

Final Agenda

PLANNING COMMISSION REGULAR DOCKET TUESDAY, May 12, 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 - March 24, 2015 – Work Session
2. Minutes – April 14, 2015 – Pre-Meeting
3. Minutes – April 14, 2015 – Regular Meeting

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

G. JOINT PUBLIC HEARINGS

1. **ZT15-00003 – Affordable Dwelling Unit Definition Change** - An ordinance to amend and reordain §34-12 of the Zoning Ordinance of the Code of the City of Charlottesville, 1990, as amended, to amend the definition of an affordable dwelling unit.
2. **ZM14-00002 – William Taylor Plaza PUD Amendment** - Southern Development acting as agent for Cherry Avenue Investments, LLC has submitted a PUD amendment for a development located on the northwest corner of Ridge Street and Cherry Avenue. The original PUD was approved November 2, 2009. Changes to the approved proposal include a revised proffer statement, parking configuration, parking lot screening, and Arboretum requirements. A revised proffer statement and development plan reflecting these changes has also been submitted. The property is further identified on City Real Property Tax Map 29 Parcels 157, 150, 149, 147, 146, 145, and 151 having frontage on Ridge Street and Cherry Avenue. The site is zoned PUD and the total project area is 125,321.5 square feet or approximately 2.90 acres.
3. **ZM15-00001 – Longwood Drive PUD Amendment** - Longwood (PUD) Amendment- Richard Spurzem of Neighborhood Properties Inc. has submitted a PUD amendment to add (5) attached residential units to the existing Longwood PUD development. The additional units will be located on the southwest corner of Harris Road and Longwood Drive. The original PUD was approved July 20, 2009. Additions to the approved proposal include expansion of the existing PUD by 0.20 acres, constructing (5) attached residential units, additional parking, and adding 2,000 square feet of open space. The property is further identified on City Real Property Tax Map 21A Parcel 104, having frontage on Harris Road and Longwood Drive. The site is zoned R-2 and the total project area is 8,712 square feet or approximately 0.02 acres.
4. **SP15-00001 - 1725 JPA Apartments** – Richard Spurzem of Neighborhood Properties Inc. has submitted a Special Use Permit application to increase density from 1 – 21 Dwelling Units per Acre to 44 – 64 Dwelling Units per Acre, reduce the side yard setbacks to 5', and increases the building height from 45' to 50'. The property is further identified on City Real Property Tax Map 160016000 with road frontage on Jefferson Park Avenue and Montebello Circle. The site is zoned R-3 with

Entrance Corridor Overlay and is approximately 0.385 acres or 16,770 square feet. The Land Use Plan calls for High Density Residential.

5. **ZT14-00011 – Transient Lodging Facility** - A proposed zoning text amendment, to add a new § 34-1176 to the City’s Zoning Ordinance, and to amend and reordain § 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”, “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.
6. **ZT15-00001 – Flood Plain Ordinance Amendment** - This is a proposal for an amendment to Chapter 34 of the City Code (Zoning), Article II (Overlay Districts), Division 1(Flood Hazard Protection Overlay District), Sections 34-240 through 34-258, by repealing the existing regulations in their entirety, and re-enacting floodplain regulations consistent with current requirements of the Federal Emergency Management Agency (FEMA) and FEMA’s model floodplain ordinance. The updated regulations, if adopted, would apply to all properties within flood hazard areas identified within FEMA’s Flood Insurance Rate Maps (FIRMs) for the geographic area within the City of Charlottesville. A copy of the proposed updated floodplain regulations is available for public inspection.
7. **ZT15-00002 – Development Application Procedures** - An ordinance to amend and reordain §34-8, §34-41, §34-42, §34-158, §34-160, §34-515, §34-804 of the Zoning Ordinance of the Code of the City of Charlottesville, 1990, as amended, and §29-59 of the Subdivision Ordinance of the Code of the City of Charlottesville, 1990, as amended to amend the procedure for reviewing applications for rezoning, special use permits, and site plans.
8. **ZT15-00006 – Sidewalk Waiver Provisions** - An ordinance to amend and reordain the Zoning Ordinance of the Code of the City of Charlottesville, 1990, as amended, to provide the option of contributing to a sidewalk fund rather than dedicating land and constructing sidewalks for residential lots on existing streets.

