of appropriateness issued by the City's BAR, or by any other provision(s) of these SUP Conditions, any substantial change of the Development that is inconsistent with the Application shall require a modification of this SUP.
5. Prior to commencement of any land disturbing activity on the Property, the developer shall hold a meeting with notice to all adjoining property owners and representatives of the University of Virginia, to review the proposed location of construction worker parking, plan for temporary pedestrian and vehicular circulation, and hours and overall schedule for construction activities.

The city's director of neighborhood development services shall be provided with evidence that such meeting was held, and of the required notices, prior to the issuance of any building permit for the Development.

6. The developer shall submit a Traffic Control Plan as part of the proposed final site plan, detailing measures proposed to control traffic movement, lane closures, and construction entrances, haul routes, idling of construction vehicles and equipment, and the moving and staging of materials to and from, and (if planned, in public rights-of-way adjacent to the site, during the construction process. This Traffic Control Plan shall be amended, as necessary, and submitted along with any application or a building permit or other development permit applications.

7. The developer shall provide the city's director of neighborhood development services, adjoining property owners and the University of Virginia with written notice of a person who will serve as a liaison to the community throughout the duration of construction of the Development. The name and telephone number, including an emergency contact number, of this individual shall be provided.

8. If the City exists public infrastructure (public streets, sidewalks, curb, gutters, utilities, etc.) is damaged during construction of the Development, then the Property owner shall be responsible for repair and/or reconstruction of the same in accordance with applicable City standards.

9. The developer shall submit a foundation inspection, prior to commencement of construction of the first floor above-grade framing for the Building(s). The foundation inspection shall include (i) the building footprint, as depicted within the approved final site plan, (ii) the top-of-slab elevation and (iii) the first floor elevation. The foundation inspection shall be prepared and sealed by a registered engineer or surveyor, and shall be approved by the zoning administrator prior to the commencement of construction of the first-floor above-grade framing.

10. Any structural elements that are proposed to extend into the public right-of-way, including, but not necessarily limited to, footings, foundations, tie-backs, etc., must be shown on the proposed final site plan and the property owner shall be required to enter into a written encroachment easement, in a form approved by the City Attorney, suitable for recording in the City's land records. A copy of the recorded instrument shall be submitted to the City along with the first request for a building permit for the development.

11. A Traffic Plan, showing the layout of signs, details, signals, turning lanes, entrances and exits, and pavement markings, shall be submitted to the City as part of the proposed final site plan for the development.

12. The Developer shall be responsible for the cost of constructing, in areas adjacent to the Property, any turning lane(s), traffic signals, or other public street improvements or traffic regulation devices, the need for which is substantially generated by the proposed Development.

13. In the event that the City determines, prior to the issuance of the final certificate of occupancy within the Development, that (i) relocation of any existing on-street parking, or (ii) changes to the direction of traffic on any adjacent street(s), (iii) elimination of any existing turn lane(s), and/or (iv) the addition of on-street parking adjacent to the Development Site, is reasonably necessitated by the proposed Development, then the Developer shall be responsible for the following:

a. The cost of removal of existing signage and of installation of new signs and appurtenances necessary to shift or establish on-street parking, or to change the direction of traffic along the Development site's frontage with any existing public street; and

b. Pavement marking modifications (such as eradication of existing and addition of new markings).

14. The Development shall include one or more off-street loading docks/ areas. To the maximum extent feasible, all loading shall occur off-street, within such docks/ areas. Loading schedules shall be coordinated to facilitate off-street loading and to minimize idling by waiting vehicles. The Applicant has submitted an application seeking approval of a Special Use Permit in conjunction with a site plan for a hotel located at 1106 West Main Street. The Property has additional street frontage on 11th Street SW. The proposed development plan shows a 101 foot tall building with 150 hotel rooms and a restaurant. The building would have parking for 90 cars located in structured parking in the building.

Ms. Green asked how the drop off lane would be handled city wide. If we don't have a drop off lane and someone decides they want to do valet parking in the front instead and have valet right in front of the street, how this would be handled by the city.

Mr. Haluska said any sort of regulation regarding on street parking or anything on the street is subject to city regulation including the enforcement of parking regulations. If they wanted a legally established valet where they

would not get ticketed or stopped by the police, they should certainly come in and talk to traffic engineering to make sure that arrangements works with the flow of traffic, not disrupting it in anyway. He said if anyone wanted to establish a valet program they would certainly have to talk to the planners first on how they handle the pick-ups if they are using a city street. He said it would need to be signed as such so there would be no confusion that certain on street spaces may be used for that.

Mr. Haluska said stopping in the street is some sort of violation.

Mr. Santoski asked about 11th street. Is there a bike lane on 11th street?

Mr. Haluska said not at this time. He said with the concern from the University having two north bound lanes there and having a left and right turn and if that happen you do not have a dedicated bike lane. It would be looking more like a share road situation. He said right now there is not a striped lane and if you want a dedicated one that's taking space from other potential use. He said he didn't think there was a firm plan that the city has endorsed.

Mr. Santoski asked about the west main streetscape whether or not the side streets coming on to west main were also a part of the over-all plans for that.

Mr. Haluska said he didn't think from a bike lane standpoint. He said they were certainly considered because there is a lot of traffic on Lee Street. There are a lot of people walking from the bus stop.

Mr. Keesecker asked if the conditions #7- 14 have a lot of logistical requirements related to notices repairing damage and loading dock and stuff included in the market plaza discussion. How many of those 7-14 are general requirements of site plan approval and building permits and normal regulations Is it fair to say that those conditions are a part of the city requirements anyway.

Mr. Haluska said some are and some are not. He said seven is not. Eight would be and nine is not a current requirement. He said ten, eleven, twelve, and fourteen but thirteen was strike by City Counsel.

Ms. Keller asked Mr. Haluska to share his thoughts on the 11th street stepback and setback on conditions one and two.

Mr. Haluska said the one and two are the request from the applicant and the information he received from the BAR was split on how they saw that and some of them found it appropriate and some didn't. Looking at the street the only structure that gives you a frame of reference is the garage. The university garage has a substantial stepback on it. It is not five feet, it is quite a bit.

Mr. Rosensweig asked whether the two floors of commercial had to be on the first floor.

Mr. Haluska said this is one of the things put into the code to create a false front and everything now meets the zoning.

Mr. Huja asked why there are so many different colors on the design.

Ms. Keller questioned if the applicant had considered having your guests dropped off on 11th street.

Mr. Flajser, said yes they had and described by UVA as an important travel artery to and from the hospital and the parking garage. To have a pull off on west main and a sidewalk where currently none does not exist, is not going to be feasible in order to also maintain travel lanes. The University is looking at adding an additional travel lane in that area and certainly if we had a drop off in that location it would be impossible. Even now it would be very tight and would require coming in about two feet on sidewalk we are proposing today. We are proposing to maintain what is there as a bus drop off today and make that a car pull off and have the bus pull off drop off in front of it maintaining on street bus drop off because it is consistent with the new west main plan.

Mr. Keesecker asked have you considered an internal drop off inside the garage on the second level.

Mr. Applicant said this would further confuse the guest where you would have people confused about taking the right on 11th and further confused pulling into a garage, an urban drop off location. He said it has been done successful in other urban areas but he thinks that is only in areas where people are more use to that set up.

Mr. Keesecker said there are basically two ways people will be arriving to the hotel either driving a car or taking a taxi and if they are driving themselves they will need to find that garage.

Mr. Santoski looking at the diagram on the illustration, there are two cars in that spot and he is familiar with hotels at peak times more than two cars are trying to pull in and this will back up traffic on West Main Street one way or the other. He said the internal drop off makes a whole lot more sense.

Ms. Smith, City Councilor, stated that in the pictures there appears to be one whole side with no windows on the right side of the building.

Mr. Flajser, said that side is completely glass now rather than parking.

Ms. Smith said she is speaking of the wall face up above.

Mr. Flajser said yes that is windowless because it abuts an adjacent property where they can build up to our line so we will have to accommodate future development on that side.

Ms. Smith asked if the towers being completely different from the bottom are fairly institutional looking, is there a reason for that.

Ms. Cooper stated that their design intent is not for them to look institutional but it is slightly more modern and more contemporary in keeping with some of the more recently approved projects, the ground floor with the more terra cotta coloring, we are trying to pay homage to brick you see but yet taking a slightly more contemporary direction.

Mr. Lahendro said the loading dock and the parking entrance on 11th street right now shows a 36 feet gap in the sidewalk, asked if it possible to have a pedestrian island between the two vehicular entrances.

Open Public Hearing

Morgan Butler – 201 West Main Street, noted that the applicant is seeking to build to the absolute maximum height that can be permitted. Other recent requests have been the Flats, 1000 West Main and the Standard. All of which were granted Special Use Permits that allowing them to build to the maximum height. I've seen the universal reaction to the Flats, now that it has gone from design drawings to reality, there is a strong sentiment in the community that we need to be much more careful to what we are permitting on West Main street. Height is only one aspect of scale but is an important one. Tall buildings can be an effective tool for advancing some city goals such as increasing density in appropriate corridors and potentially helping with advancing affordable housing. They can overwhelm nearby buildings and neighborhoods and can suffocate the pedestrian vitality which is another city goal. The community's concerns about height and scale on West Main Street has been channeled into the city's ongoing work revisiting the permissible building envelopes along the street. The public last viewed this work late last summer and we understand that it will be the subject of a work session with City Council next week. The proposal will change the maximum permissible building height along this part of West Main Street from 101 feet down to 80 feet and would make other changes to the existing standards to help keep new buildings from overwhelming their surroundings and this proposal hasn't been adopted at this point but the concerns that it embodies in the general direction of which it was pointing namely down are important to keep in mind with this latest request to max out the permissible height. I want it be clear that we are not opposing a tall building on this site and the parking challenge that the applicant has identified might provide some justification why the building needs to go higher. However, we believe the city must get into the habit of requiring a truly compelling justification from applicants for pushing it right up to that maximum height allowance. Notably with the hotel the city isn't even getting some of key justifications that were mentioned during the debates on the Flats as well as other proposals, specifically some of the higher residential densities and the potential of advancing the ball on affordable housing. Finally when maximum heights are proposed some of the protective elements such as stepbacks and setbacks become more important. We share the concerns of some of the BAR members and some of you have expressed about the applicant's request to eliminate the stepback and to reduce the setback on 11th street where it looks like a canyon would result. It sounded encouraging tonight by the applicant saying it is possible that we would no longer need to eliminate that stepback but it's not clear that they are now saying they do plan to have the five foot stepback. He said he wanted to make a point in response to the question to staff about staff's views on the necessity for the stepback, the response seem to be well the stepback doesn't seem to make that much difference anyway so it may not be a huge deal if we let that go. I would suggest another way of looking at this, if a five foot setback is not adequate and this is a Special Use Permit request, you have the discretions to ask for conditions why don't we impose a stepback that will make a difference.

Charlie Hurt, Route 20, Scottsville, Va. as The Director of Real Estate Leasing Services, representing the University of Virginia and the Medical Center. He suggested that the Battle Building access to the Children's Hospital has an interior drop off and also the pedestrian bridge from the garage from across the tracks also interior to the parking garage so we are not directing all of the pedestrian traffic into the street. He stated that their institutional interest to this project derives from concerns regarding access to the hospital, garages, and nearby offices. We are concerned about access by automobile, public transportation and pedestrians. For the past five years the University has invested over 170,000,000 million dollars, 140,000,000 in the children's hospital, 26,000,000 in the garage, a million dollars on West Main Street improvements and a 5,000,000 pedestrian bridge to cross the tracks. This is to

improve our first class medical center. Smooth traffic flow and public transportation all contribute to our success. Maintaining two-way vehicular as well as pedestrian traffic on 11th street during construction as well as when the hotel is open is critical to the operation to the health system. The 11th street garage has approximately 1,000 spaces due to hospital staff parking in the garage turns over three times a day. This garage also accommodates all patients over flow from the Lee Street garage which has 800 spaces and is generally filled up each day by midmorning. There are approximately 1750 appointments every day at the hospital and this does not include visitors, employees and staff members who work at the hospital. He suggested to take two feet of 11th street to accommodate the parking garage may further impact necessary street improvements on 11th Street. He stated as mentioned trying to make a left handed turn from 11th street onto Main Street and in further reducing the existing width on 11th street may preclude that left hand turn onto West Main Street. He said part of our goal is to get people to the hospital but to get people on their way as well. The 11th street has to access points 11th street and the entrance off Jefferson Park, so unimpeded two way access on 11th street is vital to moving visitors, patients and staff. The University of Virginia Foundation successfully constructed the Battle Building on 11th street because we work closely with them to schedule construction delivery during work hours minimizing the impact on health care services and patient staff commutes. Much of the work was completed at night and deliveries were carefully planned. We would like for all project approvals by the city to be conditioned by the request for temporary road closures, a one way traffic determination and be coordinated with UVA. We would like for it to be a requirement that goes beyond sharing information and would like to see UVA included as a participant in any request to temporarily close the one way street construction. He said it is challenging when you bring in a SUP and don't allow significant property owners joining not enough time to present their case so I will close. He continued saying the University would like to have an active voice in any temporary closing of one way actions during construction. We would like the bus stop and the pull off to remain active and in place during the construction and after operation. It is a major through-fare for pedestrians and closing the bus stop will make the pedestrians walk in the street to access buses seems to disenfranchise those who use public transportation. There are four routes that use that bus stop, four, seven, and nine, thirteen bus stops between 8 and 7. We would like to minimize the fact to close 11th street and the sidewalk cause by truck deliveries that do not fully excess into the truck dock.

Closed the Public Hearing

Ms. Keller has concerns about the vehicular drop off on the West Main Streetscape current usage in terms of the City's current plan on streetscape improvements for that area. One of her major concerns is the effect on West Main Street. She would like to explore ideas of her colleagues about interior access through the parking garage. She said she does not think it to be insurmountable in finding this hotel if you are coming from out of town. She said it was interesting to hear from the University on how they handle their garages.

Ms. Dowell asked if we could make this a condition for the Special use Permit.

Ms. Creasy said you could not necessarily be specific about it being internal but you could denote the external and that may limit it to be internal.

Ms. Green said we wanted urban density and we have already approved three. She said when we do a comprehensive plan we get to this point. She said this is a great place for a hotel and she doesn't see any difference in adding this height to this hotel than she would the other three student houses. She said she has concerns about the drop off and doesn't feel it should be any different from the University. Ms. Green said she likes wide sidewalks and has concerns about the two feet of sidewalk into the right-of-way. She also stated that this is a breath of fresh air to all of the brick. She said she likes the modern design, something different rather than the same we usually have down there.

Ms. Cooper said the existing conditions on 11th Street are less than ideal for pedestrians. She said we see at this corner a void in the space and we believe this is a gateway site for the Medical Center. She stated people will be coming to this building from far reaches and may not know this area, therefore, we're very concerned that if there's not a hotel drop-off, that people will just stop in the middle of the road. She also stated the pull-off would be similar to the loading zones at several places farther west, where the street becomes University Avenue.

Ms. Keller said she has concerns for the pedestrian on 11th street and the canyon affect and what that does to the pedestrian experience and the dark effect it would have on a street that is so heavily used by pedestrians. She stated

she would like to see some pedestrian amenities for 11th street and she thinks she is in favor of the setback and step back along 11th street in return for increased height.

Mr. Santoski stated that he agrees with Ms. Keller that 11th is his concern that the pedestrian access on 11th street is not acknowledged. He said he would like to see plantings along the route. He said we are trying to be a walkable city then we should be able to walk where we want to walk and not in the canyon or tight up against a building and he is concerned about keeping 11th street in the width that it could handle 3 lanes in the future to accommodate the type of traffic that the University is anticipating out of the garage.

Mr. Keesecker said the application is for a reduction on a setback that would normally be 10 feet on 11th street. He asks without the SUP, they would have a 5 foot setback, and they have asked for 6 and 0.

Mr. Rosensweig asked if there are other concerns about impacts of the additional height and the other request for a reduction in setback and setback.

Mr. Keesecker said only the concerns mentioned so far and he doesn't have any new ones to add.

Mr. Rosensweig said the commissioners can probably craft some conditions to approve ultimately the variance on 11th street. Mr. Rosensweig complimented the applicant on the changes to the street wall on West Main and the incorporation of human space on all four levels at least on the west side of the building is a huge success and compliments by making that corner tower feature bring it to the front without bringing the whole tower to the front. He would like to memorialize that into a condition. One of our conditions is that the plan conforms to the SUP package, but he would like to incorporate the illustration of the building as well from the power point.

Ms. Robertson said since it's significantly important to you, you should call it out in the conditions and the same thing is true with any additional right-of-way along 11th street that they are offering to provide rather than rely on a general reference to the application materials. She stated that the application material as submitted is offering the additional two feet. In this sense, the conditions are memorializing another key component of the application that is of interest to you.

Ms. Smith, Council Member asked if an 8 foot sidewalk goes to a 10 foot sidewalk, does that start changing its potential for multi-use. She said for some reason she thinks that's illegal.

Ms. Creasy said she did not know the specifics about that.

Ms. Robertson said trails and sidewalks are different when you start going to something like a 10 foot sidewalk you have more potential for things like outdoor cafes in that type of area, like a small plaza area instead of a true sidewalk.

Ms. Keller said a condition that restricts any vehicular access on the West Main Street corridor up to the building.

Mr. Keesecker said he agrees with Ms. Keller and Mr. Lahendro.

Mr. Santoski agrees with Kurt that the biggest point is the drop off entrance on West Main Street.

Mr. Rosensweig said there has to be space for the entrance to the restaurant from West Main Street.

Mr. Huja, Mayor of Charlottesville, suggested that the applicant have a chance to speak.

Mr. Flajser gave a brief round-up of reasons to support the West Main South Corridor zoning permit; at a maximum height of 70 feet by right, and 101 feet by special use permit.

Mr. Lahendro inquired about trees and landscaping on 11th street.

Mr. Haluska said this is an ongoing problem having to discourage trees planted in far too low volume of soil for the trees to thrive. He is not saying it's impossible but be sure to word the condition so that we get trees that are going to do well there without interruption to recognize that there is not a huge amount of room.

Ms. Keller said could we have a condition that there be landscaping and pedestrian amenities that are consistent with the theme of the West Main Street plan.

Ms. Robertson asked if the side streets are referenced in the plan.

Ms. Keller said only in the terms of connectivity and we haven't looked at anything from West Main in a while but if it is vocabulary of landscape material that are consistent with West Main Street then it would work.

Ms. Green move to recommend approval of a special use permit with increased height as requested in SP-14-10-9, subject to conditions, because I find that approval of this request is required for the public necessity, convenience, general welfare or good zoning practice. My motion includes a recommendation as outlined by Ms. Creasy. Conditions referenced in the staff report, subject to the following revisions: 1) all vehicular access to the building shall be off 11th street, 2) one pedestrian entrance denoted as the restaurant space and one to the hotel lobby space up West Main Street and one to the lobby from 11th street minimum 3) provision of an 8 foot sidewalk on 11th street

subject to city traffic engineer approval, 4) the landscaping and pedestrian amenity plan compatible with the theme of the West Main Street plan and the 11th Street garage landscape treatment which would be subject to city arborist review and the landscape plan would be submitted as part of the final site plan returning to the Planning Commission, 7) dedicated the pedestrian entrance and exit to the garage, 8) the final plan shall be in general conformity with the SUP package that includes elevation renderings, Seconded by Mr. Santoski, motion passes 7-0.

The following conditions were included:

1. The minimum required setback on 11th Street SW shall be 5 feet exclusive of the tower element.
3. There are no pull off and 4. The design, height, and other characteristics of the Development shall remain essentially the same, in all material aspects, as described within the application materials dated October 21, 2014, as supplemented materials and renderings from the December 9th 2014 meeting, submitted to the City for and in connection with SP-14-10-10 (“Application”). Except as the design details of the Development may subsequently be modified to comply with requirements of a certificate of appropriateness issued by the City’s BAR, or by any other provision(s) of these SUP Conditions, any substantial change of the Development that is inconsistent with the Application shall require a modification of this SUP.
5. Prior to commencement of any land disturbing activity on the Property, the developer shall hold a meeting with notice to all adjoining property owners and representatives of the University of Virginia, to review the proposed location of construction worker parking, plan for temporary pedestrian and vehicular circulation, and hours and overall schedule for construction activities. The city’s director of neighborhood development services shall be provided with evidence that such meeting was held, and of the required notices, prior to the issuance of any building permit for the Development.
6. The developer shall submit a Traffic Control Plan as part of the proposed final site plan, detailing measures proposed to control traffic movement, lane closures, and construction entrances, haul routes, idling of construction vehicles and equipment, and the moving and staging of materials to and from, and (if planned, in public rights-of-way adjacent to the site, during the construction process. This Traffic Control Plan shall be amended, as necessary, and submitted along with any application or a building permit or other development permit applications.
7. The developer shall provide the city’s director of neighborhood development services, adjoining property owners and the University of Virginia with written notice of a person who will serve as a liaison to the community throughout the duration of construction of the Development. The name and telephone number, including an emergency contact number, of this individual shall be provided.
8. If the City’s existing public infrastructure (public streets, sidewalks, curb, gutters, utilities, etc.) is damaged during construction of the Development, then the Property owner shall be responsible for repair and/or reconstruction of the same in accordance with applicable City standards.
9. The developer shall submit a foundation inspection, prior to commencement of construction of the first floor above-grade framing for the Building(s). The foundation inspection shall include (i) the building footprint, as depicted within the approved final site plan, (ii) the top-of-slab elevation and (iii) the first floor elevation. The foundation inspection shall be prepared and sealed by a registered engineer or surveyor, and shall be approved by the zoning administrator prior to the commencement of construction of the first-floor above-grade framing.
10. Any structural elements that are proposed to extend into the public right-of-way, including, but not necessarily limited to, footings, foundations, tie-backs, etc., must be shown on the proposed final site plan and the property owner shall be required to enter into a written encroachment easement, in a form approved by the City Attorney, suitable for recording in the City’s land records. A copy of the recorded instrument shall be submitted to the City along with the first request for a building permit for the development.
14. The Development shall include one or more off-street loading docks/ areas. To the maximum extent feasible, all loading shall occur off-street, within such docks/ areas. Loading schedules shall be coordinated to facilitate off-street loading and to minimize idling by waiting vehicles.

Mr. Lahendro - yes
 Ms. Keller - yes
 Ms. Dowell - yes
 Mr. Keesecker - yes
 Mr. Santoski - yes

Ms. Green - yes

Mr. Rosensweig - yes

4. **ZT-14-10-11 – Transient Lodging Facility:** A proposed zoning text amendment, to add a new § 34-1176 to the City’s Zoning Ordinance, and to amend and re-ordain § 34-420, § 34- 480, § 34-796 and § 34-1200 of the Zoning Ordinance of the City of Charlottesville, to provide a definition of “Transient lodging facility”, and to allow any dwelling unit to be used as a transient lodging facility, subject to compliance with a Provisional Use Permit, within all zoning district classifications where residential uses are allowed. For the purposes of this proposed zoning text amendment, the term “transient lodging facility” generally refers to any dwelling unit offering guest rooms or other lodging rented out for continuous occupancy for fewer than 30 days, excluding any bed and breakfast. The lodging facilities contemplated by this zoning text amendment are temporary stays in dwelling units, such as those offered through services commonly known as “Airbnb”, “HomeAway”, and “Stay Charlottesville”. Currently, such uses would fall within the Zoning Ordinance definition of “hotel/motel” in City Code sec. 34-1200, and are not currently authorized in any residential zoning district.

Report prepared by Read Brodhead, Zoning Administrator and Matt Alfele, City Planner.

Ms. Keller questioned transient lodging regarding someone staying in a one room or someone staying in a one bedroom house, will they all be treated the same?

Mr. Alfele stated that is correct they all will be treated the same.

Ms. Dowell asked is this information gathered from AirBnB networks.

Mr. Alfele said yes that is why the numbers are in the report, but if you looked on the website today the numbers would be different. We are looking at different models than we have in the past and we are trying to keep it fair to everyone while respecting homeowner rights.

Ms. Green asked if the rules are not followed, will there not be another permit issued annually. She asked if the rules are not followed would the permit be revoked.

Mr. Alfele said we would revoke the permit.

Ms. Green said this is listed under all zoning categories as a provisional use but she doesn’t understand the staff report recommendations. Why separate R1-U since RI-SU is smaller lots and there is more parking. Why wouldn’t you take out of MI? It is still industrial. She said she doesn’t understand the matrix’s that was considered in the staff report and why it is appropriate in some areas and not in others.

Mr. Alfele said we tried to keep it inclusive as possible. The thought behind R1-U is it is the most restricted area and your most typical neighborhoods and the added difficulty of being near the University and there is a lot of stress between those two and so they thought it would be another added level of stress for the neighborhood.

Ms. Green said in looking at the Comprehensive Plan, how the goals match up and encouraging small businesses to enhance the neighborhoods .

Mr. Alfele said he understands her comments but this is just their recommendation.

Ms. Green stated if you are the own a condo can you rent it out?

Mr. Alfele said yes you can if you own the condo.

Ms. Green said since there is no cap on the amount of homes, you can have transient lodging everywhere, especially in the university area. She questioned how you would regulate the 30 days when you are eliminating certain neighborhoods.

Mr. Alfele stated in some areas where enforcement is an issue.

Ms. Dowell asked is this a bigger issue because of the people operating the small businesses or transient lodging are not paying taxes or the transient lodging taxes due to the city and state. She said she didn’t see any reference to taxes being part of the issue.

Mr. Alfele stated that this would fall under getting your business license. He said we have found that the people want to pay their taxes but we cannot enforce taxes in the NDS capacity.

Ms. Creasy said once you get your business license the Commissioner of Revenue will follow up with that portion.

Mr. Santoski said if he wanted to rent out his house as long as he is not in the home can he rent it out.

Mr. Alfele said some do cap a number and certain permits they allow per year or census block. Some will do it on density.

Mr. Santoski said if he rented out his house for three days or 30 days regardless what it's for and I am not in the house it would fall under this.

Mr. Alfele said you would fall under the "HomeStay".

Mr. Rosensweig said have there been any additional abuses of this.

Mr. Alfele said some places cap the number of permits per year, some by density and some by amount of census blocks.

Mr. Santoski asked is there protection for the renters.

Ms. Robertson said this goes through the fair housing act and this would be leased through the landlord to the renter.

Mr. Brodhead stated that the majority of complaints are noise and parking around the University area.

Open the Public Hearing

Travis Wilburn, 400 E. Water's Street, He manages many sites for Stay Charlottesville. He felt there are a lot of discrepancies in the zoning code. He said the people who like to stay with them are people who do not want to go to hotel, families coming together for Christmas, a family for graduation, or just coming to experience Charlottesville. Our company employs 4 full people and 10 part-time people. We have helped various people with short term rental that has experienced repo homes. We have been in this business for seven years. There are folks who will talk to anyone here for free to help this city with regulations that work.

Joyce Kasswandic, 1310 Timber Branch Court, the owner of Guest Houses established in 1976 and she is the third owner of Homestay for many years. The tourist industry has grown. Home rental is a big part of their business. In looking at the proposal and she thinks it's a good idea. Her main competition has been AirBnB. Is a one bedroom cottage treated the same as a 3 bedroom house. This business was started during UVA weekend. She disagrees that R1-U zone should be excluded. The proposal states we should notify neighbors and she has never notified her neighbors. She does not feel this proposal is going to eliminate all of the problems. She said there are properties not paying taxes that should be enforced. Lastly she said she wants to continue the use of Guest Houses as is.

David Vanderveer, 224 Mulberry Drive, Standardsville, VA, He is an AirBnB host and no complaints from the neighbors. His guests are fantastic and wonderful people to have around. According to local zoning there should be only 2 people per bedroom. He keeps his property in good condition and has great reviews. He said people that stay longer are usually the noise makers while weekenders are there to get away from noise and be in a peaceful quiet place.

Alana Speidel, 2666 Jefferson Park Circle, we have resided there since 1984. JPA circle is a quiet place to live. The house next to us has changed owners four times and the new owners are a family with two small children. We did not realize the new folks were preparing the house for weekend rentals. About a year later we started to notice large groups of people around the house on weekends. These groups were noisy, using a considerable amount of alcohol while standing around a fire built in a metal container which was about 50 feet from the side of our house. We were told that this house is used for weekend rental without the residents present. We looked online and found a website for rental of 7 bedrooms in the home. Is this in compliance with the city codes? She said this is a business and the question is, is a business acceptable in a residential neighborhood. This can damage the quality of our neighborhood and my security. Gone is the comfort in knowing who the people next door are and the quality of life this affords. Increase noise and vehicular traffic is stressful.

Janet Mathews, 500 Lexington Avenue, she purchase the house from Martha Jefferson Hospital who used it as a boarding house for doctors who were on call. She has renovated it to be a Homestay and has an excellent experience with the management of the property. She was encouraged to comply with all parking regulations, talk to her neighbors in advance and she has never had one compliant. She keeps in close touch with them. She is in favor of regulations and she pays taxes through her business and she will be happy to get a business license but would like an introduction to zoning text after more public discussion.

Martin Killian, University Circle, the neighborhood association is opposed to this because of neighborhood under stress, not enough parking, 8-15 people in a house, football games, and alcohol. The city has known for two years that these houses do not comply with the zoning laws. He said if you enforce this proposal you will not have enough man power to enforce your own laws. He is very much against it.

Karen Doogle, 20 University Circle, She agrees with her neighbors Mr. Killian and Ms. Speidel. She said there is no supervision and there are all kinds of events at these two homes. Everybody invites their friends. There are wedding parties, football games, Fox field, and up to 10-12 cars at one house. She said Mr. Brodhead cannot run around all weekend to check on these houses and it is a huge problem on our circle.

Scott Wiley, 812 Rose Hill Drive, He is a nurse and he lives in town. The ability to rent a house has helped him to continue to afford to live in town. He supports this with some revisions.

Todd Divers, The Commissioner of Revenue, said this is a taxable activity and we have been unable to tax many of these folks for fear of lending legitimacy to an activity that is currently illegal. He said there's a ton of activity out there and we aren't getting any revenue from it. The city is reviewing the issue partially at the request of companies that are facilitating the practice. He feels that most of these people would be happy to pay. This is a big deal from a revenue standpoint.

Greer Murphy, 725 Hinton Avenue, We have lived in our house for 15 years and seen monumental changes in their neighborhood, mostly for the better. About 6 or 8 months ago we were approached by our neighbor which is a driveway away from our house and been a rental. The tenants were very kind but very noisy, meeting with friends, working on their cars and being social with their friends. I have two small children which is a constant nuisance to us. She stated that her family always used transient lodging and found it an enjoyable experience. She said she is the neighbor and certainly understands, but some are doing it correctly and some are not. She supports some rules and regulations that makes this work for everybody but thinks this is a great value to the city for them to pay taxes.

Janice Cavanaugh, 209 Douglas Ave, She has been rented out half of her house for over 6 years and has had great experience and her neighbors are aware of it and certainly agree that there are some bad apples causing havoc on some neighborhoods and has to be dealt with and certainly that if they have three strikes against them they should get their business license taken away. It is a great amenity for family that travels giving more space than a hotel room.

Cynthia Walters, University Circle, the neighborhood is trying to keep itself intact over time. Being close to the University we get a lot of family to rental which starts a trend, so you wonder if you want to be in that neighborhood anymore and what will it look like in 20 years because if it becomes transient all around you, you will not want to be there anymore. She doesn't think this is a good idea long term for the neighborhoods that are under pressure to fall.

Closed the Public Hearing:

Ms. Green agreed with Mr. Killian's concern and said the city needs to take time to get the regulations right to make sure they will hold up in court.

Ms. Green said when you have the regulations, there's something to fall back on. However, the city does not have enough zoning officers to keep up with enforcement.

Ms. Keller said she is opposed to opening up the city to additional business uses in residential areas. She said she thinks temporary rentals will decrease the city's affordable housing stock. She also stated we've heard about people buying houses deliberately to make them transient lodging facilities and those are all houses now where families do not live. The other commissioners agreed the issue needs to be addressed through a change to the zoning code.

Mr. Lahendro said clearly, there is money to be made with this and I can see it growing and I can see the abuses getting worse.

Ms. Keller motioned to recommend forwarding a report to City Council advising them of the research obtained on this issue motion seconded by Ms. Green, motion passes 7-0.

5. Entrance Corridor – Johnson Village Phase III

The applicant is requesting Entrance Corridor review for the preliminary site plan for 241 units, including 31 townhouse units in four blocks, and 210 multi-family units in six buildings. Townhouse blocks range from 5-12 units. Most of the townhouse units have garages. There are also two freestanding garage/storage buildings. A total of 409 parking spaces are provided: in surface lots, in driveways, in garages, and along Cleveland Avenue.

The commissioners discussed and agreed on another point of access as a condition the issue needs to be addressed through a change to the zoning code. The staff proposed no conditions. The lights are a part of the ordinance.

Mr. Santoski move to approve the Entrance Corridor certificate of appropriateness application for the Johnson Village PUD Phase 3, with the additional pedestrian connection to Cleveland Avenue, seconded by Mr. Keesecker, motion passes 6-1.

Mr. Lahendro - yes
 Ms. Keller - yes
 Ms. Dowell - yes
 Mr. Keesecker- yes
 Ms. Green - no
 Mr. Rosensweig – yes

6. Site Plan – Johnson Village Phase III

The applicant has proposed a well- designed community. The development as presented addresses the criteria outlined in the Entrance Corridor regulations.
 Staff recommends approval as submitted.

Ms. Green questioned the critical slopes on this project. She said this new reconfiguration doesn't do that in her opinion.

Scott Collins of Collins Engineering, acting as agent for New Visions Properties, LLC, Inc. is requesting approval of a preliminary site plan to construct 141 dwelling units in a planned unit development at the intersection of 5th Street and Cleveland Avenue. City Council approved a rezoning for a PUD at this site at their March 1, 2004 meeting.

Mr. Collins said he remembers talking about the critical slopes and the biggest problem was they were impacting the slopes for a lot of additional units which was a lot of back and forth discussion on that. They have moved all of the units away from the critical slopes. The impact that is still there is the same footprint of the other critical slopes is the entrance road that comes in. At the very top is two apartment units back up against the top but we have pulled those apartments away from the residents and added a wall back there as well to keep us off the slopes as much as possible.

Ms. Green said so the road impacts the slopes not the building.

Mr. Collins said yes and the site changes elevations from 380 at the entrance up to 465 at the very top so in order to get up to the site.

Ms. Keller said she noticed that there were 3 pages of questions and comments and wondered how they all were addressed.

Mr. Alfele said most of the comments and questioned have been addressed. The engineers have work very close with Hugh Blake, NDS Engineer who has addressed the comments as well.

Mr. Keesecker move to approve conditioned on the satisfaction of remaining comments during the final site plan review and entrance corridor approval, seconded by Mr. Lahendro, passed 6-1.

Mr. Lahendro - yes
 Ms. Keller - yes
 Ms. Dowell - yes
 Mr. Keesecker- yes
 Ms. Green - no
 Mr. Rosensweig – yes

Ms. Keller move to adjourn at 12:10 a.m.until the second Tuesday in January, 2015.

Planning Commission Work Session

November 18, 2014 – 5:00 p.m.

NDS Conference Room

Commissioner's Present

Dan Rosensweig - Chairperson
Genevieve Keller
Jody Lahendro
Kurt Keesecker
Lisa Green
Taneia Dowell
Bill Palmer

Staff Present

Missy Creasy
Ryan Davidson

Mr. Rosensweig called the meeting to order at 5:05 pm and turned the time to Mr. Davidson.

Mr. Davidson provided an overview of the Capital Improvement Program process including information on what the CIP is, as well as the timeline and proposed revenues and expenditures.

Ms. Keller wants to make sure that the link to the CIP map is included in the CIP hearing materials.

Mr. Rosensweig asked about potential for tax increase and how that could affect revenue percentages. It was noted that Council will need to determine if they would like to exceed the 8% debt ratio guidance to address the budget or address in another way. That concern will be addressed in the next few months.

Mr. Lahendro asked that timing for the West Main street project be included in the public hearing materials. The amount of funding remaining in the SIA, Small Area Plans and West Main Street projects were provided to the Commission.

Mr. Rosensweig asked for information on the fire truck replacement. It was noted that the fire department is looking at smaller apparatus but the amount noted in the budget is for the larger apparatus.

Ms. Keller asked if the McIntire Park plan contained private funding. The answer to this will be included in the next round of materials. In addition, the Commission would like to

know what activities are included in each of the 3 parks plans in the CIP for funding. If phasing plans are available, those need to be included.

Ms. Keller wanted information as to if the Tree Commission supported the tree planting funding decrease. She also noted that it needs to be communicated that when sidewalk repair is occurring in areas with specialty pavement that like materials should be used in the repair.

Mr. Palmer asked about park land acquisition funding and the current balance. Mr. Rosensweig pointed out that urban parks are a priority of the Commission and additional funds might be needed. He also noted that the amount allocated for CHF does not meet the amounts noted in Table 8 of the HAC report. Mr. Davidson clarified that once the position funded through this account was moved to the general fund that it opened more funding for the specific uses. This put the amount noted in Table 8 behind one year but programmatically the funds are increasing as projected in the Table. Mr. Rosensweig noted the importance of reminding the Commission of this in future years.

Mr. Rosensweig asked Commissioners to provide additional areas where they were interested in having more information for the hearing packet

Mr. Keesecker wanted to know what SIA funding would be used for. Would the ranking in the Cunningham Quill report be the priority used?

Mr. Palmer requested additional information and priorities for the West Main project.

Mr. Lahendro requested additional information on Small area planning. It was noted that some informal priorities had been discussed with the small area subcommittee but those had not been reviewed by the full Commission.

Ms. Dowell wanted further information on the middle school reconfiguration project as well as on all the parks master plan projects.

Mr. Rosensweig requested further details on the research done for replacement fire trucks and wanted to know the programmatic order for the McIntire Park Master plan.

Adjourned 6:00.

**ALBEMARLE COUNTY PLANNING COMMISSION AND
CITY OF CHARLOTTESVILLE
PLANNING COMMISSION JOINT MEETING
TUESDAY, NOVEMBER 18, 2014 -- 6:00 P.M.
ROOM 241, SECOND FLOOR
ALBEMARLE COUNTY COUNTY OFFICE BUILDING**

The Albemarle County Planning Commission and Charlottesville City Planning Commission held a joint meeting on Tuesday, November 18, 2014, at 6:00 p.m., in Room 241, Second Floor, County Office Building, 401 McIntire Road, Charlottesville, Virginia.

County Commissioners present were Rick Randolph, Tim Keller, Bruce Dotson, Tom Loach, Mac Lafferty, Vice Chair; and Calvin Morris, Chair. Karen Firehock was absent. Julia Monteith, Senior Land Use Planner for the University of Virginia was present.

Other County officials present were Greg Kamptner, Deputy County Attorney, Wayne Cilimberg, Planning Director; Sharon Taylor, Clerk to Planning Commission and David Benish, Chief of Planning.

City Commissioners present were Genevieve Keller, Dan Rosensweig, (Chair); Taneaia Dowell, Lisa Green, and Jody Lahendro. Bill Palmer, Planner for the University of Virginia was present.

Missy Creasy, Planning Manager for the City, was also present.

William Cockrell, MPO Manager with Thomas Jefferson Planning District Commission; and Chip Boyles, Director of Thomas Jefferson Planning District Commission were also in attendance.

Call to Order and Establish Quorum:

Mr. Morris established a quorum and called the Albemarle County Planning Commission meeting to order at 6:04 p.m.

Mr. Rosensweig established a quorum and called the Charlottesville City Planning Commission meeting to order at 6:05 p.m.

Joint Meeting with the County and City Planning Commission

Work Sessions

- a. **Case Study – Habitat for Humanity’s Sunrise Mobile Home Park redevelopment project – lessons learned and how they inform the future Southwood Mobile Home Park redevelopment**

Dan Rosensweig, Director of Habitat for Humanity of Greater Charlottesville, presented a Power Point presentation on the above topic for informational purposes only at the request of the County Planning Commission. (See Power Point Presentation entitled Habitat for Humanity of Greater Charlottesville - A NEW PARADIGM FOR AFFORDABLE HOUSING.) He explained Habitat’s process for providing affordable housing and provided examples of Habitat case history that included the Sunrise Trailer Park transformation and mixed income projects. They engendered the first trailer park transformation in the nation without resident displacement at Sunrise Trailer Park. Beyond Sunrise Trailer Park the redevelopment of Southwood Mobile Home Park is a major project looming. They were approached in 2007 by the owner of Southwood who liked the no displacement pledge to the Sunrise residents and gave Habitat some favorable financing and a little

discount on the price. They set about doing the same thing at Southwood that they did at Sunrise. It is enormous with 100 acres currently and they are trying to add to that a little bit. There are 1,500 residents. It is the largest single concentration of affordable housing in the area. It is very challenging project involving a potential land swap and rezoning request. He reviewed the projected timeline and Habitat's plan and model for the Southwood project.

Commissioners asked questions and provided comments.

No formal action was taken.

The presentation ended at 6:42 p.m.

b. **Overview of the Long Range Transportation Plan (LRTP) process and how to best involve the Planning Commissions – Includes a “LRTP 101” about the “What”, “Why” and “When” in addition to the “How”**

Chip Boyles, Director of Thomas Jefferson Planning District Commission presented a Power Point presentation and video entitled LRTP 101 on the above topic for informational purposes only. (See Power Point Presentation entitled Charlottesville-Albemarle Metropolitan Planning Organization Long Range Transportation Plan) (See Video entitled LRTP 101 online at TJPDC website). William Cockrell, MPO Manager with TJPDC, was present to answer detailed questions.

Commissioners asked questions and provided comments.

No formal action was taken.

The session ended at 7:15 p.m.

c. **Rivanna River Corridor Planning – current City/County efforts being facilitated by TJPDC**

Chip Boyles presented a Power Point presentation on the above topic for informational purposes only. (See Power Point Presentation)

He noted the next steps in the initiative will be to:

- Review Maps and Identify Key Resource Points
- Receive input from stakeholders
- Identify specific outcome of the committee
 - Deliverables
 - Products
 - Recommendations
- Identify a timeline

- Next meeting is December 9th at 10:00 am.

Commissioners asked questions and provided comments.

No formal action was taken.

Adjournment:

The joint City Planning Commissions meeting was adjourned at 7:35 p.m.

**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 MEETING: January 13, 2015
APPLICATION NUMBER: SP-14-12-12**

Project Planner: Brian Haluska, AICP
Date of Staff Report: December 19, 2014

Applicant: City of Charlottesville

Current Property Owners:

Charlottesville Parking Center (Woodard Properties will become the leaseholder on the property on January 1, 2015)

Application Information

Property Tax Map/Parcel # and Street Addresses:

Tax Map 28 Parcel 62: 100 E. Water St.

Total Square Footage/Acreage Site: 0.992 acres

Comprehensive Plan (Land Use Plan) Designation: Mixed-Use

Current Zoning Classification: Water Street Corridor with Architectural Design Control District and Parking Modified Zone Overlays

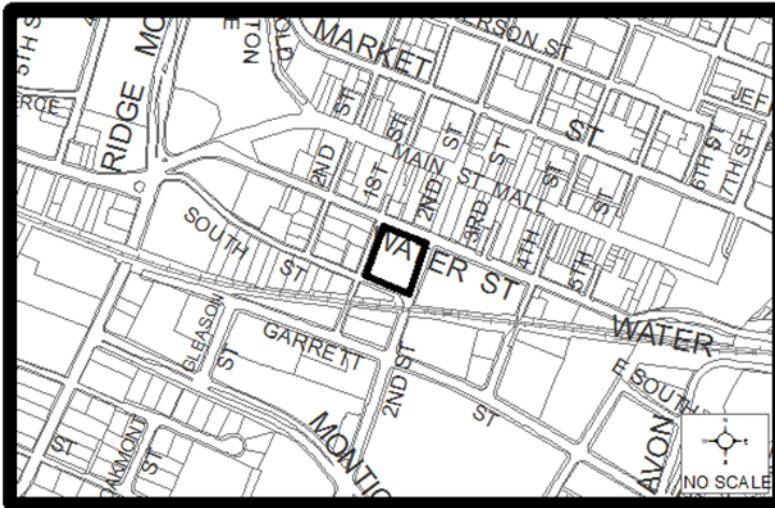
Tax Status: The City Treasurer's office confirms that the taxes for this property are current as of the drafting of this report.