IV. REGULAR MEETING – (continued)

H. Entrance Corridor Review Board

4. SP15-00001: 1725 Jefferson Park Avenue

I. Preliminary Discussion

5. ZM15-00002 - Lochlyn Hill PUD Amendment
6. SP15-00002 - 550 East Water Street SUP

J. FUTURE MEETING SCHEDULE

| Date and Time | Type | Items |
|---------------------------------|-----------------|---|
| Tuesday May 26, 2015 – 5PM | Work session | Telecommunications Ordinance Bike/Ped Master Plan |
| Tuesday, June 9, 2015 – 4:30 PM | Pre- Meeting | |
| Tuesday, June 9, 2015 – 5:30 PM | Regular Meeting | 201 Garrett Street SUP Lochlyn Hill PUD Amendment 550 East Water Street SUP Sycamore House Hotel Site Plan |

Anticipated Items on Future Agendas

- Naylor Street Major Subdivision
- Spot Blight – 1810 Yorktown Drive
- Zoning Text Amendment - PUD ordinance updates

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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 AND SUBDIVISIONS APPROVED ADMINISTRATIVELY
4/1/2015 TO 4/30/2015**

- 1. Preliminary Site Plans**
- 2. Final Site Plans**
- 3. Site Plan Amendments**
 - a. Express Car Wash (995 Seminole Trail) – April 14, 2015
 - b. Charlottesville Baseball Field Improvements – April 23, 2015
 - c. 10th Street Parking Lot (110 10th Street NW) – April 27, 2015
- 4. Minor Subdivision**
 - a. 729 Northwood Avenue – April 1, 2015

MINUTES
PLANNING COMMISSION WORK SESSION
Tuesday, March 24, 2015
5:00 – 7:00 p.m.

I. PLANNING COMMISSION WORK SESSION

Location: NDS Conference Room, Charlottesville City Hall, 2nd Floor

Members Present: Commissioners Tanea Dowell, Kurt Keesecker, Genevieve Keller, Jody Lahendro, and John Santoski; UVA representative Bill Palmer

Call to Order: by Vice-Chairman Kurt Keesecker at 5:07 p.m.

Transient Lodging Facilities - Matt Alfele, City Planner

- Staff has been working diligently since the last work session on February 24th to address concerns the PC has.
- On Feb 26th staff held an Open House to engage the public and gain feedback on the shared economy and Transient Lodging Facilities (TLF) in the community. The information is in your packets.
- Tonight we would like the commission to review the suggested changes to the Code that are found near the end of your packet and address questions 2 and 3.
- The vast majority of people running transient lodging in the city could be brought up to compliance through minor changes to the B&B homestay definition according to the city code.

Questions for the Commission to consider:

1. Could modifications to the City's Bed and breakfast (Homestay) definition and corresponding code address the majority of TLF types in the City?
2. Should the City allow TLFs that are not "residentially occupied" (i.e. the owner never resides at the property at any point during the year)?
3. Are there types of TLFs the City should not allow?

Commissioners Keller, Keesecker and Green talked about transient lodging with attached and detached family homes. They commented that the draft in the packet says a home occupation makes a TLF accessory for everything but a duplex is not an accessory building and might require another provision. They went on to say that it is still the family home because it is a single family residence with an interior accessory apartment or an exterior accessory apartment.

Commissioner Keller said she would like to have townhouses and duplexes excluded from the ordinance. Commissioner Keller said her objection is maintaining affordable residential housing in the city. It would be more profitable to rent to Transient Lodgers.

Commissioner Green said that owners cannot turn a hotel into an accessory use because it would be an accessory use to a residential use. She noted an owner can rent for periods longer than 30 days, and that would constitute a residential use in that unit.

Keesecker said the Commission seemed to be pretty comfortable with Transient Lodging in some fashion in houses that are occupied by the owner, and in which the primary use is residential in nature. He said this was because there is some sort of accountability to the neighbors and the immediate environment because the owner is the person managing the thing.

Commissioner Keller said her concern is about keeping that the housing inventory. It would be more profitable to rent to transient lodgers than to have it available to critical lodging perhaps.

Lisa Robertson said the discussion draft text says a home occupation makes transient lodging an accessory use for everything but a duplex that is side by side, because the other unit is not an accessory building and is not the person's permanent residence. That does not mean an owner could not do it but it might require another provision to authorize a duplex because to do that would require more language than what the Commission is looking at.

Commissioner Keller asked if the Commission is allowed to reference a zoning category and definition with a limit to homestay to R-1 categories.

Lisa Robertson said that it could be done through the land use matrix. The one thing the Commission would have to be careful of is the people who will go to extraordinary measures to try to sneak in an accessory apartment. The guest room definition excludes a kitchen just for that reason because a lot of people will go to extra length to get that dwelling unit in so they can have an extra rental. She said that the City excludes the kitchen facility for that reason.

Commissioner Green said that permitting TLFs via a home occupation like this is going to interrupt the neighborhood character of certain areas. A lot of these are single family with a cottage in the back, and the neighborhood feeling is maintained.