Applicant's Request

Special Use Permit for:

1. **Special uses** of the Property, per City Code Sec. 34-796: Farmer's Market.

Vicinity Map



Background/ Details of Proposal

The Applicant has submitted an application seeking approval of a Special Use Permit for a farmer’s market located at 100 East Water Street. The Property has additional street frontage on 2nd Street SE, 1st Street S, and West South Street. The proposed development plan shows an existing parking lot that would host a weekly Farmer’s Market.

Land Use and Comprehensive Plan

EXISTING LAND USE; ZONING AND LAND USE HISTORY:

The property is currently used as surface parking lots.

Section 34-541 of the City Code describes the purpose and intent of the Water Street Corridor zoning district:

“The intent of the Water Street Corridor District is to provide for a mix of commercial, retail and entertainment uses in a way that complements and supports the Downtown Pedestrian Mall area. As the Downtown Pedestrian Mall develops, the natural spillover will be to this area. While not a complete pedestrian zone, it contains many characteristics thereof. Development therefore should blend the pedestrian scale with a slightly more automobile oriented feel to achieve this supportive mixed-use environment.”

Zoning History: In 1949, the property was zoned **B-2 Business**. In 1958, the property was zoned **B-3 Business**. In 1976, the property was zoned **B-4 Business**. In 1991, the property was zoned **B-4 Business**. In 2003, the property was rezoned to **Downtown Corridor**. In 2008, City Council rezoned the property to the **Water Street (Mixed Use Corridor)** district.

SURROUNDING LAND USES AND ZONING DISTRICTS

- North:** Immediately north of the property are several multi-story structures. One building is retail and office uses, while two others are theaters. One block further north is the Downtown Pedestrian Mall. These properties are zoned Downtown Corridor with ADC District Overlay.
- South:** Immediately south of the property are multi-story structures that house commercial uses. These properties are zoned Water Street Corridor with ADC District Overlay. Further south are the Buckingham Branch Railroad lines, and properties zoned Downtown Extended.
- East:** Immediately adjacent to the east is the Water Street Parking Garage, a five-level structured parking facility that serves the downtown area. This property is zoned Water Street Corridor with ADC district Overlay.
- West:** Immediately adjacent to the west is a parking lot that is the subject of a plan of development for a nine-story mixed-use building known as “Market Plaza”. The weekly farmer’s market proposed for the subject property is currently hosted on the property adjacent to the west. Further to the west are one and two-story residential scale properties that are used for commercial purposes. These properties are zoned Water Street Corridor with ADC district Overlay.

NATURAL RESOURCE AND CULTURAL FEATURES OF SITE:

The site does not have any notable natural resources. The site is mostly paved and used for parking. There are some small trees along Water Street.

COMPREHENSIVE PLAN ANALYSIS:

The Comprehensive Plan is generally supportive of high density, mixed-use developments along the major corridors in the City, especially along Water Street. The Comprehensive Plan also contains language that places a strong emphasis on supporting development that is multi-modal, particularly developments that encourage biking and walking.

Specific items from the Comprehensive Plan are as follows:

Land Use

- When considering changes to land use regulations, respect nearby residential areas. (Land Use, 2.1)
- Enhance pedestrian connections between residences, commercial centers, public facilities and amenities and green spaces. (Land Use, 2.3)
- Expand the network of small, vibrant public spaces, particularly in areas that are identified for higher intensity uses and/or potential higher density. (Land Use, 2.5)
- Enhance existing neighborhood commercial centers and create opportunities for others in areas where they will enhance adjacent residential area. Provide

opportunities for nodes of activity to develop, particularly along mixed-use corridors. (Land Use, 3.2)

Economic Sustainability

- Continue to encourage private sector developers to implement plans from the commercial corridor study. (Economic Sustainability, 6.6)

Housing

- Promote redevelopment and infill development that supports bicycle and pedestrian-oriented infrastructure and robust public transportation to better connect residents to jobs and commercial activity. (Housing, 8.5)

Transportation

- Encourage a mix of uses in priority locations, such as along identified transit corridors and other key roadways, to facilitate multimodal travel and increase cost effectiveness of future service. (Transportation, 2.4)
- Promote urban design techniques, such as placing parking behind buildings, reducing setbacks and increasing network connectivity, to create a more pedestrian friendly streetscape and to reduce speeds on high volume roadways. (Transportation, 2.6)
- Encourage the development of transit-oriented/supportive developments. (Transportation 6.6)

Historic Preservation and Urban Design

- Promote Charlottesville’s diverse architectural and cultural heritage by recognizing, respecting and enhancing the distinct characteristics of each neighborhood. (Historic Preservation and Urban Design, 1.2)
- Facilitate development of nodes of density and vitality in the City’s Mixed Use Corridors, and encourage vitality, pedestrian movement, and visual interest throughout the City. (Historic Preservation and Urban Design, 1.3)
- Encourage the incorporation of meaningful public spaces, defined as being available to the general public, into urban design efforts. (Historic Preservation and Urban Design, 1.6)

Public and Other Comments Received

PUBLIC COMMENTS

No public comments have been received by staff on this proposal at the time of the drafting of this report.

BOARD OF ARCHITECTURAL REVIEW

At the Board of Architectural Review’s December 16 meeting, the board reviewed the re-striping of the parking lot with a new vehicular entrance proposed on South Street, which they approved. They also recommended to the Planning Commission (in anticipation of the SUP) that the main

entrance to the lot should be moved from Water Street to 2nd Street SE, opposite the Water Street parking garage entrance.

IMPACT ON CITY SERVICES:

Public Works (Water and Sewer):

Staff does not anticipate any problems with serving the projected demands of this request.

Public Works (Storm Drainage/Sewer): The proposed project will not disturb the current paved surface of the parking lot.

Staff Analysis and Recommendation

ANALYSIS

Assessment of the Development as to its relation to public necessity, convenience, general welfare, or GOOD ZONING PRACTICE:

The City has zoned Water Street to encourage mixed-uses and higher residential densities. This is an attempt to enhance and expand on the existing vibrant character of the Downtown Mall.

Farmer's markets are best located in centrally located areas of higher residential density that permit people to use modes of transportation other than automobiles. The urban areas also provide multiple options for parking for those visitors that do use automobiles. Additionally, the proximity to complementary uses can reduce the amount of single purpose car trips.

Assessment of Specific Potential Impacts of the Proposed Development:

- 1. Massing and scale of the Project, taking into consideration existing conditions and conditions anticipated as a result of approved developments in the vicinity.**

No new structures are proposed on the property in conjunction with this special use permit

- 2. Traffic or parking congestion on adjacent streets.**

The proposed project will shift some traffic in the downtown area due to the relocation of the farmer's market to the adjacent property. No major impacts are anticipated.

- 3. Noise, lights, dust, odor, vibration**

The noise generated from the farmer's market will be of a level typically experienced on market days on the adjacent property.

4. Displacement of existing residents or businesses

The proposal would not displace any existing residents or businesses, as the property is currently vacant.

5. Ability of existing community facilities in the area to handle additional residential density and/or commercial traffic

No additional residential density or commercial traffic is proposed with this application.

6. Impact (positive or negative) on availability of affordable housing

The proposed project would not directly impact the availability of affordable housing.

RECOMMENDATION

Staff finds that the proposal is supported by the City’s Comprehensive Plan, that the use requested is appropriate for this location, and that the impacts of the development can be addressed through conditions placed on the special use permit.

Staff recommends the application be approved with the following condition:

1. The Farmer’s Market shall be easily visible from adjacent vehicular rights-of-way, easily accessible from adjacent sidewalks, and shall be arranged in a manner that facilitates a comfortable flow of pedestrians among the various vendor stands within the Market.

Attachments

1. Copy of City Code Sections **34-157** (General Standards for Issuance) and **34-162** (Exceptions and modifications as conditions of permit)
2. Copy of City Code Section **34-541** (Mixed-Use Districts – Intent and Description)
3. Suggested Motions and the text of an SUP (Resolution) for your consideration
4. Applicant’s Submission

Attachment 1

Sec. 34-157. General standards for issuance.

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

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

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

Sec. 34-162. Exceptions and modifications as conditions of permit.

(a) In reviewing an application for a special use permit, the city council may expand, modify, reduce or otherwise grant exceptions to yard regulations, standards for higher density, parking standards, and time limitations, provided:

(1) Such modification or exception will be in harmony with the purposes and intent of this division, the zoning district regulations under which such special use permit is being sought; and

(2) Such modification or exception is necessary or desirable in view of the particular nature, circumstances, location or situation of the proposed use; and

(3) No such modification or exception shall be authorized to allow a use that is not otherwise allowed by this chapter within the zoning district in which the subject property is situated.

(b) The planning commission, in making its recommendations to city council concerning any special use permit application, may include comments or recommendations regarding the advisability or effect of any modifications or exceptions.

(c) The resolution adopted by city council to grant any special use permit shall set forth any such modifications or exceptions which have been approved.

Attachment 2

Sec. 34-541. Mixed use districts—Intent and description.

- (1) *Downtown Corridor.* The intent of the Downtown Corridor district is to provide for a mixture of commercial and residential uses, and encourage such development by right, according to standards that will ensure harmony with the existing commercial environment in the city's downtown area. Ground-floor uses facing on primary streets should be commercial in nature. The area within this zoning district is the entertainment and employment center of the community and the regulations set forth within this district are designed to provide appropriate and convenient housing for persons who wish to reside in proximity to those activities. Within the Downtown Corridor district the following streets shall have the designations indicated:

Primary streets: All streets are primary.

Linking streets: None.

- (2) *Downtown Extended Corridor.* Historically, the areas within the Downtown Extended district contained manufacturing uses dependent upon convenient access to railroad transportation. In more recent times, use patterns within this area are similar to those within the Downtown district. The intent of this district is to encourage an inter-related mixture of high-density residential and commercial uses harmonious with the downtown business environment, within developments that facilitate convenient pedestrian and other links to the Downtown area. Within the Downtown Extended district, the following streets shall have the designations indicated:

Primary streets: Garrett Street, Monticello Avenue, 6th Street, Market Street, Carlton Road and 10th Street, N.E.

Linking streets: Avon Street, Dice Street, 1st Street, 4th Street, Gleason Street, Goodman Street, Oak Street, and Ware Street.

- (3) *North Downtown Corridor.* The Downtown North Corridor district is the historic center of the City of Charlottesville, and contains many historic structures. In more recent years this area has also developed as the heart of the city's legal community, including court buildings and related law and professional offices, and commercial and retail uses supporting those services. Within this area, residential uses have been established both in single-use and in mixed-use structures. Many former single-family dwellings have been converted to office use. The regulations for this district are intended to continue and protect the nature and scale of these existing patterns of development. Within the Downtown North Corridor district, the following streets shall have the designations indicated:

Primary streets: 8th Street, N.E. (between High Street and Jefferson Street), 5th Street, N.E., 1st Street, 4th Street, N.E., High Street, Jefferson Street, Market Street, 9th Street, 9th Street, N.E., 2nd Street, N.E., 2nd Street, N.W., 7th Street, N.E., 6th Street, N.E., and 3rd Street, N.E.

Linking streets: East Jefferson Street (east of 10th Street, N.E.), 8th Street, 11th Street, N.E., Lexington Street, Locust Street, Maple Street, Sycamore Street.

- (4) *West Main North Corridor.* The West Main North district is established to provide low-intensity mixed-use development at a scale that respects established patterns of commercial and residential development along West Main Street and neighborhoods adjacent to that street. When compared with the area further south along West Main Street, lots within this area are smaller and older, existing buildings (many of them historic in character) have been renovated to accommodate modern commercial uses. Within this district, established buildings are located in close proximity to the street on which they front, and one (1) of the primary goals of this district is to provide a uniform street wall for pedestrian-oriented retail and commercial uses. Within the West Main Street North district, the following streets shall have the designations indicated:

Primary streets: 4th Street, 14th Street, 10th Street, Wertland Street, and West Main Street.

Linking streets: Cream Street, Commerce Street, 8th Street, Elsom Street, 7th Street, 6th Street, 10½ Street and, 12th Street.

- (5) *West Main South Corridor.* Property on the south side of West Main Street are much deeper, and generally larger in size, than those to the north, and established non-commercial uses typically are separated from adjacent residential neighborhoods by railroad tracks and street rights-of-way. The purpose of this zoning district is to encourage pedestrian-friendly mixed-use development, at an intensity slightly greater than that to the north of West Main. The permitted uses and building heights, those allowed by-right and by special permit, respect the scenic character of the West Main Street corridor. Within the West Main Street South district, the following streets shall have the designations indicated:

Primary streets: Jefferson Park Avenue, 9th/10th Connector, Ridge Street, 7th Street, and West Main Street.

Linking streets: Dice Street, 11th Street, 5th Street, 4th Street, and 7th Street.

- (6) *Cherry Avenue Corridor.* This zoning classification establishes a district designed to encourage conservation of land resources, minimize automobile travel, and promote employment and retail centers in proximity to residential uses. It permits increased development on busier streets without fostering a strip-commercial appearance. It is anticipated that development will occur in a pattern consisting of ground-floor commercial uses, with offices and residential uses located on upper floors. This district is intended to promote pedestrian-oriented development, with buildings located close to and oriented towards the sidewalk areas along primary street frontages. Within the Cherry Avenue Corridor district the following streets shall have the designations indicated:

Primary streets: Cherry Avenue, 9th/10th Connector.

Linking streets: 4th St., 5th St., Delevan St., Estes St., Grove St., King St., Nalle St., 9th St., 6th St., 6½ St., 7th St.

- (7) *High Street Corridor.* The areas included within this district represent a section of High Street that has historically developed around medical offices and support services, as well as neighborhood-oriented service businesses such as auto repair shops and restaurants. The regulations within this district encourage a continuation of the scale and existing character of uses established within this district, and are intended to facilitate infill development of similar uses. Within the High Street corridor district the following streets shall have the designations indicated:

Primary streets: East High Street and Meade Avenue.

Linking streets: 11th Street, Gillespie Avenue, Grace Street, Grove Avenue, Hazel Street, Moore's Street, Orange Street, Riverdale Drive, Stewart Street, Sycamore Street, Ward Avenue, and Willow Street.

- (8) *Neighborhood Commercial Corridor district.* The intent of the Neighborhood Commercial Corridor district is to establish a zoning classification for the Fontaine and Belmont commercial areas that recognize their compact nature, their pedestrian orientation, and the small neighborhood nature of the businesses. This zoning district recognizes the areas as small town center type commercial areas and provides for the ability to develop on small lots with minimal parking dependent upon pedestrian access. The regulations recognize the character of the existing area and respect that they are neighborhood commercial districts located within established residential neighborhoods. Within this district the following streets shall have the designations indicated:

Primary streets: Bainbridge St., Carlton Ave., Douglas Ave., Fontaine Ave., Garden St., Goodman St., Hinton Ave., Holly St., Lewis St., Maury Ave., Monticello Rd., and Walnut St.

Linking streets: None.

- (9) *Highway Corridor district.* The intent of the Highway Corridor district is to facilitate development of a commercial nature that is more auto oriented than the mixed use and neighborhood commercial corridors. Development in these areas has been traditionally auto driven and the regulations established by this ordinance continue that trend. This district provides for intense commercial development with very limited residential use. It is intended for the areas where the most intense commercial development in Charlottesville occurs. Within this district the following streets shall have the designations indicated:

Primary streets: Bent Creek Road, Carlton Rd., Emmet Street, 5th Street, Harris Road, Hydraulic Road, Monticello Ave., and Seminole Trail.

Linking streets: Angus Road, East View Street, Holiday Drive, India Road, Keystone Place, Knoll Street, Linden Avenue, Line Drive, Michie Drive, Mountain View Street, Seminole Circle, and Zan Road.

- (10) *Urban Corridor.* The intent of the Urban Corridor district is to continue the close-in urban commercial activity that has been the traditional development patterns in these areas. Development in this district is both pedestrian and auto oriented, but is evolving to more of a pedestrian center development pattern. The regulations provide for both a mixture of uses or single use commercial activities. It encourages parking located behind the structure and development of a scale and character that is respectful to the neighborhoods and university uses adjacent. Within this district the following streets shall have the designations indicated:

Primary streets: Barracks Road, Emmet Street, and Ivy Road.

Linking streets: Arlington Boulevard, Cedars Court, Copeley Drive, Copeley Road, Earhart Street, Massie Road, Meadowbrook Road, Millmont Street and Morton Drive.

- (11) *Central City Corridor.* The intent of the Central City Corridor district is to facilitate the continued development and redevelopment of the quality medium scale commercial and mixed use projects currently found in those areas. The district allows single use development, but encourages mixed

use projects. The regulations are designed to encourage use of and emphasize proximity to natural features or important view sheds of natural features. Development allowed is of a scale and character that is appropriate given the established development that surrounds the district. Within the Central Corridor district the following streets shall have the designations indicated:

Primary streets: East High Street, Harris Street, Long Street, Preston Avenue, Rose Hill Drive, 10th Street, Preston Avenue, and River Road.

Linking streets: Albemarle Street, Booker Street, Caroline Avenue, Dale Avenue, 8th Street, Forest Street, 9th Street, and West Street.

(12) Water Street Corridor District. The intent of the Water Street Corridor District is to provide for a mix of commercial, retail and entertainment uses in a way that complements and supports the Downtown Pedestrian Mall area. As the Downtown Pedestrian Mall develops, the natural spillover will be to this area. While not a complete pedestrian zone, it contains many characteristics thereof. Development therefore should blend the pedestrian scale with a slightly more automobile oriented feel to achieve this supportive mixed-use environment.

***Primary streets:* All.**

***Linking streets:* None.**

(13) *South Street Corridor District.* Adjacent to the downtown area and wedged against the railroad tracks is a small grouping of large historic homes, many of which have been converted to offices and/or apartments. In order to preserve the rich character and style of these few remaining structures from another era, the South Street Corridor District has been created. This district is intended to preserve the historic pedestrian scale, recognizing the importance of this area to the history of the downtown area.

Primary streets: South Street.

Linking streets: None.

(14) *Corner District.* The Corner District is established to provide low-intensity missed-use development to primarily serve the area surrounding the University of Virginia. It encourages development at a scale that respects the established character of the historic commercial area adjacent to the central grounds of the University. Within the district two- and three-story buildings front the streets establishing a pedestrian scale for retail and commercial uses.

Primary streets: University Avenue, West Main Street, Wertland Street, Elliewood Avenue 13th Street and 14th Street.

Linking streets: Chancellor Street, 12th Street, 12½ Street and 13th Street.

Attachment 3

Approval without any conditions:

I move to recommend approval of a special use permit as requested in SP-14-12-12, because I find that approval of this request is required for the public necessity, convenience, general welfare or good zoning practice.

OR

Approval with conditions:

I move to recommend approval of a special use permit as requested in SP-14-12-12, subject to conditions, because I find that approval of this request is required for the public necessity, convenience, general welfare or good zoning practice. My motion includes a recommendation for the conditions referenced in the staff report dated December 19, 2014, subject to the following revisions:

[List desired revisions]

Denial Options:

I move to recommend denial of this application for a special use permit;

SP 14 - 00006



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 Fax (434) 970-3359

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: East Water Street (address), zoned: WS, for: operation of a temporary city market.

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

- 197 feet of frontage on Water Street (name of street)
- Approximate property dimensions: 197 feet by 220 feet.
- Property size: 9920 (square feet or acres)
- Present Owner: CPC/Woodward Properties on 11/15 (Name) as evidenced by deed recorded in Deed Book Number _____ Page _____, with the Clerk of the Circuit Court.
- Mailing Address of Present Owner: _____
- City Real Property Tax Map Number 28 Parcel(s) 62, _____; Lot(s): _____

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

	<u>Property Owner Name</u>	<u>Mailing Address</u>	<u>City Tax Map and Parcel #</u>
1.	_____	_____	_____
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 City of Charlottesville
Mailing Address PO Box 911 CVille 22902
Applicant's Phone Number(s): (434) 970-3101 Work _____ Home _____
Applicant's Signature Maurice Jordan

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). n/a

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 n/a Date Paid _____ Cash/Check # _____ Received by _____

SUBLEASE AGREEMENT

THIS SUBLEASE AGREEMENT is made as of the ___ day of _____, 2014, by and between SKYVIEW PARKING, LLC, a Virginia limited liability company, Grantor, herein referred to as "Tenant", and the CITY OF CHARLOTTESVILLE, VIRGINIA, a municipal corporation, Grantee, herein referred to as "Subtenant".

WITNESSETH:

1. **Subleased Property.** Effective January 1, 2015, the Tenant will be in rightful possession of the parcel of land located in the City of Charlottesville that is bounded by 1st Street South, East South Street, 2nd Street, S.E., and East Water Street, consisting of approximately .9920 of an acre, more or less, and shown on City Real Property Tax Map 28 as Parcel 62. The property that is the subject of this Sublease Agreement is herein referred to as "the Subleased Property", and consists of that portion of Parcel 62 that is outlined in red on the aerial photograph that is attached hereto as "Exhibit A". Tenant hereby subleases to Subtenant, and the Subtenant leases from the Tenant, the Subleased Property, under the terms and conditions set forth herein.

2. **Warranty by Tenant.** Tenant represents and warrants to the Subtenant that, for the term of this Sublease Agreement and any extension thereof, it has the power and authority under its Lease with the owner of the Subleased Property to execute this Sublease Agreement and to carry out and perform all covenants to be performed by the Tenant under this Sublease Agreement, and that there are no outstanding uncured notices of default or termination.

Tenant agrees that Tenant shall not agree to the modification or amendment of the Lease Agreement between Tenant and the Owner of the Subleased Property during the term of this Sublease Agreement if such modification or amendment adversely affects the Subtenant's rights under this Sublease Agreement, decreases the size of the Subleased Property, or shortens the term of this Sublease Agreement, without the Subtenant's prior written consent.

3. **Condition of Subleased Property.** The Subleased Property is currently used as a commercial surface parking lot open to the public for paid parking. The Tenant makes no representation or warranty as to the condition of the Subleased Property for the intended purpose of this Sublease prior to or at the time of the execution of this Sublease Agreement, and Subtenant agrees to accept the Subleased Property "as is" on the effective date of this Sublease Agreement, provided there is no material change in

Tolbert, Jim

From: Keith Woodard <Keith@woodardproperties.com>
Sent: Tuesday, December 9, 2014 4:55 PM
To: Tolbert, Jim
Subject: RE: cpc lot
Attachments: Skyview Parking Plan proposal 11-25-14.pdf

Hello Jim,

You have my permission for Maurice Jones to sign the application for the SUP (Special Use Permit) to allow the City Market to be located on the Parking Lot at 100 East Water Street. My lease for that lot begins on January 1, 2015, so you may also need/want to have the ok from CPC Inc as they are currently the owner.

I have attached the proposed layout of the parking lot that I did to accommodate the City Market with perpendicular spaces, and to improve the traffic flow. This includes the additional entrance on South Street.

Please let me know if you need anything else.

Thanks,
Keith

Keith O. Woodard



Woodard Properties
224 14th Street NW
Charlottesville, VA 22903
Phone (434) 971 8860
FAX 293 2280
Email: Keith@WoodardProperties.com

From: Tolbert, Jim [mailto:tolbertj@charlottesville.org]
Sent: Tuesday, December 09, 2014 4:44 PM
To: Keith Woodard
Subject: cpc lot

Keith

Can you get me two things please.

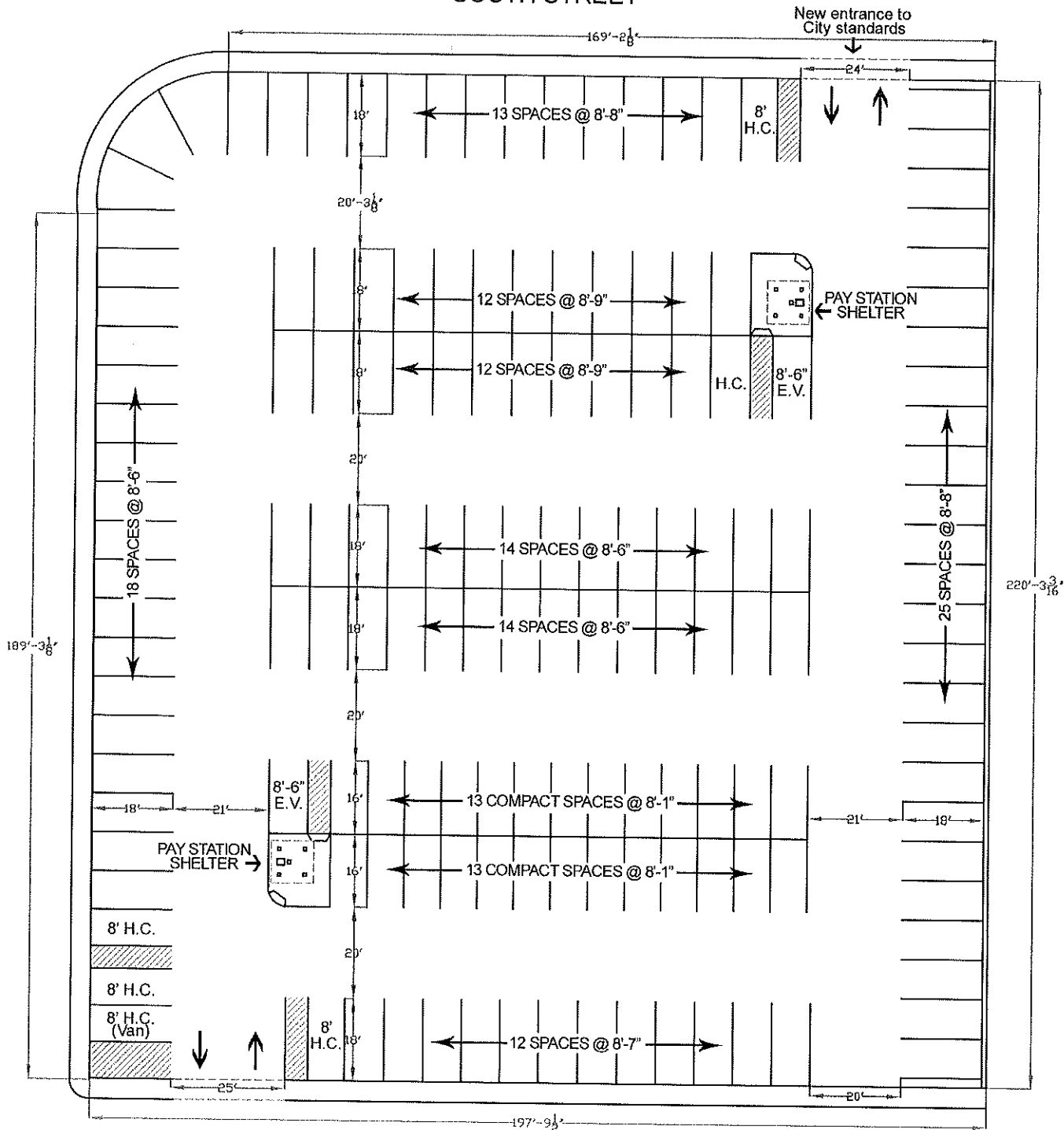
I need an email from you saying it is ok for Maurice to sign the application for sup for the market on the lot.

Could you also send the current layout of the parking lot that you are proposing.

Thanks

jim

SOUTH STREET



WATER STREET

SCALE = 1/32"



224 14th Street N.W. Charlottesville VA, 22903

SKYVIEW PARKING PLAN
CHARLOTTESVILLE, VIRGINIA

For:
Woodard Properties

DATE:
12/05/2014

**Report of the Director of Neighborhood Development Services
To The Planning Commission
Repair or Disposition of Blighted Property (City Code 5-194)
December 15, 2014**

Subject Property: 610 Ridge Street
Tax Map: 29-263
Zoning: Residential, Historic Overlay District (Ridge Street)
Owner: Juanita L. Jones and Ruth L. Jones (together, "owner")
10902 Oakwood Street, Silver Springs, MD 20901
Local Agent: None

Background

On October 27, 2014 I rendered a preliminary determination that the above referenced property is a "blighted property" as that term is used within City Code §5-191 et seq. Upon making that determination, I notified the owner of the property. A copy of my preliminary determination letter is attached.

At this time, pursuant to §5-193 of the City Code, I request that the planning commission conduct a public hearing and make findings and recommendations concerning the repair or other disposition of this property. Following a public hearing, the planning commission will be required to make specific findings and a recommendation to Council. The remaining portion of this report sets forth my analysis, and pertinent factual information, as to the matters on which the Commission is required to make findings.

Background

Virginia's Housing Code provides a procedure for abatement of properties that constitute spot blight. The enabling legislation is found in Virginia Code §36-49.1:1 (spot blight abatement authorized; procedure). In 2001 the City Council enacted an ordinance incorporating the spot blight procedures into our local code, set forth within §§50-191 through 5-197 of the City Code.

Proposed Plan

For the reasons analyzed below, it is my opinion that any further attempt to elicit the property owner's cooperation and follow-through with a plan for the repair and rehabilitation of this property would be futile. At this time, I believe that the only course of action that will achieve the repair of this property for beneficial residential use will be for the City to acquire the property as authorized by Virginia Code §36-49.1:1(A). Therefore, my recommendation is that the Planning Commission should confirm my finding that this is a blighted property, and should recommend to City Council that it take all steps necessary to acquire the property from the owner and repair it.

Analysis – Findings Required of the Planning Commission

(1) **Is this a Blighted Property?** The City Code, §5-192 et seq. defines a blighted property as follows:

“any property with buildings or improvements which, by reason of dilapidation, overcrowding, lack of ventilation, light and sanitary facilities, deleterious land use, or any combination of these or other factors, are detrimental to the safety, health, or welfare of the community.”

For more than a decade, this property has remained vacant. The house currently has no working facilities for heat or water. The exterior of the house has deteriorated, and there is evidence that the owner's long-term neglect is also having an impact on the interior. Frequently, City Housing Inspectors find it necessary to board the first-floor windows and doors in an attempt to secure the house from public entry. Other than City personnel, no person(s) regularly remove trash and debris, or mow weeds and grass, on the property. In this condition, the property is attractive to trespassers and is having an adverse impact on surrounding properties within the Ridge Street Architectural Design Control District. In my opinion, these circumstances cause the property to fit within the definition of “blighted property”.

In October 2006, the Planning Commission issued a determination that this was a blighted property. At the City Council meeting the Council decided against a blight finding based on the promise of the owner to begin repair to the property. The owner subsequently began those repairs but has since ceased repairs.

(2) **Has the Owner, after reasonable notice, failed to cure the blight, or to present a reasonable plan to do so?** Since the date on which my preliminary determination was issued, the owner has failed to cure the blight or to present a reasonable plan to do so. My determination was mailed, as required by law, to the owner at her address specified in the City's real estate records, which is also the last known address available to us.

Since at least 1989 the City's Housing Inspectors have cited the property owner(s) with approximately fifty (50) violations of City or state property maintenance codes. The City routinely mows the grass, cuts and removes weeds, shrubbery and damaged trees, removes accumulations of garbage, rubbish, and shopping carts, and paints and repairs exterior wood surfaces, and boards first-floor windows and doors to secure the house against public entry. With each violation, the City has provided the property owner with notice of the violation, as required by law, and the property owner has either ignored or failed to respond to the notice. As allowed by law, the City then performs the necessary work and charges the cost back to the property owner as a lien on the real property. The property regularly pays off the accumulated lien(s). Our Property Maintenance Official, Patricia Carrington, has unsuccessfully attempted on numerous occasions to communicate with the owner, or someone authorized to act on her behalf. The owner has a brother who lives in Crozet who, for at least a time, undertook a level of

responsibility for the property. However, subsequent to 1995, when the City initiated a building code enforcement action in Circuit Court, the brother has not been provided with the legal authority or financial ability to make the necessary repairs. He has no ownership interest in the property.

In 1998 the property owner entered into an agreement with the City, allowing the City's Building Official to remove a building located at 818 Page Street. This property, which was uninhabited at the time, had been allowed to deteriorate to the point of presenting a danger to the public. The owner authorized a demolition of the structure by the City, at a total cost of \$2,600.00, and granted to the City a lien in that amount recoverable upon the sale of the property. The property remains in the same ownership, and is currently a vacant lot with an assessed value of approximately \$166,000

As a result of the foregoing history, it was not unexpected that the property owner would fail to respond to my October 27, 2014 notice of determination of blight, and fail to submit a plan for rehabilitating the property. The owner is elderly; however, our staff is without information as to her financial resources. All that we can say is that, when the City has placed lines against the property for work performed to abate housing code violations, those amounts are routinely paid off along with the real estate taxes.

(3) Is this property currently occupied for residential purposes? What is/are the other current land uses?

This property is not currently occupied by any persons for residential purposes. It is vacant.

(4) Has this property been condemned for human habitation? What is the status of any outstanding Building Code Violations?

On several occasions, our Building Maintenance official and inspectors have acted under the building code to board the property against public entry. This process involves posting a notice that "THIS STRUCTURE IS UNFIT FOR HABITATION AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE CODE OFFICIAL". According to the Building Maintenance Official, the property has been without proper heat or water facilities since 1993 and therefore cannot be lawfully inhabited. The City's Building Code official has issued about fifty (50) notices of property maintenance code violations to this property since 1989.

(5) Is the Director's Plan reasonable, and is it in accordance with the requirements of the City's comprehensive plan, zoning ordinance, and other applicable City ordinances or regulations?

In my opinion, the proposal for the City to acquire the property is the minimum necessary course of action to permanently remedy the conditions that are the basis of my blight determination.

- a. The comprehensive plan contains the following language, relevant to the desired use(s) and proportion of this property: Ridge Street is an urban residential neighborhood with a small mix of detached dwelling and cottages and suburban style single-family detached dwelling. It remains an important residential area in the City African-American community.
- b. If acquisition of the property is recommended as the desired course of action to remedy this blighted property, subsequent repair and disposition of the property would be conducted in accordance with applicable City ordinances, including consultation with the BAR regarding any necessary alterations, and consistent with the purposes set forth within Title 36 (Housing) of the Virginia Code.

The City Attorney's Office has been given an opportunity to review my proposal in advance of this report and agrees that (i) the property is a blighted property, and (ii) acquisition of the property by the City appears to be the only option that will be likely to remedy the blight.

(6) Is this property listed on the National Register, or locally designated a protected property?

This property is a contributing structure in a National Register Historic District.

The property is situated within the Ridge Street Architectural Design Control District, and it is a contributing property under §34-272(3) of the City's zoning ordinance.

610 Ridge Street was constructed in 1894 by John Gleason and represents an example of a late 19 C. vernacular house with the irregular form and gabled projecting bays associated with the Queen Anne style. It is akin in form and scale to other house of that period in the Ridge Street district and stands in a prominent location near the intersection of Ridge Street, Fifth Street, Cherry Avenue, and Elliott Avenue.

Final Process

Following the public hearing, the commission is required to report its findings and recommendations concerning the repair or other disposition of the blighted property to the City Council. Upon receipt of findings and recommendations from the Planning Commission, the City Council may affirm, modify or reject the Planning Commission's findings and recommendations. If the repair or other disposition of the property is approved, the City may carry out the approved plan in accordance with the approved plan and applicable law.

CITY OF CHARLOTTESVILLE

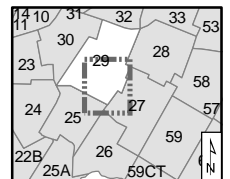


This map is for display only.
Distances shown are from plats
and may not measure accurately.
These maps have been updated
as of December 2014.

1 inch = 200 feet

TAX MAP

**610 Ridge Street
TMP 290263000**



CITY OF CHARLOTTESVILLE
"A World Class City"



Department of Neighborhood Development Services

City Hall • P.O. Box 911
Charlottesville, Virginia 22902
Telephone 434-970-3182
Fax 434-970-3359
www.charlottesville.org

**NOTICE: DETERMINATION OF BLIGHTED
PROPERTY PER CITY CODE § 5-193**

CERTIFIED MAIL

Jones, L Juanita & Ruth L
10902 Oakwood Street
Silver Springs, MD 20901

October 27, 2014

Re: 610 Ridge Street, Charlottesville, VA (Tax Map Parcel No. 290263000)

Dear Owner(s):

Our records show that you are the owner of the above-referenced property. Pursuant to the authority granted to me within the Charlottesville City Code, Chapter 5, Article 5, Division 5, the purpose of this letter is to notify you of the determination that this property constitutes a **blighted property**, as defined within § 5-192(a) of the City Code.


This determination is based on the following factors and circumstances: Window trim and other areas of untreated wood need to be painted (VMC Section 304.2 Protective treatment). The stucco is cracked, loose, and falling away from the structure in several places, as well as holes that need to be filled (VMC Section 304.6 Exterior walls). Downspouts need to be secured to the gutter (VMC Section 304.7 Roofs and drainage). : The soffit and fascia are rotten and/or missing in several places (VMC Section 304.8 Decorative features). A letter stating the above mentioned was sent to you on September 9, 2014. On October 13, 2014, a reminder letter was sent to you requesting your reply to this matter. As of October 27, 2014, there has been no contact between you (the property owner) and the City of Charlottesville, and no repairs have been made to the structure which is causing blight on the neighborhood.

PLEASE TAKE NOTICE that you have until **November 27, 2014** to contact me and to respond with a plan of action that will cure the blight. At a minimum, the plan must address the following: compliance with the property maintenance codes and applicable provisions of the statewide building codes; include a detailed time frame in which this work will be completed.

If you fail to respond to me by **November 27, 2014** with an acceptable plan to cure the blight, then this matter will be referred to the Charlottesville Planning Commission for a public hearing to discuss the condition of the property and for recommendations as to how this property might be repaired and the blight abated by the City at your expense.

Please contact Richard T. Hunt, Property Maintenance and Housing Inspector at 434-970-3728 immediately with any questions you may have.

Sincerely,


James E. Tolbert, AICP
Director

cc: Craig Brown

Attachments

October 13, 2014

Jones, L Juanita & Ruth L
10902 Oakwood Street
Silver Springs, MD 20901

Re: *September 9, 2014* Inspection Made at 610 Ridge St (TMP No. 290263000)

On September 9, 2014, you were cited for violations of the 2012 Virginia Maintenance Code (copy enclosed) with a corrective date of October 10, 2014. As of today the violation has not been corrected.

This is to advise you that a reinspection will be done on **October 27, 2014**. If the violation has not been abated and/or corrective measures have not been initiated, we will be required to take the necessary legal action for correction.

Please contact me at 434-970-3728 if you have any questions.

Sincerely,

Richard T Hunt
Property Maintenance Inspector

cc: Tony Edwards, Development Services Manager

September 10, 2014

CERTIFIED MAIL

Jones, L Juanita & Ruth L
10902 Oakwood Street
Silver Springs, MD 20901

Re: September 9, 2014 Inspection Made at 610 Ridge St (Tax Map Parcel No. 290263000)

During the above-referenced inspection, City Housing Inspectors found one or more violations of the Virginia Maintenance Code, Part III of the Uniform Statewide Building Code (USBC) referencing the 2012 International Property Maintenance Code (IPMC). The violations are outlined in the attached Notice of Violation and Order of Correction. It is our hope that you will make every effort to correct these violations by the date specified as the reinspection date. If you believe the corrective action required or the time allowed for correction to be unreasonable, you may contact our office for information.

You should also be aware of the following:

1. Any work, including construction, initiated to correct the identified violations must conform to all applicable provisions of the USBC as well as to applicable provisions of the City Code, **including approval of all exterior improvements by the Board of Architectural Review (BAR) if applicable.** City permits are required prior to commencement of any construction or demolition of property. Once you decide on a plan of corrective action, you may contact this office to confirm the need, if any, for any specific permits or approvals.
2. The USBC has been adopted and incorporated by reference into the Code of the City of Charlottesville. You should note that a violation of the USBC is therefore a violation of the City Code, and may result in criminal penalties. If you are unwilling or unable to work with the City to correct the identified violations, the City may take initiate legal proceedings for the purpose of enjoining, correcting or abating the violations and/or imposing the criminal sanctions allowed by law. Your prompt attention to this notice is necessary.
3. The attached Notice of Violation and Order of Correction constitutes the decision of the City's Property Maintenance Code Official that one or more violations exist at your property. You may appeal this decision by applying to the City's Board of Building Code Appeals. If you choose to appeal, you must submit an application for appeal within fourteen (14) days from the receipt of the attached Notice of Violation. Failure to timely submit an application for appeal constitutes acceptance of the code official's determination. Information regarding the appeals process may be obtained from the City's Department of Neighborhood Development Services.

I have scheduled **October 10, 2014** as the re-inspection date for correction of the listed violations.

On behalf of the Building Code Official,

Richard Hunt
Property Maintenance Code Official
Attachment

NOTICE OF VIOLATION

ORDER OF CORRECTION

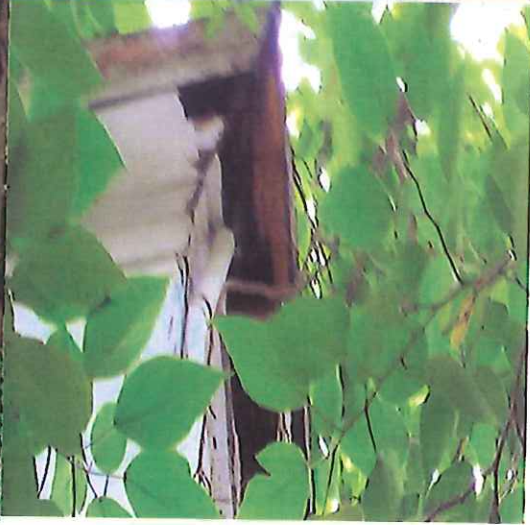
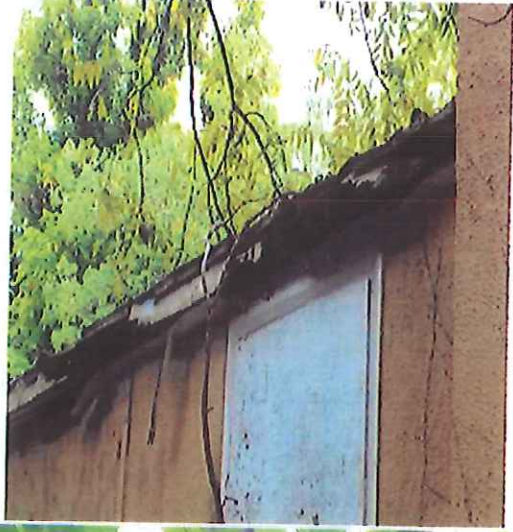
TO: Jones, L Juanita & Ruth L
DATE: September 9, 2014
INSPECTOR: Richard Hunt
ADDRESS OF VIOLATION: 610 Ridge Street

1. **VIOLATION: Virginia Maintenance Code Section 304.2 Protective treatment.** All exterior surfaces shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. **Please paint window trim and any other exposed wood surfaces.**

2. **VIOLATION: VMC Section 304.8 Decorative Features.** All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition. **Replace all rotting and deteriorated soffit and fascia trim on all roof overhangs.**

3. **VIOLATION: VMC Section 304.6 Exterior Walls.** All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration. **Repair stucco that is cracked, loose, and falling away from the structure and fill any holes.**

4. **VIOLATION: VMC Section 304.7 Roofs and drainage.** Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall be discharged in a manner to protect the foundation or slab of buildings and structures from the accumulation of roof drainage. **Please secure all downspouts to the gutters.**



CITY OF CHARLOTTESVILLE
DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES
PLANNING COMMISSION

PRELIMINARY DISCUSSION: SPECIAL USE PERMIT

Author of Memo: Brian Haluska, Neighborhood Planner

Date of Meeting: January 13, 2015

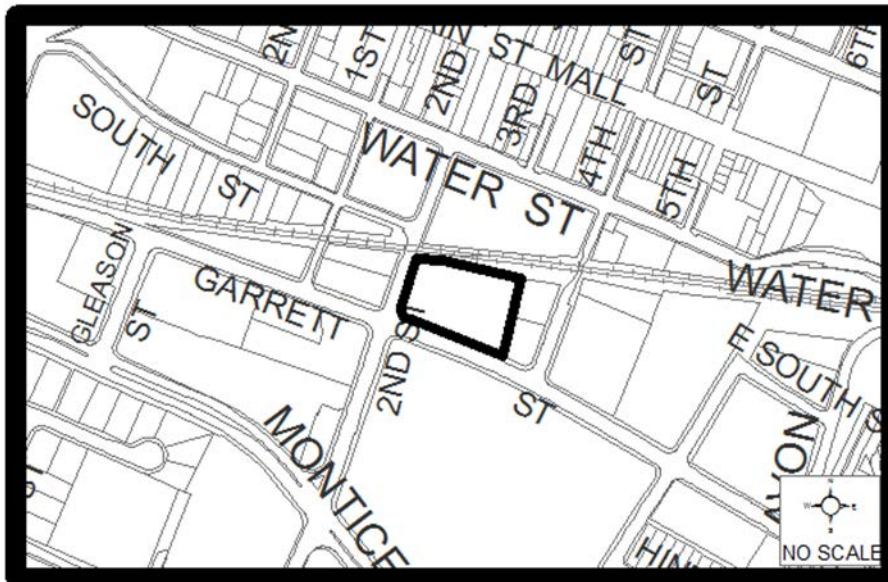
RE: Glass Building Apartments (201 Garrett Street)

Background

Russell Nixon of Nixon Land Surveying; acting as agent for MTE, LLC has submitted a special use permit for a mixed-use development at 201 Garrett Street. The request is for additional residential density.

The site plan proposes 229 new multi-family residential units, 18,750 square feet of office space, 5,00 square feet of retail space, and 271 parking spaces. The property is further identified on City Real Property Tax Map 28 Parcel 113. The site is zoned Downtown Extended Corridor with Parking Modified Zone Overlay. The property is approximately 1.366 acres.

Vicinity Map



Preliminary Analysis

Reason for Special Use Permit

The applicant is requesting a special use permit for additional density.

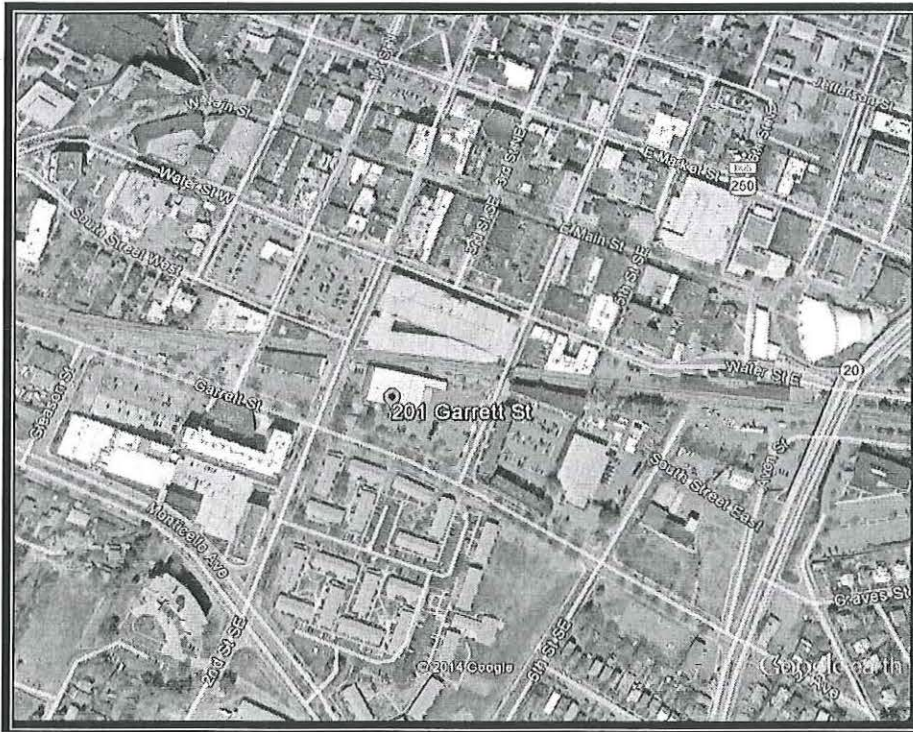
The maximum by-right residential density in the Downtown Extended corridor is 43 dwelling units per acre, with 240 units per acre permitted by special use permit. The applicant is requesting density of 168 dwelling units an acre.

Questions for Discussion

- Massing and Scale – The proposed project would entail the construction of two new residential buildings on the property, along with a 9 story addition to the existing building. The building is adjacent to one and two-story structures across Garrett Street and 2nd Street SE. The Gleason Building that sits diagonally across the intersection of Garrett and 2nd is six stories, and the Norcross Station property across 4th Street is 4 stories.
- Setbacks – The preliminary drawings from the applicant do not show the required setback on the streetwall along Garrett Street.

Attachments

Special Use Permit Submission Booklet



**201 Garrett Street, Charlottesville, Va.
Tax Map Parcel #28-113
Property of MTE, LLC
December 16, 2014**

APPLICATION FOR SPECIAL USE PERMIT



Nixon Land Surveying, LLC

Land Surveying, Planning & Environmental Consulting

1063 Airport Road, Suite C

Lynchburg, VA 24502

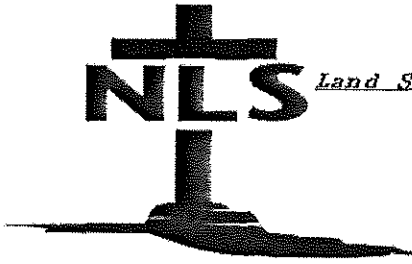
434-237-3600 (office)

434-237-0699 (fax)

RECEIVED

DEC 17 2014

NEIGHBORHOOD DEVELOPMENT SERVICES



Nixon Land Surveying, LLC
Land Surveying, Planning & Environmental Consulting
1063 Airport Road, Suite C
Lynchburg, VA 24502
434-237-3600 (office)
434-237-0699 (fax)

October 25, 2014

City of Charlottesville
Department of Neighborhood Development Services
P.O. Box 911, City Hall
Charlottesville, Va. 22902

Salutations,

An application for Special Use Permit is being proposed for the property located at 201 Garrett Street, Charlottesville, Virginia. The purpose is to increase the by-right density of number of residential dwelling units. The following report is an information accessory to the application.

Best Regards,

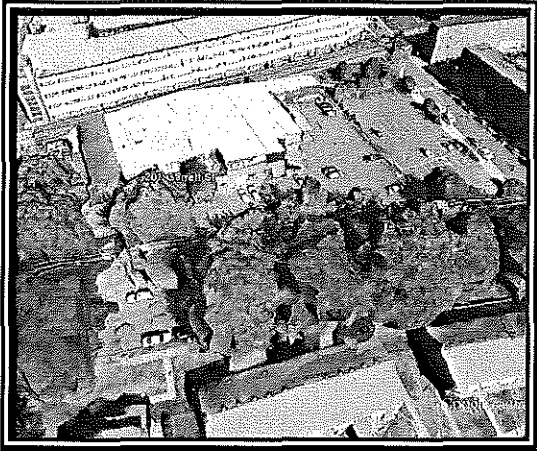
Russell Nixon, LS

Narrative:

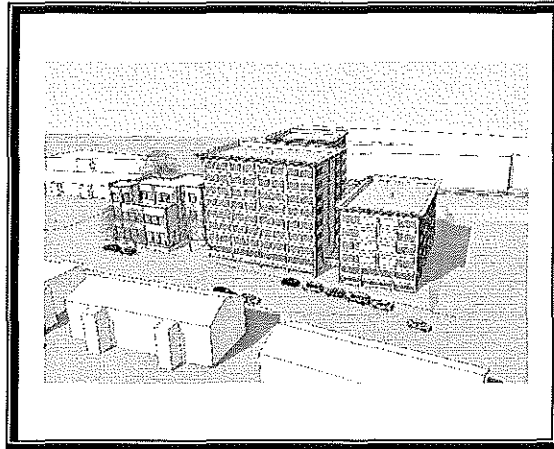
MTE, LLC is proposing to develop a mixed-use apartment complex and parking garage at the property located at 201 Garrett Street. The tax map parcel number is 28-113. The property is located in the “Downtown Extended Corridor” (DE) zoning district and the “Parking Modified Zone”. The proposed project will have 229 residential apartment units. The parking garage will have approximately 80 parking spaces.

This project will serve the City of Charlottesville’s growing residential needs. This site currently houses existing office, restaurants, and retail spaces making it ideal for this residential mixed use addition to the site. It is in close proximity to the downtown mall area and will increase the pedestrian traffic in that vicinity as well as increase of patronage to the existing commercial community.

Special Use Request:



Existing Conditions



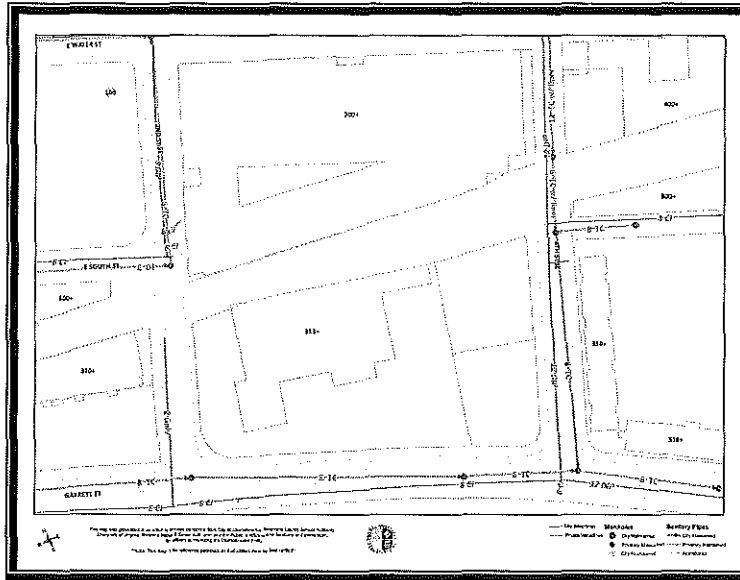
Proposed Development

MTE, LLC is requesting a Special Use Permit for this property to allow an increase in the by-right density of the residential units for this property from 56 dwelling units to 229 dwelling units.

Harmony of Development:

The proposed mixed use project is surrounded by neighboring mixed use multi-family residential, retail, parking garage and office spaces use. The property to the north is missed use parking garage and retail. The property to the east is multi-family residential. The property to the south is also multi-family residential. The properties to the west are missed use office and retail. The proposed project is consistent with the existing uses and zoning district uses in this area.

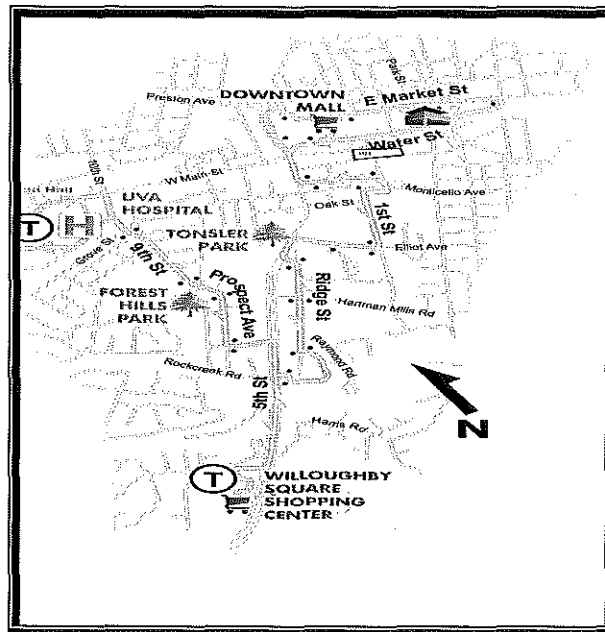
Public Facilities:



Existing Utilities

This property is currently served by public water and sewer. Fire flow testing demonstrates that water service is feasible for this site. Septic sewer mains are also ample to meet the needs of this development.

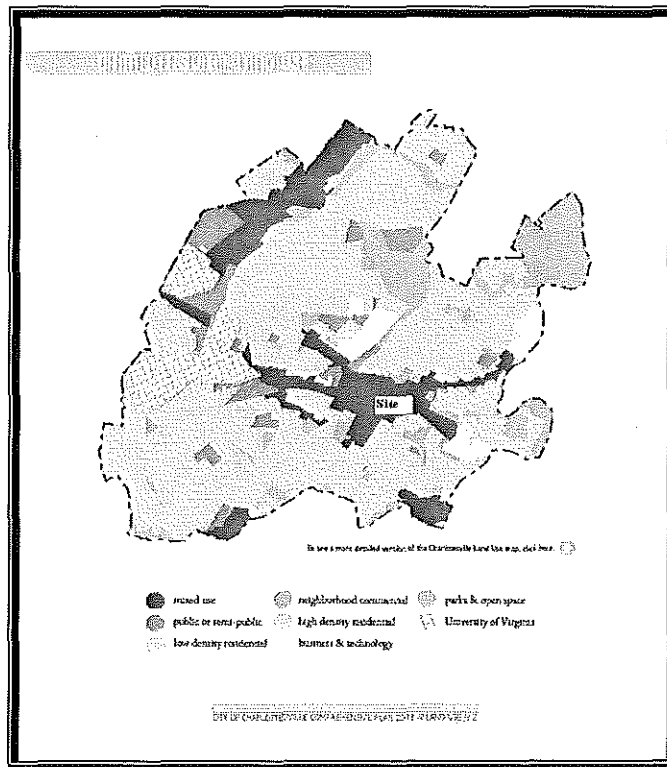
Public Access and Transportation:



Charlottesville Transit Route

The site is located in the Parking Modified Zone which is designed to promote alternative transportation other than personal motor vehicular transportation. The property has convenient access to the City of Charlottesville's area transit system. It is located just several blocks from the downtown mall area with ample pedestrian walkways. Upon completion of this project an increase in pedestrian activity is expected to flow into the downtown area.

Compliance with Comprehensive Plan 2013:



Comprehensive Plan Map 2013

The proposed project located at 201 Garrett Street complies with the proposed uses of the 2013 Comprehensive Plan for this area in Charlottesville.

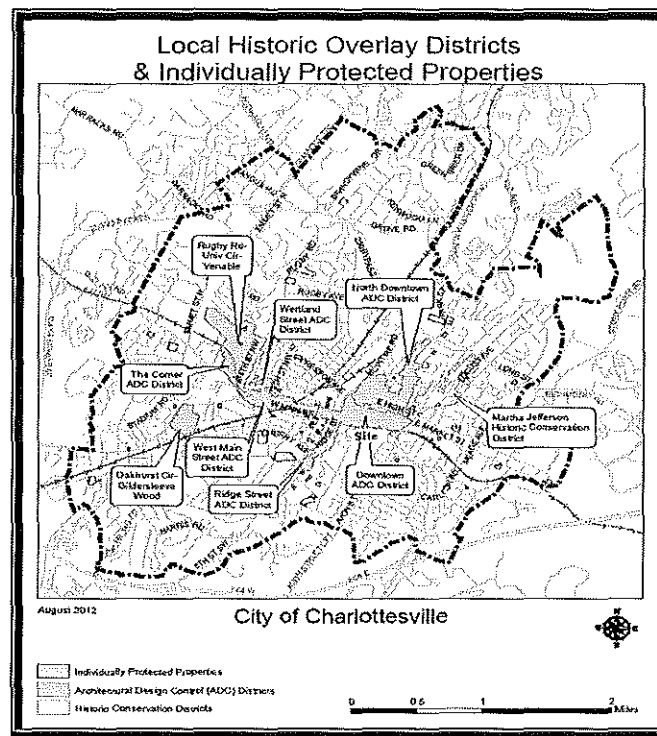
Building Code:

The structures and site will be designed to comply with all applicable building code regulations.

Impact on Schools and Facilities:

The project target market is young and adult professionals wanting to be located close to the downtown mall area. The dwelling units design will most likely not be attractive to families with children. The overall impact on schools and facilities is expected to be minimal.

Design Control District:



Design Control District Map

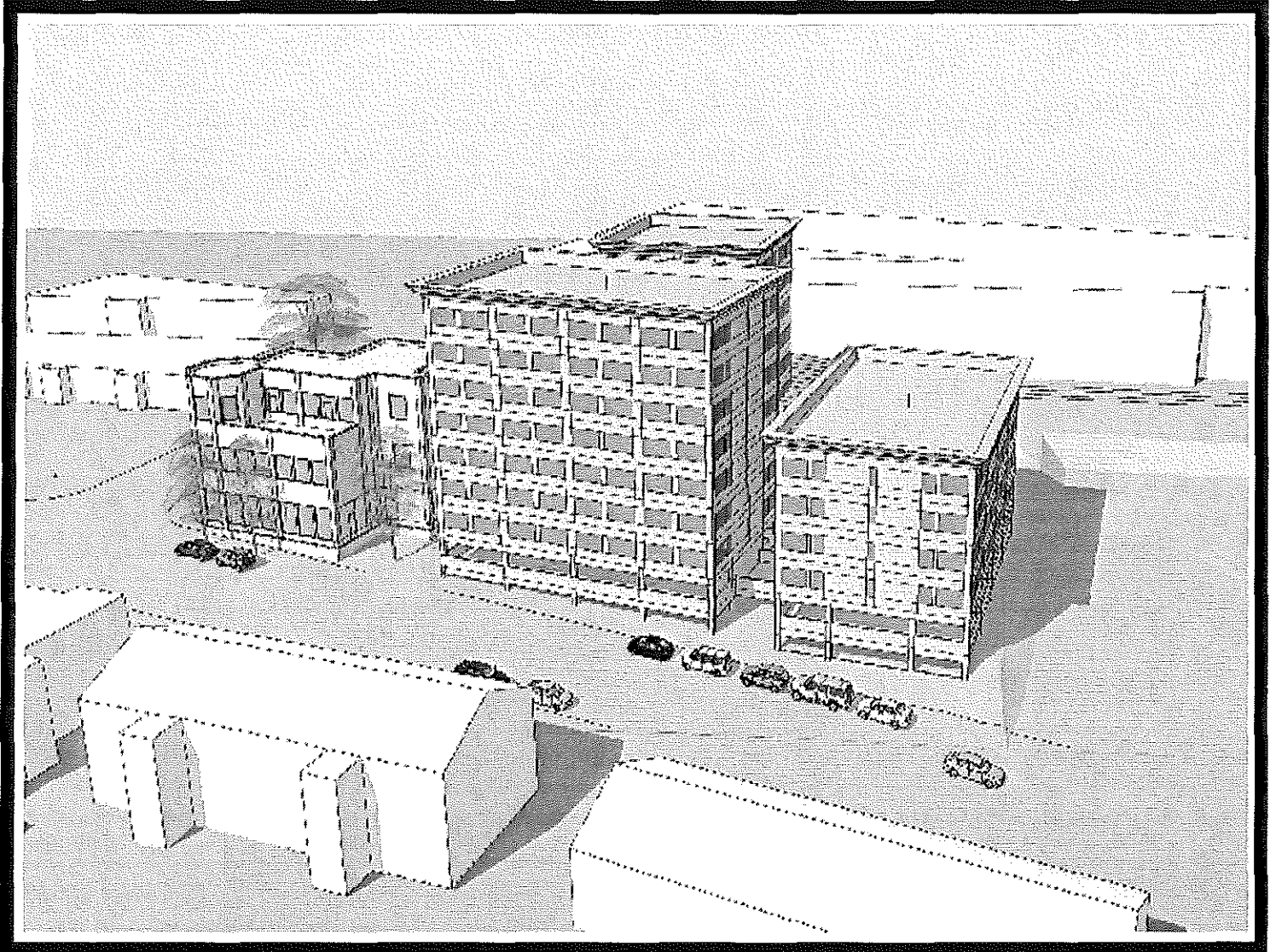
This property is not located in the design control district and is not subject to bar review.

Potential Adverse impacts on the Community:

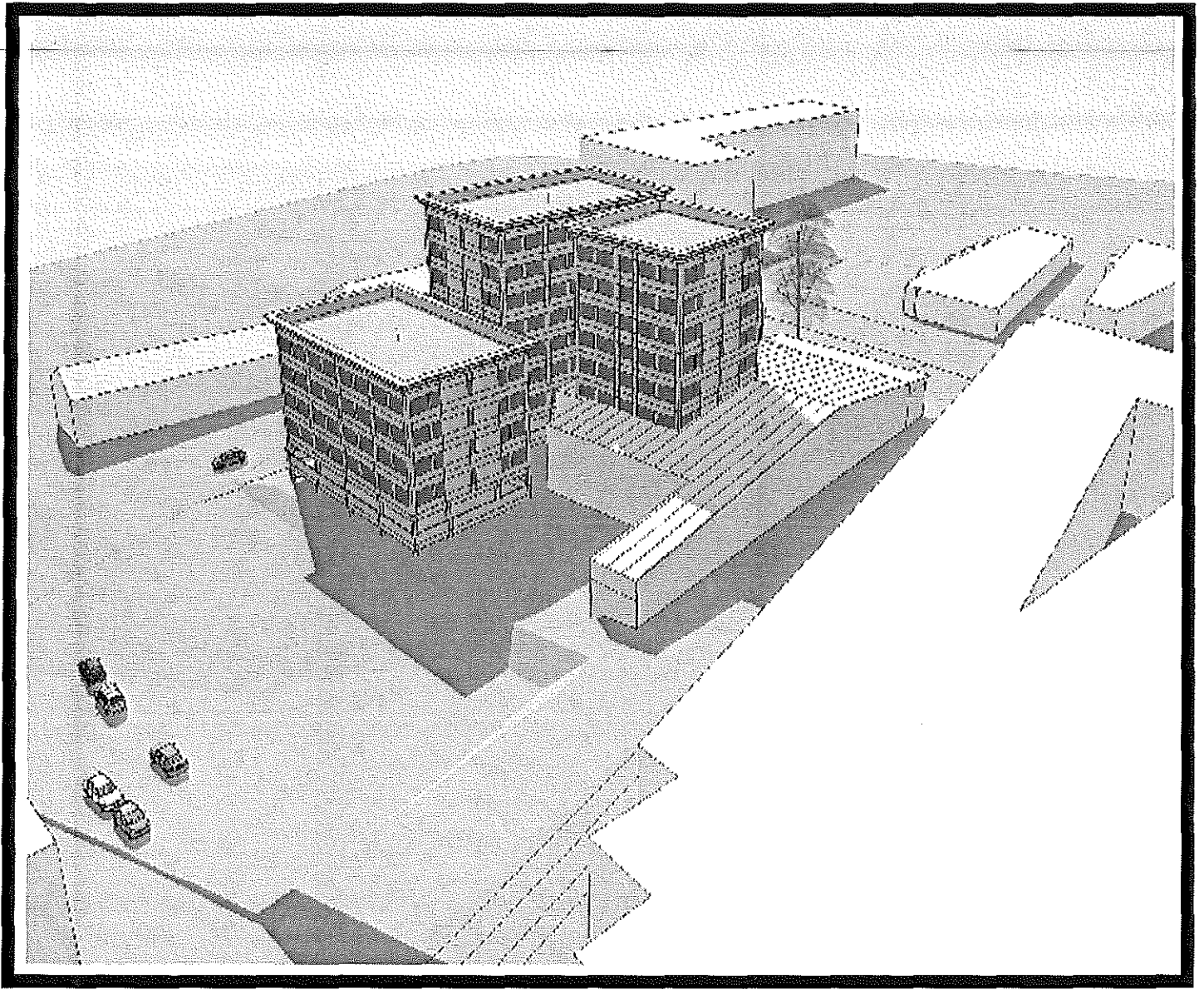
Potential adverse impacts to be considered include, but are not limited to, the following:

- Noise and Lighting:
The project will be in compliance with all the City of Charlottesville's lighting and noise ordinances and should have no adverse affect on the community.
- Traffic and Parking:
Due to the discouragement of personal motor vehicular transportation in the "Parking Modified Zone" this site is designed as such. Parking will be available on this site but not to the density of the development. The impact on traffic and parking congestion should be low and pedestrian traffic should increase.
- Business Displacement:
There should be no displacement of existing businesses on this site.
- Massing and Scale of Project:
This project massing and scale will be consistent with the surrounding buildings and potential future building.

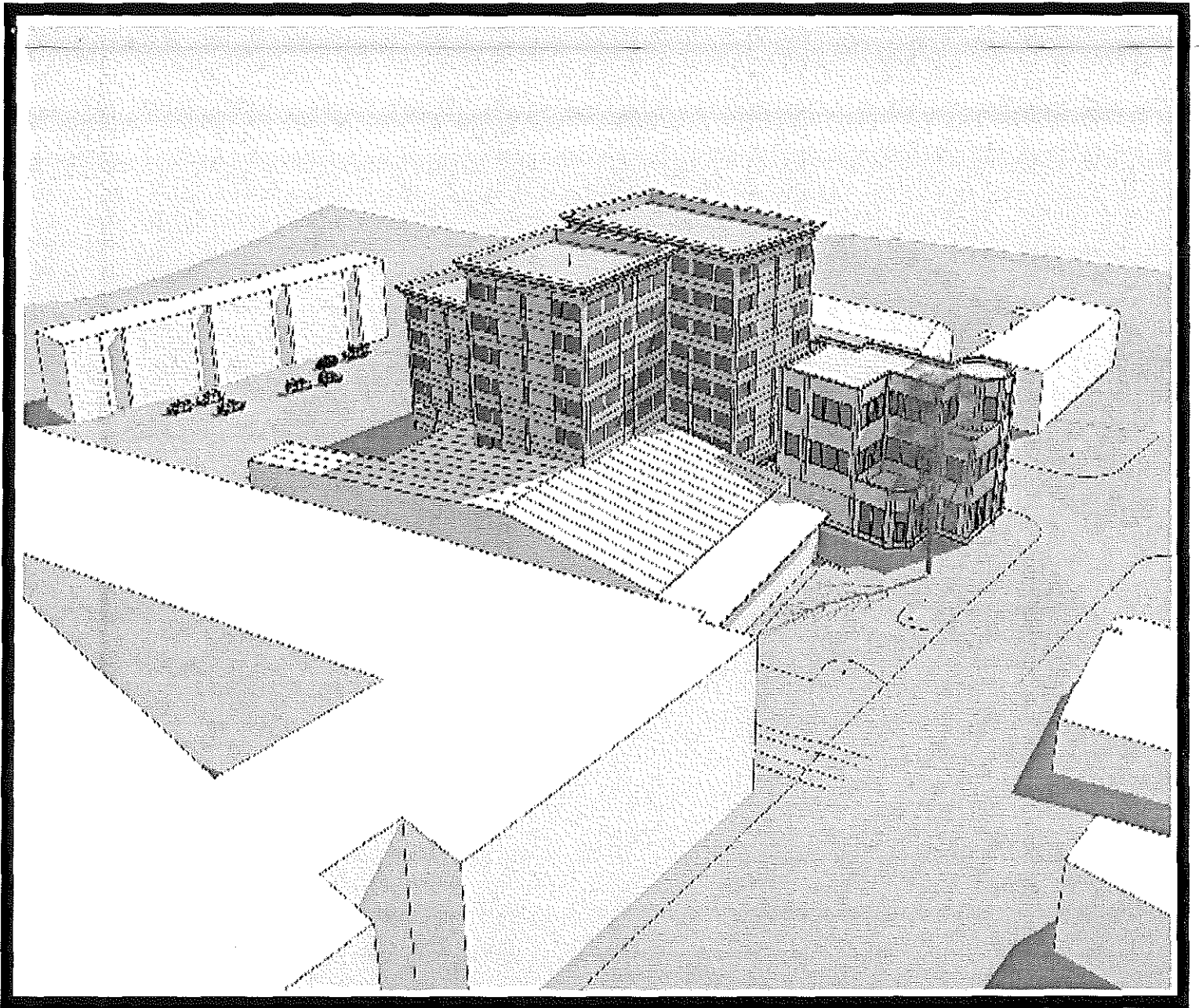
EXHIBITS



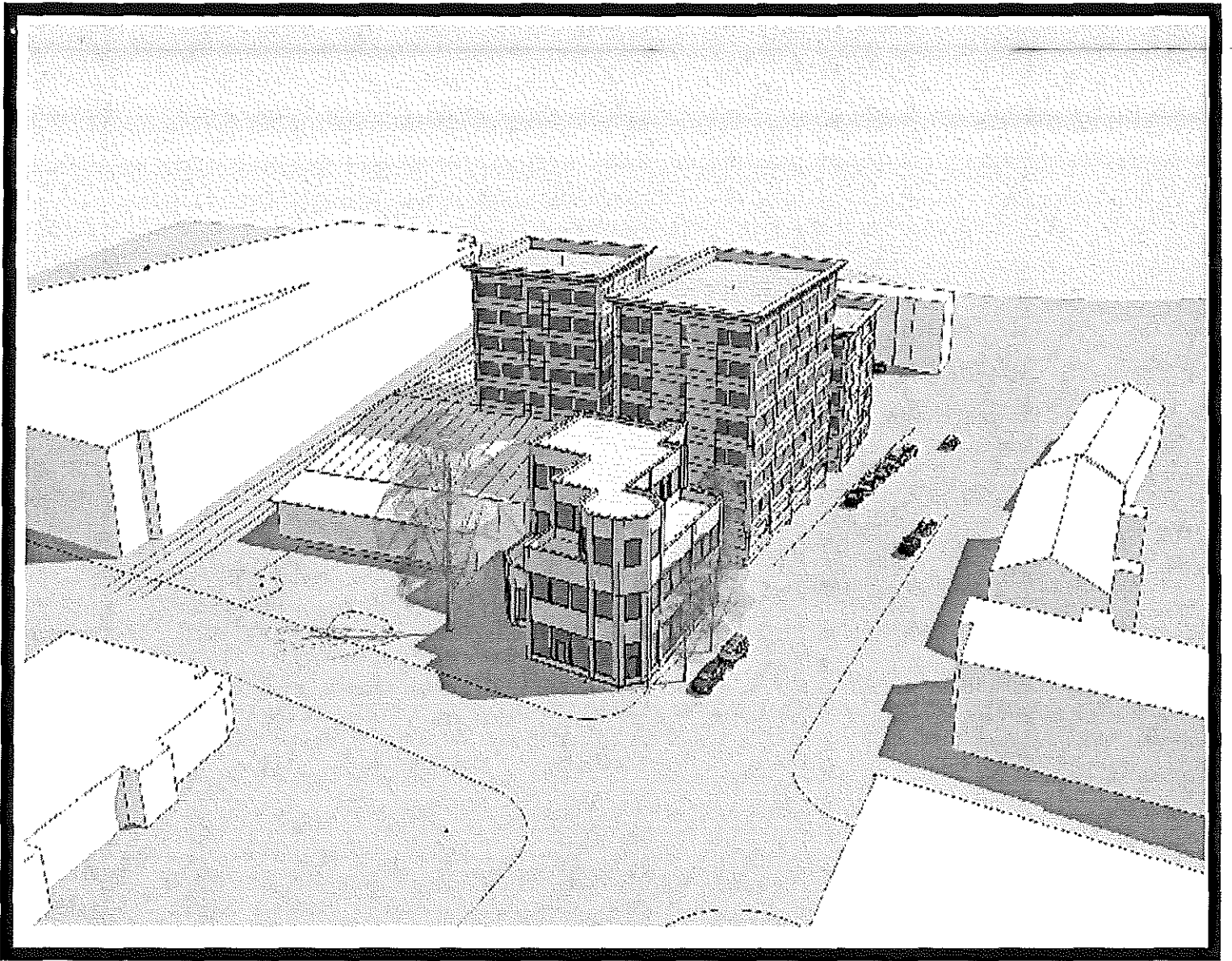
Proposed South (Front) Elevation



Proposed Northeast (Side) Elevation



Proposed Northwest (Side) Elevation



Proposed West (Side at intersection) Elevation

COVER SHEET

TOTAL SITE PARKING TABULATION	
TOTAL SPACES REQUIRED	251
TOTAL SPACES PROVIDED	251
TOTAL TYPICAL PAVED SPACES	251

REQUIRED PARKING	REQUIRED PARKING LOT	REQUIRED PARKING LOT	REQUIRED PARKING LOT
LOT #	AREA (SQ. FT.)	AREA (SQ. FT.)	AREA (SQ. FT.)
1	10,000	1	10,000
2	10,000	2	10,000
3	10,000	3	10,000
4	10,000	4	10,000
5	10,000	5	10,000
6	10,000	6	10,000
7	10,000	7	10,000
8	10,000	8	10,000
9	10,000	9	10,000
10	10,000	10	10,000
11	10,000	11	10,000
12	10,000	12	10,000
13	10,000	13	10,000
14	10,000	14	10,000
15	10,000	15	10,000
16	10,000	16	10,000
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18	10,000	18	10,000
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22	10,000	22	10,000
23	10,000	23	10,000
24	10,000	24	10,000
25	10,000	25	10,000
26	10,000	26	10,000
27	10,000	27	10,000
28	10,000	28	10,000
29	10,000	29	10,000
30	10,000	30	10,000

90% DEVELOPMENT PLAN
 90% DATE: 10/10/2011
 1,300 (TOTAL EXISTING LOT)
 OF EXISTING EXISTING LOT(S)
 FRONT SETBACK - 10 FT
 SIDE SETBACK - 10 FT
 REAR SETBACK - 10 FT
 TOTAL TYPICAL PAVED SPACES

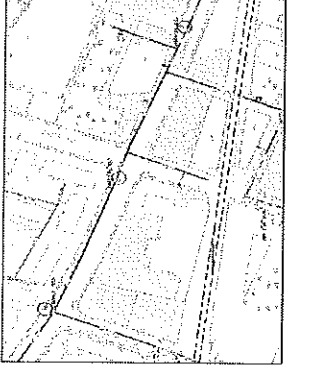
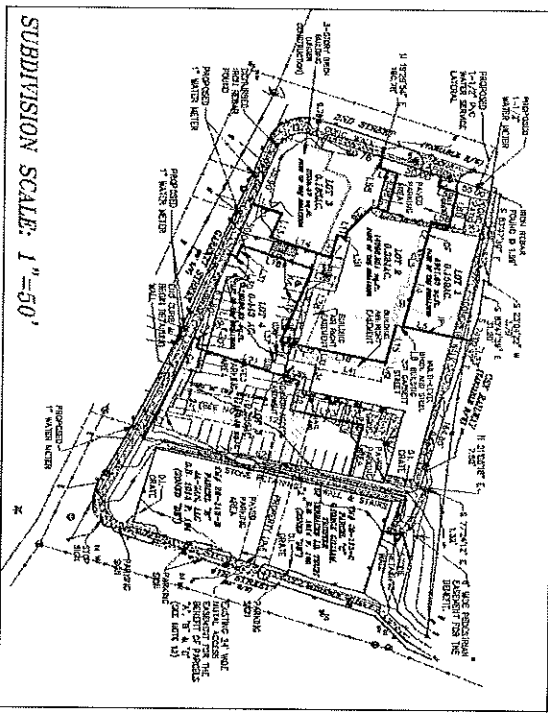
OWNER: N.T.E. LLC
 PROJECT: 1,300 (TOTAL EXISTING LOT)
 ADDRESS: 1000 W. 10TH ST., SUITE 100
 CHARLOTTE, NC 28202
 PROJECT: 1,300 (TOTAL EXISTING LOT)
 ADDRESS: 1000 W. 10TH ST., SUITE 100
 CHARLOTTE, NC 28202

DESIGNER: N.T.E. LLC
 ADDRESS: 1000 W. 10TH ST., SUITE 100
 CHARLOTTE, NC 28202

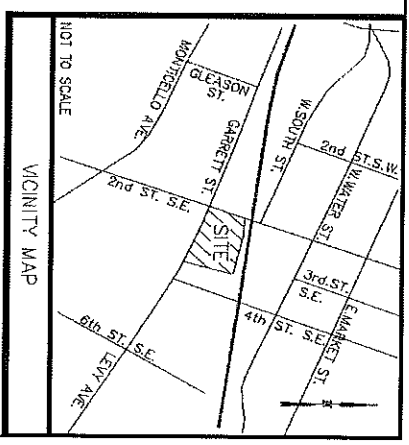
DATE: 10/10/2011

PROJECT: 1,300 (TOTAL EXISTING LOT)
 ADDRESS: 1000 W. 10TH ST., SUITE 100
 CHARLOTTE, NC 28202

DATE: 10/10/2011



Lot #	Area (sq. ft.)	Area (sq. ft.)	Area (sq. ft.)	Area (sq. ft.)
1	10,000	10,000	10,000	10,000
2	10,000	10,000	10,000	10,000
3	10,000	10,000	10,000	10,000
4	10,000	10,000	10,000	10,000
5	10,000	10,000	10,000	10,000
6	10,000	10,000	10,000	10,000
7	10,000	10,000	10,000	10,000
8	10,000	10,000	10,000	10,000
9	10,000	10,000	10,000	10,000
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12	10,000	10,000	10,000	10,000
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17	10,000	10,000	10,000	10,000
18	10,000	10,000	10,000	10,000
19	10,000	10,000	10,000	10,000
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26	10,000	10,000	10,000	10,000
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28	10,000	10,000	10,000	10,000
29	10,000	10,000	10,000	10,000
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GENERAL NOTES:
 1) THE PLAN HAS BEEN REVISIONED FROM AN EARLIER PLAN SHEET AND THERE ARE NO OTHER REVISIONS.
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 30) THE PLAN HAS BEEN REVISIONED FROM AN EARLIER PLAN SHEET AND THERE ARE NO OTHER REVISIONS.

SHEET DETAILS:
 SHEET 1 - COVER SHEET
 SHEET 2 - SITE PLAN

DESIGNER:
 N.T.E. LLC
 1000 W. 10TH ST., SUITE 100
 CHARLOTTE, NC 28202
 (704) 371-1111

DATE:
 10/10/2011

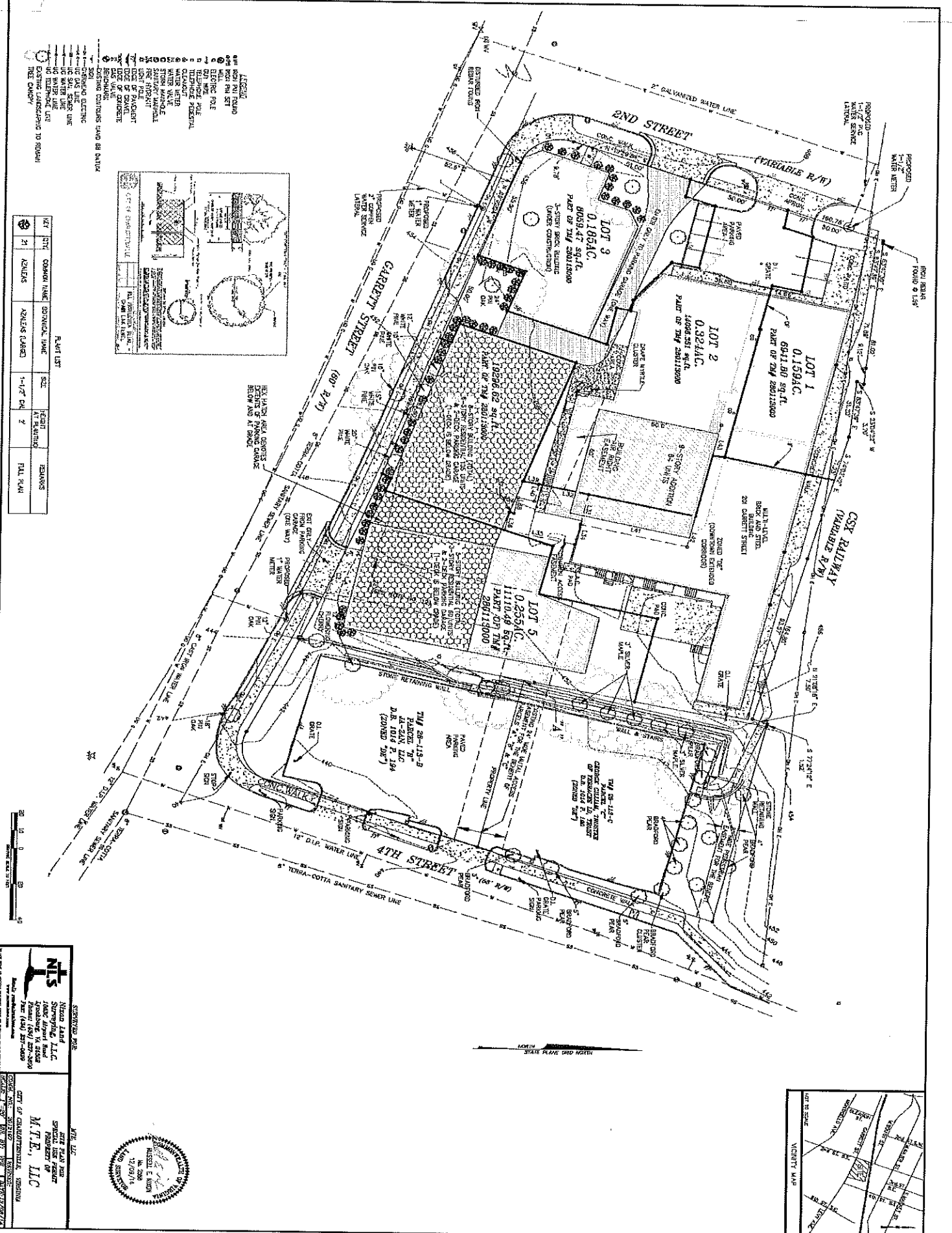
PROJECT:
 1,300 (TOTAL EXISTING LOT)
 ADDRESS: 1000 W. 10TH ST., SUITE 100
 CHARLOTTE, NC 28202

SCALE:
 1"=50'

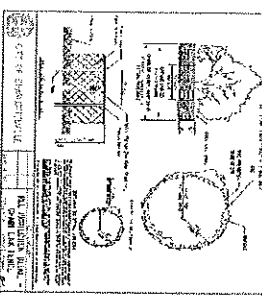


N.T.E. LLC
 1000 W. 10TH ST., SUITE 100
 CHARLOTTE, NC 28202
 (704) 371-1111

City of Charlotte
 Planning Department
 215 W. 7th St., 3rd Floor
 Charlotte, NC 28202
 (704) 359-2200



- LEGEND**
- 1. 12" GALVANIZED WATER LINE
 - 2. 12" DIAP. WATER LINE
 - 3. 18" TERA-COTTA SANITARY SENIOR LINE
 - 4. 6" GAS PIPE
 - 5. 6" ELECTRIC PIPE
 - 6. 6" TELEPHONE PIPE
 - 7. 4" TELEPHONE PIPE
 - 8. 4" CABLE TV
 - 9. 4" WATER VALVE
 - 10. 4" WATER VALVE
 - 11. 4" FIRE HYDRANT
 - 12. 4" LOT ELEVATION
 - 13. 4" LOT ELEVATION
 - 14. 4" LOT ELEVATION
 - 15. 4" LOT ELEVATION
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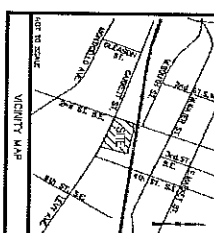
PLANT LIST

KEY	QTY	COMMON NAME	SYMBOL	REMARKS
21	ASPELVS	ASPELVS (LAVES)	1'-1 1/2" DIA.	PL. PLAIN



MTE, LLC
 SPECIAL USE PERMIT
 PROPOSED BY
MTE, LLC
 1000 W. 10th St., Suite 100
 Denver, CO 80202
 (303) 733-0000

STATE OF COLORADO
 DEPARTMENT OF REVENUE
 RECEIVED
 JAN 12 2009
 17/09/14



CITY OF CHARLOTTESVILLE
DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES
PLANNING COMMISSION

PRELIMINARY DISCUSSION: REZONING

Author of Memo: Matt Alfele, City Planner

Date of Meeting: January 13, 2015

RE: Amended Proffer Statement & PUD Development Plan (Cherry Ave & Ridge St)

Background

Charlie Armstrong of Southern Development; acting as agent for Cherry Avenue Investments, LLC has submitted a rezoning application amending the November 2, 2009 PUD Development Plan and corresponding proffer statement dated September 14, 2009 for the William Taylor Plaza PUD.

The amended proffer statement and PUD Development plan changes are purposed to accommodate a 128 room hotel and supporting parking. The property is further identified on City Real Property Tax Map 29 Parcels 157, 150, 149, 147, 146, 145, and 151. The site is zoned PUD with a Historical Preservation and Architectural Design Control Overlay. The property is approximately 2.9 acres.

Vicinity Map



Preliminary Analysis

The applicant has requested to amend the September 14, 2009 proffer statement and modify the conceptual layout of the November 2, 2009 PUD Development Plan.

The current PUD Development Plan calls for (7) structures with the majority of parking located in underground facilities and a total gross finished square footage of 100,000 sq. ft. or fewer. The plan states that the residential component shall contain a maximum of (50) units, the commercial component shall occupy a minimum of 20% of the gross finished square footage, and a variety of housing shall be provided, including studio, (1) bedroom, and (2) bedroom units.

Developer Summary

The Property is currently zoned PUD, with 13 proffers and a proffered PUD Development Plan. A Marriott brand hotel has contracted to build a hotel on the commercial portion of the mixed use development along Cherry Avenue adjacent to the planned residential scale buildings along Ridge Street shown in the approved plan. The Applicant proposes to amend the proffers to remove the requirement for LEED construction and, in order to meet the parking needs of the hotel, allow for more parking relegated behind the buildings in addition to structured parking under the buildings. Aspects of the proffered PUD development plan that go unchanged are the previously approved building arrangement, the preserved wooded 'Arboretum' in the rear of the property, wide boulevard sidewalks, street trees, and LID storm water management.

Questions for Discussion

- Will changes to the parking and travelways significantly alter the intent of the original PUD?
- Are the conceptual design changes to the number and layout of structures on Ridge Street in line with the intent of the original PUD?
- How will the PUD be phased? When will the residential portion of the project be implemented?
- The original PUD called for parking under the residential structures on Ridge Street. The new Development Plan removes that parking and places it behind the buildings. A discussion is needed to evaluate the need for this major change.
- Staff is still exploring the appropriate actions required when modifying or deleting a proffer statements tied to a corresponding "Land purchase and Sale Agreement". This is important as the client is purposing to deleting line (D) of proffer statement 1.
 - **Original Statement:** *All buildings within the Planned Unit Development shall be designed to a minimum rating of "Certified" under the LEED Green Building Rating System in effect at the time the design is made. Prior to issuance of a building permit for any building within the PUD, the Purchaser shall provide to the Director of Neighborhood Services ("DNS") for the City of Charlottesville a written*

confirmation from a LEED certified architect or engineer that such building, if constructed in accordance with the building plans, is designed to achieve a minimum “Certified” LEED rating. Before the Developer requests a certificate of occupancy for any building for which a LEED certified architect rendered an opinion, the Purchaser shall submit to the City’s Director of NDS a written statement from the architect or engineer that the building was built in conformance with plans on which his opinion was based.

- Are changes to proffer statement (4) appropriate and consistent to the intent of the original PUD?
 - **Original Statement:** *A minimum of 90% of the total project parking will be accommodated in structured parking under the buildings. Parked cars will not be visible from Ridge Street or Cherry Avenue.*
 - **New Statement:** *Surface parking shall be relegated to the rear of the site and shall be screened from view from Ridge Street or Cherry Avenue by vegetation and/or buildings.*
- Are changes to proffer statement (8) appropriate and consistent to the intent of the original PUD?
 - **Original Statement:** *A minimum of 45% of the total site area shall be preserved as Open Space. The “Arboretum” shall remain undeveloped and shall occupy a minimum of 20% of the site. Public access to the Arboretum shall be permitted during daylight hours.*
 - **New Statement:** *A minimum of 45% of the total site area shall be Open Space, which may include parking or travelways. Buildings shall not be permitted within the Open Space. Except for trails and other park amenities. The “Arboretum” shall remain undeveloped and shall occupy a minimum of 20% of the site. Public access to the Arboretum shall be permitted during daylight hours.*

Attachments

Narrative Project Description
PUD Development Plan Requirements
Amended Proffer Statement
Conceptual Design Layout
November 2, 2009 Conceptual Design Layout
September 14, 2009 Proffer Statement
November 2, 2009 City Council Resolution

Narrative Project Description
William Taylor Plaza
18 December 2014

Summary

The William Taylor Plaza PUD was approved by City Council in on November 2, 2009 with 13 proffers. This request seeks to delete one proffer and amend two others. Requested changes to the approved PUD Development Plan are limited to changes that are necessitated by the requested proffer changes. This is modification of an existing approved PUD, not a new PUD.

Site

William Taylor Plaza is a mixed-used development located in Charlottesville, Virginia in both the historic Fifeville Neighborhood and the Ridge Street Historic District. The site occupies the northwestern corner of a prominent intersection – Ridge Street and Cherry Avenue -- which marks a point of entry to the city – two important streets of very different character; it is bounded on the north and east by single-family houses, one to two and one-half stories in height; some of significant architectural expression and others of more modest scale and articulation. Directly to the south is Tonsler Park, a major Neighborhood recreation and green space. Overviews of the Park are to the mountains and ridges south of town. The western edge is generally wooded (rear yards). It does immediately adjoin a small commercial property, presently the Southern Development Homes Design Center, along Cherry Avenue. The project will be built on approximately 2.9 acres. It will be developed as a PUD and has been drawn from and is consistent with the existing zoning patterns of Ridge Street as an entry corridor and Historic District, which is primarily residential near and adjacent to the site and the Cherry Avenue Commercial District. The site is integral to the neighborhood and clearly important in the pattern and history of the City; highly visible upon arrival.

The site is at present wooded and steeply sloped. There is an approximate thirty-eight foot elevation fall from east to west. On the western end, the property is a closed basin, created by Cherry Avenue. Surface runoff is presently collected and piped in a culvert under Cherry Avenue. Within the stand of trees on the property there have been noted several large and important tree specimens which are preserved by this PUD.

Program

The proposed program is arrayed in several structures, which directly front Ridge Street and Cherry Avenue. The Cherry Avenue building(s) are proposed as commercial office, retail, and/or hotel uses. Housing, potentially with office or retail on the ground floor, is proposed in several structures along Ridge Street. The Cherry Avenue components sit on and are supported by structured parking, with additional parking relegated to areas behind

the buildings and screened from view. All site development is along the street to support existing residential and commercial patterns, while 22.5% of the site remains as an undeveloped interior open public green space; an “arboretum.” The total building footprint of ~38,000 GSf is approximately 30% of the site, while public terraces, travelways, open space (grass, trees, pond), and arboretum – all open space is a minimum of 45% of the site.

Solution

Two components drive the general design and massing of the project. These are the neighborhood patterns and the steep topography. The entire project responds to the city’s urban fabric by addressing the street directly, with a zero front setback development. Scale and mass modulation are used to tie the project and its pattern to the predominant residential neighborhood of Ridge and then turn the corner and step down Cherry into its commercially based corridor. By setting the building’s massing tightly to the street, the development impact on the overall site is reduced to an urban zone along the streets. This also facilitates the great grade drop by using the buildings as essentially a retaining wall. What appears on Ridge as two to two and one-half stories is actually four to four and one-half stories from the site’s interior.

The pattern of the buildings on Ridge has been developed to respond to the Ridge Street pattern dominated by side yard, house, and side yard in repeat. What we have seen as a green site for years is maintained as one sees through the building gaps (Mews) to the woods in the site’s interior. The street’s green wall is re-stitched as street trees are densely planted and reinforced by hedges along the building’s foundations. The corner opens as a plaza to invite entry and announce arrival in the same negative massing manner it does now, yet in this passage vegetation continues to be used to moderate the building masses. As the project moves down the steep slope of Cherry Avenue it rises out of the ground to establish grade-level site entry at two points, one for pedestrians and the other for cars. The street wall conforms to the intent of the Cherry Avenue District zoning.

Building maximum heights that occur on Ridge Street would have a maximum height to a ridge line from grade along Ridge of 37 feet. The maximum height along Cherry Avenue would occur on the western edge of the western most building. From ground to parapet would be a maximum height of 50 feet. All other heights along Cherry are diminishing to a height at the corner adjacent to the ramp into the entry plaza which from grade to parapet is no more than 40 feet.

Rezoning Objectives

1. Policies of the Comp Plan

Affordability has been addressed in the attached proffers.

Connectivity/Pedestrian Oriented design has been addressed in the plan by numerous entry points into the project through the mews and plaza. Sidewalks

along the major streets are connected to these mews and plazas, as well as, directly to the interior sidewalks and paths within the project. Crosswalks have been developed at all street crossings and at the major intersection. Preservation & Environmental Sustainability has been addressed in the proffers, as well as noted in this narrative Maintenance of Public Utilities, as a concept, has been improved on in three ways. Through the connectivity to the streets, people can use mass-transit, walk or ride alternate forms of transportation – bicycle racks have been provided throughout the project. In terms of power, water and waste systems, the sustainable approach and systems will minimized the developments impact on the needs and demands for these services and the infrastructure to support them. Storm water issues are addressed on site by several methods: surface runoff is cleaned through bio-filters etc. and piped to a water feature on the interior of the project before moving off-site at proper rates;

2. Will the development enhance the general welfare of the community?

We believe a mixed-use development: housing, office and retail will be a benefit to the community, by reducing traffic (live near work) and developing the highest and best use for the available land. A traffic study has been conducted independently and has shown that the development's impact is negligible.

3. Is there a need or justification

We believe there is a need for affordable, in-town housing, especially, that developed in a mixed-use manner as noted above.

4. Impact on Public Services & Facilities

This was noted above in terms of services affected. The development (site) has adequate facilities immediately adjacent to meets its needs.

PUD Objectives

1. To encourage developments of equal or higher quality than otherwise required by the strict application of zoning district regulations that would otherwise govern;

Several different zonings overlay the site. The PUD would define a single consistent approach to the site zoning. The PUD over by-right development would allow the project to be developed vertically, with increased density of the development, thereby preserving more open space and un-developed green space. This is also seen in the allowed use of structured parking and the close position of the project to the street. See by-right plan attached.

2. To encourage innovative arrangements of buildings and open spaces to provide efficient, attractive, flexible and environmentally sensitive design;

The parking structure has been developed to act as a site retaining wall and building plinth for the various structures and uses in the project. This absorbs the grade differential, thus allowing a portion of the site to remain undeveloped. The interior road is supported by a sinuous retaining wall which removes the need to disturb additional site area with grading, therefore retaining many existing trees.

3. To promote a variety of housing types, or within a development containing only a single housing type, to promote inclusion of houses of various sizes;

Within this mixed-use development, the project has residential structures that will contain a range of unit types to accommodate a wide range of family structures and income levels, including one-bedroom, two-bedroom and studio. The issue of affordable housing is answered in the proffers by the developer.

4. To encourage the clustering of single-family dwellings for more efficient use of land and preservation of open space;

We believe this is self-evident from the submitted plan, and has been referenced above.

5. To provide for developments designed to function as cohesive, unified projects.

We believe this was discussed in the initial parts of this narrative under Solution.

6. To ensure that a development will be harmonious with the existing uses and character of adjacent property, and/or consistent with patterns of development noted with respect to such adjacent property;

The project has been developed to reflect the massing, scale and rhythms of each of the street with respect for that particular context. Ridge Street is residential and is massed as such. Its articulation of roof, windows, porches and materials reflect the Ridge Street corridor. One-third of the units enter directly off of Ridge Street. Cherry Avenue is a commercial street and the office/retail functions are aligned along Cherry. Massing, while higher, is in keeping with the corridor massing through the use of set-backs. There are two main entry points from Cherry into the project. Grade differential negates further access as grade and floor plates become more drastically offset.

7. To ensure preservation of cultural features, scenic assets and natural features such as trees, streams and topography.

It is the intent of the development, that through this PUD, we are able to mass the project to preserve the most open space possible, even to the extent of developing a portion of the project as an arboretum. These mature trees are to be retained and included in a public-access open-space park. As noted above the street wall is to

be maintained in the solid/void manner of Ridge Street to continue to allow views to and understanding of the “back yard” green space. While some existing trees will be removed, numerous very large trees will be preserved in the arboretum. All trees will be cared for before and during construction by a certified arborist.

8. To provide for coordination of architectural styles internally within the development as well as in relation to adjacent properties along the perimeter of the development; and

We believe this has been accomplished in the design and is noted above in the text about a Solution.

9. To provide for coordinated linkages among internal buildings and uses, and external connections, at a scale appropriate to the development and adjacent neighborhoods;

Sidewalks are provided around and through the site. All buildings link both internally and externally. Access is enhanced by elevators and stairs at various points in the project. Entry connections have also been mentioned in item 6. A path has been developed through the arboretum and connected to the sidewalk/walkways of the project, in order to increase public access.

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

As noted in the Proffers, the project will develop a designated bus stop. Bicycle racks will be placed conveniently on site, in appropriate numbers and near changing/shower facilities (residential and commercial). Sidewalks and paths noted above in item 9 are also mentioned in the proffers.

BEFORE THE CITY COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA
IN RE: PETITION FOR REZONING (City Application No. ~~ZM-09-07-~~

~~16~~_____)

STATEMENT OF FINAL PROFFER CONDITIONS

For the William Taylor Plaza PUD

Dated as of ~~September 14, 2009~~_____

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

The undersigned limited liability company is the owner of land subject to the above-referenced rezoning petition (“Subject Property”). The Owner/Applicant seeks to amend the current zoning of the property subject to certain voluntary development conditions set forth below. In connection with this rezoning application, the Owner/Applicant seeks approval of a PUD as set forth within a PUD Development Plan dated September 14, 2009.

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

1. In accordance with the “Land Purchase and Sale Agreement” approved by City Council October 6, 2008:
 - A. The Developer shall attempt to incorporate options for the City in the PUD for a designated City bus stop, which stop may be accepted and/or utilized by the City at the City’s discretion.
 - B. The Developer will incorporate public access to the “Arboretum” planned for the PUD, or such other passive recreational space as may be approved as part of the PUD, which may be limited as to hours and usage.
 - C. The Developer shall contribute approximately \$253,000, per the terms of the Land Purchase and Sale Agreement, to a Fifeville neighborhood affordable housing fund, another affordable housing fund designated by the City, or for improvements to Tonsler Park, in the discretion of City Council. The contribution shall be made within 30 days of the approval of the final site plan or final plat approval, whichever occurs later.
 - ~~D. All buildings within the Planned Unit Development shall be designed to a minimum rating of “Certified” under the LEED Green Building Rating System in effect at the time the design is made. Prior to issuance of a building permit for any building within the PUD, the Purchaser shall provide to the Director of Neighborhood Services (“DNS”) for the City of Charlottesville a written confirmation from a LEED-certified architect or engineer that such building, if constructed in accordance with the building plans, is designed to achieve a minimum “Certified” LEED rating. Before the Developer requests a certificate of occupancy for any building for which a LEED-certified architect rendered an opinion, the Purchaser shall submit to the City’s Director of NDS a written statement from the~~

~~architect or engineer that the building was built in conformance with plans on which his opinion was based.~~

2. The Developer has provided the City with a traffic study dated July 13, 2009 analyzing the impact of this project to the existing road networks. The submitted traffic study assumed a build out of 40 residential units and 40,000 square feet of commercial space. The study concluded that William Taylor Plaza would increase peak hour traffic at the most affected intersection by 5%.

Under the above stated unit count and commercial square footage assumptions (“Assumptions”), the Developer shall contribute \$10,000 in cash to the City’s Capital Improvements Program (C.I.P.) to be used for pedestrian safety and/or traffic calming improvements on 5th Street between Cherry Avenue and West Main Street. The Developer shall also design an eastbound right turn lane for Cherry Avenue at the intersection with Ridge Street. The design of the turn lane is valued at \$15,000. The Developer shall not be obligated to construct the turn lane, but shall provide the design to the City at no cost for the City’s use at its discretion.

In the event that the final site plan shows any variation from the above Assumptions, the Developer shall revise the traffic study for the project and submit the revision to the City for review prior to preliminary site plan approval. If the revised traffic study indicates that William Taylor Plaza will increase peak hour traffic at the most affected intersection by more than 5%, the Developer shall contribute to the C.I.P an additional \$5,000 cash per 1% increase over the 5% stated herein.

All proffered cash contributions shall be made prior to issuance of a Certificate of Occupancy.

3. All buildings fronting Cherry Avenue shall be restricted to non-residential uses on the ground level and shall have pedestrian access from the ground level onto Cherry Avenue.
4. ~~Surface parking shall be relegated to the rear of the site and shall A minimum of 90% of the total project parking will be accommodated in structured parking under the buildings. Parked cars will not be visible-screened from view from Ridge Street or Cherry Avenue~~ by vegetation and/or buildings.
5. Sidewalks with a minimum width of 6 feet will be provided along the Ridge Street and Cherry Avenue road frontage in order to enhance the pedestrian environment. Where possible, 8 foot wide sidewalks will be provided. Sidewalk widths shall be as shown on the PUD Development Plan.

6. The Developer shall contribute \$5,000 to the City to be used toward pedestrian improvements at the intersection of Cherry Avenue and Ridge Street, to include striped crosswalks and countdown pedestrian signals.
7. The developer will provide a minimum of 1 bicycle rack or bicycle locker for every 10 parking spaces to encourage bicycle transportation to and from the development. Bicycle storage shall be provided within the parking garage.
8. A minimum of 45% of the total site area shall be ~~preserved as~~ Open Space, which may include parking or travelways. Buildings shall not be permitted within the Open Space. Except for trails and other park amenities, ~~t~~The “Arboretum” shall remain undeveloped and shall occupy a minimum of 20% of the site. Public access to the Arboretum shall be permitted during daylight hours.
9. Existing live trees larger than 6” caliper in the “Arboretum” shall be preserved.
10. A retention basin and other low impact development methods for the control of storm drainage shall be constructed on the property in accordance with specifications approved by the City Engineer for the City of Charlottesville and plans approved by the City Engineer for the City of Charlottesville.
11. Street trees shall be provided along Ridge Street and Cherry Avenue as shown on the PUD Development Plan. Landscaping on the interior of the site shall be provided in accordance with the City Zoning Ordinance. All landscaping and street trees shall be maintained by the Owner and/or Condominium Association.
12. 100% of the waste and debris created by construction shall be taken to a local construction debris recycling facility for sorting and recycling, so long as such a facility continues to operate locally. The Developer shall provide positive documentation to the City upon request.
13. The Developer is in negotiations with the City of Charlottesville to establish a public/private partnership for streetscape improvements such as landscaping, underground utilities, pedestrian safety improvements, and other corridor improvements on Ridge Street and Cherry Avenue that are not necessitated by this development. If an agreement between the parties can be reached, the developer will share in the cost of these improvements up to 50% of the total cost.

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

Respectfully submitted this 14th day of ~~September~~ _____, 201409.

Owner:

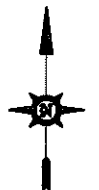
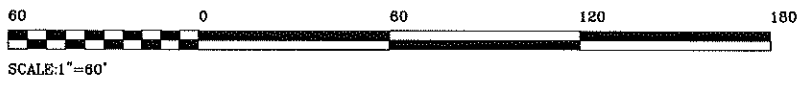
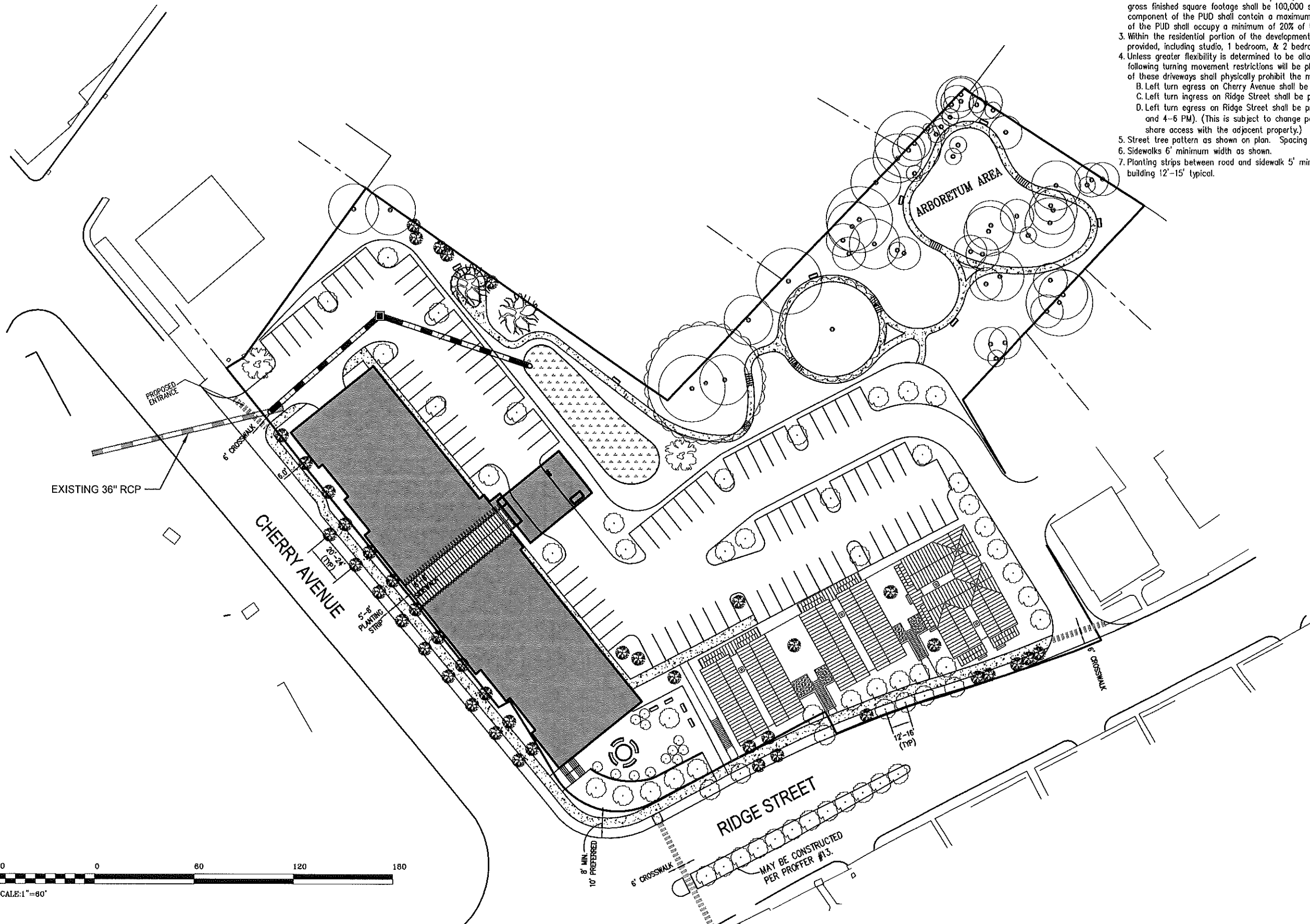
Owner’s Address:

Cherry Avenue Investments, LLC

170 South Pantops Drive
Charlottesville, VA 22911

By: _____
Frank Ballif, Manager

1. The Planned Unit Development (PUD) shall be in substantial conformity to this PUD Development Plan, subject to changes and revisions coincident with the land use planning, civil engineering, architecture, and, the regulatory approval process, which will result in some plan modification.
2. The PUD shall be a mixed-use development, with residential and commercial uses. The total gross finished square footage shall be 100,000 square feet or fewer. The residential component of the PUD shall contain a maximum of 50 units. The commercial component of the PUD shall occupy a minimum of 20% of the gross finished square footage.
3. Within the residential portion of the development, a variety of housing sizes shall be provided, including studio, 1 bedroom, & 2 bedroom units.
4. Unless greater flexibility is determined to be allowable by the City Traffic Engineer, the following turning movement restrictions will be placed on the site driveways and the design of these driveways shall physically prohibit the movements:
 - B. Left turn egress on Cherry Avenue shall be prohibited.
 - C. Left turn ingress on Ridge Street shall be prohibited.
 - D. Left turn egress on Ridge Street shall be prohibited during the peak periods (7-9 AM and 4-6 PM). (This is subject to change pending a speed study and the ability to share access with the adjacent property.)
5. Street tree pattern as shown on plan. Spacing as noted.
6. Sidewalks 6' minimum width as shown.
7. Planting strips between road and sidewalk 5' minimum. Planting strips between sidewalk and building 12'-15' typical.



PUD Development Plan Requirements

(a) Each of the following is a required component of a complete plan of development submitted in connection with an application for approval of a planned unit development:

(1) A survey plat describing and depicting the entire land area to be included within the PUD development site, including identification of present ownership, existing zoning district classification(s) of the parcel(s) to be included within the PUD.

Included on the "Tree Survey" document. All parcels are owned by Cherry Avenue Investments LLC and are currently zoned PUD.

(2) A narrative statement of how the objectives described within section 34-490 are met by the proposed PUD.

Included with the submittal package.

(3) A conceptual development plan, supporting maps, and written or photographic data and analysis which show:

a. Location and size of existing water and sanitary and storm sewer facilities and easements;

Shown on the Tree Survey.

b. Layout for proposed water and sanitary sewer facilities and storm drainage facilities;

No new water or sanitary sewer facilities are proposed. Utility connections will be made to existing lines. Storm drainage facilities are shown on the PUD Development Plan.

c. Location of other proposed utilities;

No other utilities are proposed. Utility connections will be made to existing lines.

d. Location of existing and proposed ingress and egress from the development;

Shown on the PUD Development Plan.

e. Location and size of existing and proposed streets;

No public streets are proposed. Proposed private parking lot travelways are shown on the PUD Development Plan.

f. Location of existing and proposed pedestrian and bicycle improvements, including connections to nearby schools;

Proposed pedestrian improvements are shown on the PUD Development Plan. Proposed bicycle improvements are discussed in the narrative and the Proffers.

There are no nearby schools, but City sidewalks and bicycle lanes do already provide uninterrupted pedestrian and bicycle connectivity the nearest elementary school.

- g. An inventory, by tax map parcel number and street address, of all adjacent parcels within a five hundred-foot radius of the perimeter of the PUD, indicating the existing zoning district classification of each.

Included with the submittal package.

- h. A site inventory of the significant natural, environmental and cultural features of a site, including at a minimum: historic landmarks contained on any state or federal register; vegetation; existing trees of eight-inch caliper or greater; wetlands, topography, shown at intervals of five (5) feet or less, critical slopes, and other, similar characteristics or features, and a plan for preserving, protecting, utilizing and/or incorporating such features into the design and function of the proposed PUD.

Natural, environmental, and cultural features of the site are discussed in the narrative. Topography is discussed in the narrative and shown on the PUD Development Plan. A critical slope waiver has already been granted for the site. The plan for preserving, protecting, and utilizing significant features is discussed in the narrative and shown on the PUD Development Plan.

- (4) A proposed land use plan. Such plan will identify:
 - a. Proposed land uses and their general locations, including without limitation,
 - b. building and setbacks;
 - c. Proposed densities of proposed residential development;
 - d. Location and acreage of required open space;
 - e. Square footage for non-residential uses;
 - f. Maximum height of buildings and structures in area of PUD.

The land use plan including all items (a) through (f) above is shown on the PUD Development Plan and discussed in great detail in the narrative.

- (5) A general landscape plan which focuses on the general location and type of landscaping to be used within the project as well as the special buffering treatment proposed between project land uses and adjacent zoning districts;

Shown on the PUD Development Plan.

- (6) Phasing plan if needed. Each phase shall individually meet the requirements of this section.

No phasing is requested at this time. All infrastructure construction will be completed prior to the first Certificate of Occupancy for the first building completed. It is possible that not all buildings will be completed simultaneously, but that will not delay infrastructure completion.

- (7) A statement from the city public utilities department verifying whether water and sewer infrastructure capacity does or does not exist for the proposed land use(s).

During the 2009 rezoning, the city public utilities department verified that water is available via a 12" water main in Cherry Avenue, sewer has sufficient capacity via a 8" sewer line that traverses the site, and gas is available via a gas main in Ridge St.

- (8) A statement from the fire marshal verifying whether adequate fire flow service does or does not exist for the proposed land use(s).

During the 2009 rezoning, the fire marshal verified that adequate fire flow is available via the 12" water main in Cherry Avenue. Recent tests of two hydrants one block away indicate fire flow of 1,350 gpm.

- (9) Additional information as deemed necessary by the director of neighborhood development services in order to facilitate a thorough review of the potential impacts of the proposed PUD that is the subject of the application. If any application fails to demonstrate within their application materials that a proposed PUD meets the minimum requirements specified in section 34-517, above, the application shall be rejected as incomplete.

Please note that the William Taylor Plaza PUD was approved by City Council in on November 2, 2009 with 13 proffers. This request seeks to delete one proffer and amend two others. Requested changes to the approved PUD Development Plan are limited to changes that are necessitated by the requested proffer changes. This is modification of an existing approved PUD, not a new PUD.

**AN ORDINANCE
APPROVING A REQUEST TO REZONE PROPERTIES LOCATED ON
CHERRY AVENUE AND RIDGE STREET
TO PLANNED UNIT DEVELOPMENT (PUD)**

WHEREAS, Southern Development (“Applicant”), agent for Cherry Avenue Investments, LLC, the Owner of property located at 529 Cherry Avenue, and Contract Purchaser of properties at 521-529 Ridge Street, identified on City Tax Map 29 as Parcels 145, 146, 147, 149, 150, 151 and 157, submitted an application seeking a rezoning of such property from R-2 (Residential) with Historic Overlay and R-3 (Residential), and CH (Mixed Use-Cherry Avenue Corridor), to Planned Unit Development (PUD), hereinafter the “Proposed Rezoning”; and

WHEREAS, joint public hearings on the Proposed Rezoning were held before the City Council and Planning Commission on August 11, 2009 and September 9, 2009, following notice to the public and to adjacent property owners as required by law; and

WHEREAS, on September 9, 2009, the Planning Commission voted to recommend approval of the Proposed Rezoning to the City Council on the basis of general welfare or good zoning practice; and

WHEREAS, the Applicant submitted a Preliminary Proffer Statement on June 23, 2009, as required by City Code Section 34-64(a), and presented the Preliminary Proffer Statement, with modifications, to the Planning Commission on August 11, 2009 and September 9, 2009; and

WHEREAS, the Applicant has submitted a Final Proffer Statement dated September 14, 2009, as required by City Code Section 34-64(c), and the Final Proffer Statement has been submitted and made a part of these proceedings; and

WHEREAS, legal notice of the public hearings held on August 11, 2009 and September 9, 2009 were advertised in accordance with Va. Code Sec. 15.2-2204; and

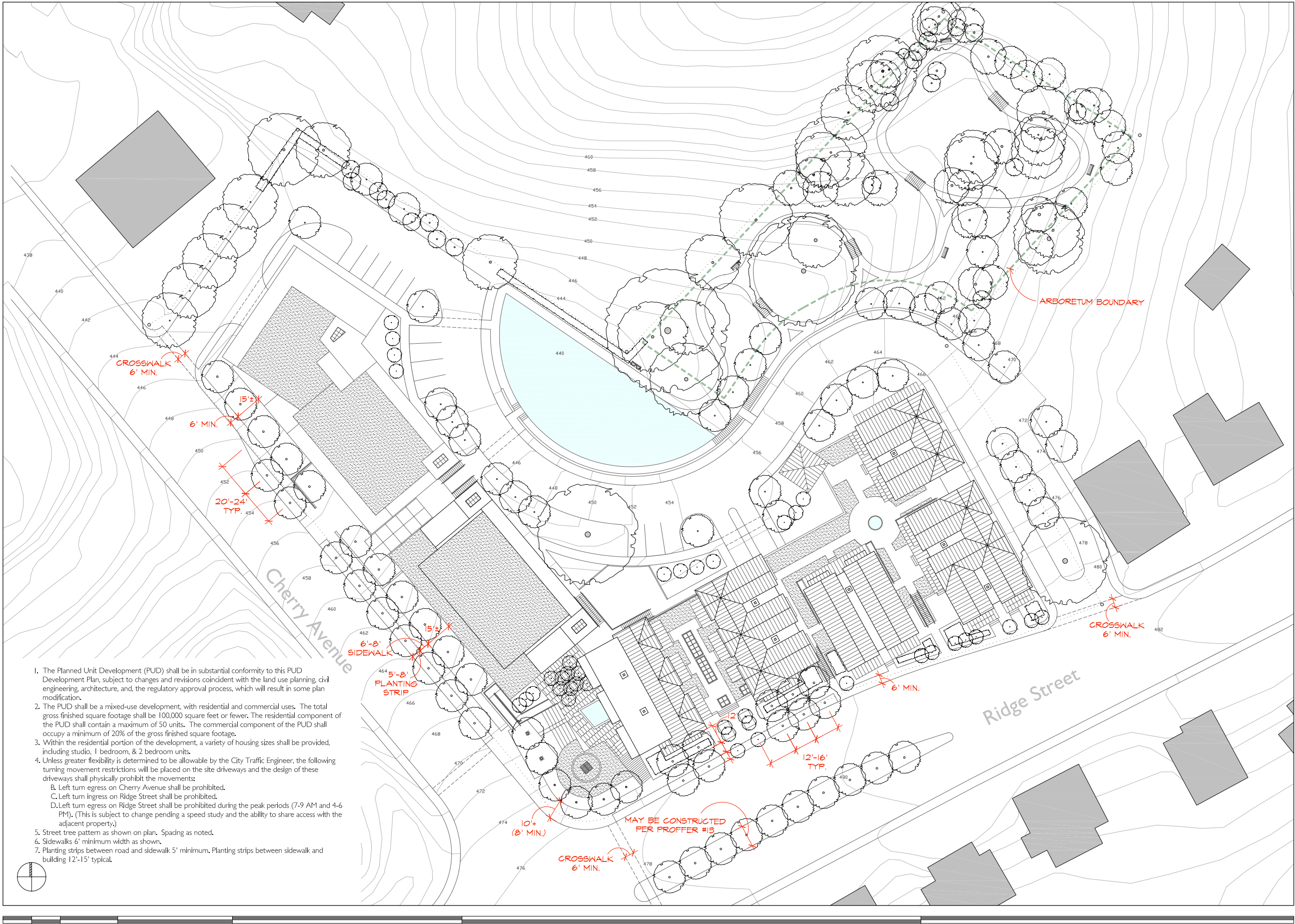
WHEREAS, this Council finds and determines that the public necessity, convenience, general welfare or good zoning practice requires the Proposed Rezoning; that both the existing zoning classifications (R-2 Residential with Historic Overlay, R-3 Residential, and Mixed Use-Cherry Avenue Corridor districts) and the proposed “PUD” zoning classification (subject to proffered development conditions) are reasonable; and that the Proposed Rezoning is consistent with the Comprehensive Plan; now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that the Zoning District Map Incorporated in Section 34-1 of the Zoning Ordinance of the Code of the City of Charlottesville, 1990, as amended, be and hereby is amended and reenacted as follows:

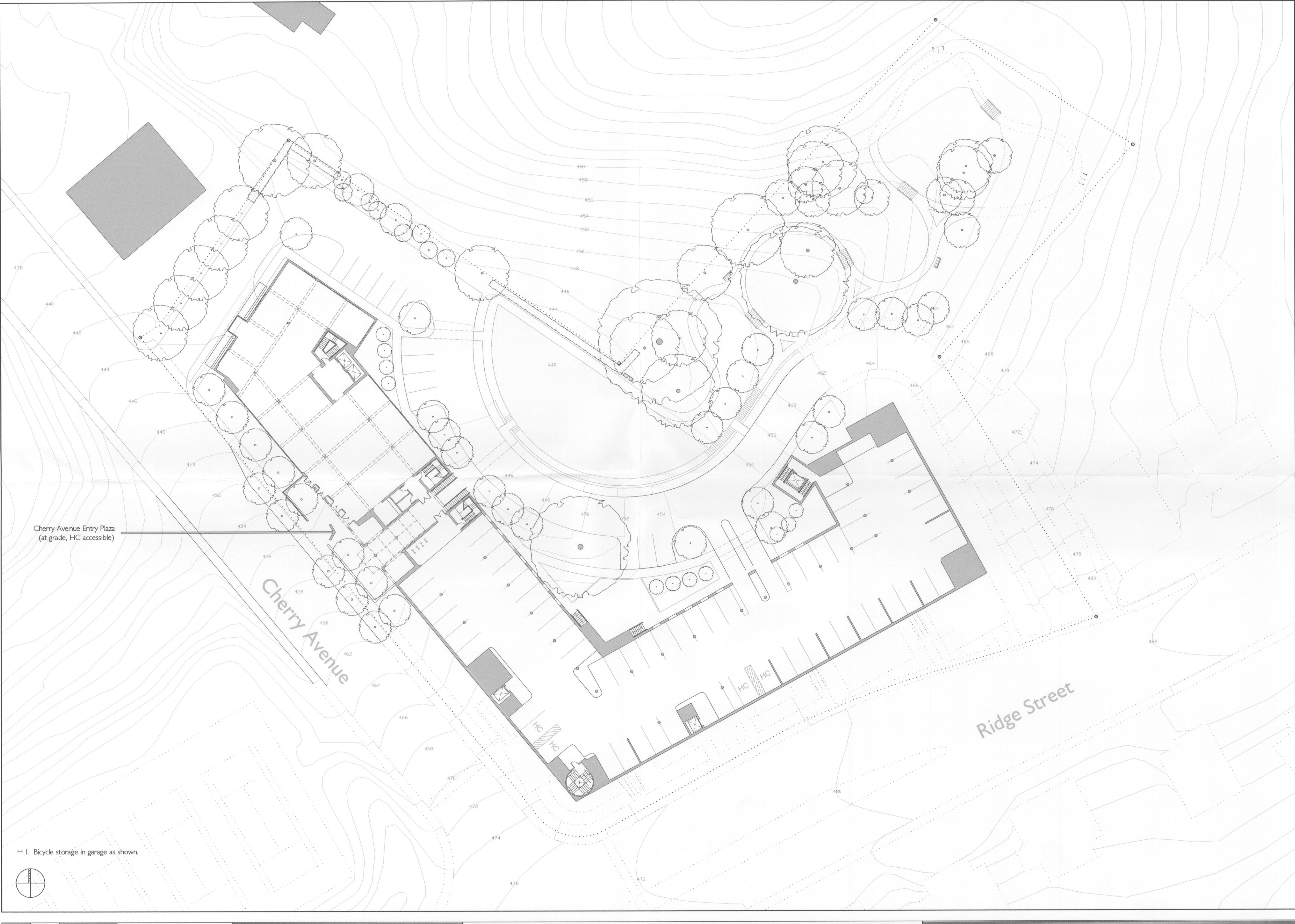
Section 34-1. Zoning District Map. Rezoning from R-2 Residential with Historic Overlay, R-3 Residential, and Mixed Use-Cherry Avenue Corridor to “Planned Unit Development”, subject to the proffered development conditions set forth within the Final Proffer Statement dated September 14, 2009, all of the property located at 529 Cherry Avenue and 521-529 Ridge Street, identified on City Tax Map 29 as Parcels 145, 146, 147, 149, 150, 151 and 157, consisting of approximately 2.9 acres.

Approved by Council
November 2, 2009


Clerk of City Council



1. The Planned Unit Development (PUD) shall be in substantial conformity to this PUD Development Plan, subject to changes and revisions coincident with the land use planning, civil engineering, architecture, and, the regulatory approval process, which will result in some plan modification.
2. The PUD shall be a mixed-use development, with residential and commercial uses. The total gross finished square footage shall be 100,000 square feet or fewer. The residential component of the PUD shall contain a maximum of 50 units. The commercial component of the PUD shall occupy a minimum of 20% of the gross finished square footage.
3. Within the residential portion of the development, a variety of housing sizes shall be provided, including studio, 1 bedroom, & 2 bedroom units.
4. Unless greater flexibility is determined to be allowable by the City Traffic Engineer, the following turning movement restrictions will be placed on the site driveways and the design of these driveways shall physically prohibit the movements:
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5. Street tree pattern as shown on plan. Spacing as noted.
6. Sidewalks 6' minimum width as shown.
7. Planting strips between road and sidewalk 5' minimum. Planting strips between sidewalk and building 12'-15' typical.



Cherry Avenue Entry Plaza
(at grade, HC accessible)

Cherry Avenue

Ridge Street

** I. Bicycle storage in garage as shown.



Floor Plan: Level 456.5
Scale: 1/32" = 1'

William Taylor Plaza
Charlottesville, Virginia

Train & Partners
Architects

BEFORE THE CITY COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA
IN RE: PETITION FOR REZONING (City Application No. ZM-09-07-16)
STATEMENT OF FINAL PROFFER CONDITIONS
For the William Taylor Plaza PUD
Dated as of September 14, 2009

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

The undersigned limited liability company is the owner of land subject to the above-referenced rezoning petition ("Subject Property"). The Owner/Applicant seeks to amend the current zoning of the property subject to certain voluntary development conditions set forth below. In connection with this rezoning application, the Owner/Applicant seeks approval of a PUD as set forth within a PUD Development Plan dated September 14, 2009.

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

1. In accordance with the "Land Purchase and Sale Agreement" approved by City Council October 6, 2008:
 - A. The Developer shall attempt to incorporate options for the City in the PUD for a designated City bus stop, which stop may be accepted and/or utilized by the City at the City's discretion.
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 - C. The Developer shall contribute approximately \$253,000, per the terms of the Land Purchase and Sale Agreement, to a Fifeville neighborhood affordable housing fund, another affordable housing fund designated by the City, or for improvements to Tonsler Park, in the discretion of City Council. The contribution shall be made within 30 days of the approval of the final site plan or final plat approval, whichever occurs later.
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architect or engineer that the building was built in conformance with plans on which his opinion was based.

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In the event that the final site plan shows any variation from the above Assumptions, the Developer shall revise the traffic study for the project and submit the revision to the City for review prior to preliminary site plan approval. If the revised traffic study indicates that William Taylor Plaza will increase peak hour traffic at the most affected intersection by more than 5%, the Developer shall contribute to the C.I.P an additional \$5,000 cash per 1% increase over the 5% stated herein.

All proffered cash contributions shall be made prior to issuance of a Certificate of Occupancy.

3. All buildings fronting Cherry Avenue shall be restricted to non-residential uses on the ground level and shall have pedestrian access from the ground level onto Cherry Avenue.
4. A minimum of 90% of the total project parking will be accommodated in structured parking under the buildings. Parked cars will not be visible from Ridge Street or Cherry Avenue.
5. Sidewalks with a minimum width of 6 feet will be provided along the Ridge Street and Cherry Avenue road frontage in order to enhance the pedestrian environment. Where possible, 8 foot wide sidewalks will be provided. Sidewalk widths shall be as shown on the PUD Development Plan.
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11. Street trees shall be provided along Ridge Street and Cherry Avenue as shown on the PUD Development Plan. Landscaping on the interior of the site shall be provided in accordance with the City Zoning Ordinance. All landscaping and street trees shall be maintained by the Owner and/or Condominium Association.
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WHEREFORE, the undersigned Owner(s) stipulate and agree that the use and development of the Subject Property shall be in conformity with the conditions hereinabove stated, and requests that the Subject Property be rezoned as requested, in accordance with the Zoning Ordinance of the City of Charlottesville.

Respectfully submitted this 14th day of September, 2009.

Owner/Applicant:
Rock Creek Properties, LLC

Owner/Applicant's Address:
170 South Pantops Drive
Charlottesville, VA 22911

By: 

Frank Ballif, Manager