Commissioner Keesecker said he thought the Commission all agreed on that and that cottages that are long-term leased can be vacant for substantial amounts of time. He asked if it is better to have them empty more of the time or active all of the time. He wondered what the impact of TLFs would be in each category of residential use.

Commissioner Keesecker said that the owner-occupied properties are regulated by the control of the owner, and there is an appeal to running into people who do not live in your town. The negative aspect is the immediate impact of noise and trash, and living next to a TLF means an adjacent resident never has a neighbor.

Commissioner Keller stated that she was confused, knowing of instances in older buildings in the old R-3 zone that have two or three apartments in them, and have kitchen facilities. The uses change from time to time.

Commissioner Santoski said the lease is 30 days or less. Under 30 days and it is not a residence. He said he has the right to do what he wants as long as it is correct under the code.

Commissioner Lahendro said that the issue is the integrity of the neighborhood; as residents share a responsibility of each other. Transient lodgers break down that responsibility, but it adds interest to a neighborhood now. It could quickly start to overwhelm a neighborhood and the residents.

Commissioner of Revenue Todd Divers said that at the end of the day, the use is a licensed commercial activity. The City has to go and say that someone is running a business and needs a license.

Commissioner Keller said they would claim that the use is City approved, and maybe rent out 8 rooms.

Commissioner Santoski wondered where the Commission was and what they agreed on.

Commissioner Keesecker said that the Commission is generally okay with TLFs that are owner occupied or where the residential use as a long term component called a home occupation. Differences is that one use is not a home occupation.

Lisa Robertson said that a single family dwelling is a kitchen, bedroom, bathroom, and living room. The occupancy is the use.

Mr. Alfele was asked how many units fall into this category are not lived in. He said that he has asked for this data.

The Commission noted that it would be helpful to elaborate more on removing units from the market place.

Susan Lanterman of 405 Ridge Street operates a Bed and Breakfast, and has renters on the weekend. She said the City has a hard time regulating people. Tenants can be drunk and make a lot of noise, and there is a need for owners to have control. She said that TLFs are essentially little mini business, and they can overwhelm a neighborhood. She said she charges \$885 a month for her cottage, and could make the same amount through Airbnb by renting it 3 nights a month. She said she took two years to completely renovate the cottage and her renters are in a safe place. She mentioned she was concerned about safety, as she has had people call her looking for lodging after seeing the place they rented on AirBnB or similar services.

Karen Dougald of 20 University Circle, said there were 37 structures on University Circle. One structure has been purchase by someone whose home is in Palm Beach, Florida, and they do not know what his intent is for the house. She said the neighborhood used to house university and religious faculty. She said that University Circle is now at the tipping point. Most of the owners are trying to get more money. She said they have two transient lodging facilities, owned by Palm Beach lawyers. They have seen these houses host baseball teams, wedding parties, as well as being booked for Foxfield weekends.

Travis Wilburn – stated that last June, the representatives of the TLF industry brought up the issue because they wanted clarity from the City with regards to regulation. He said they are undertaking public outreach this upcoming Thursday at 1pm.

Kevin Davis, stated that there were no problems with the current units being used as TLFs, so the Commission should not ban the use.

Rebecca Quinn, raised concerns about safety inspections, because at some point the distinction between the home and the business will cause these units to need to be inspected for fire safety. She raised the issue of insurance, saying that many insurers will pull the insurance if the dwelling unit is used for transient lodging. She asked how would the City enforce the rules - would it be by complaint? She raised the issue of a duplexes versus a single owner deeded on a single lot, or deeded as two separate building. She said there would be an issue with the business tax and the room tax. She asked if the term “rent” was appropriate to the discussion.

Lisa Robertson read definition for hotel use and the term renting.

Unified Development Ordinance

The Planning Commission is being asked to endorse a new concept that would seek to merge the development regulations and subdivision ordinances and refer to the consolidated requirements as a Unified Development Ordinance. This is a change in state code that no longer allows localities to mandate a preliminary AND final submission. The staff desires City Code to clearly define all requirements for subdivision and zoning final plans in one ordinance.

Originally presented as “housekeeping items”, the Planning Commission questioned the scope of the significant changes. The Blue Ridge Home Builders Association also weighed in with two pages of concerns. Chief Deputy City Attorney Lisa Robertson dismissed their concerns suggesting now was not the time to discuss substantive provisions of the two ordinances being merged. In addition she wrote that the concerns relate to existing provisions of the City’s zoning ordinance or subdivision ordinance and are not new within the draft UDO.

Commissioner Green said that at pre-application meetings in the County, a planner and others are present at the table. She said she was in favor of the proposal.

Commissioner Santoski said he was in favor of the proposal.

Commissioner Dowell said she was in favor of the proposal.

Commissioner Lahendro agreed with the other Commissioners, and raised concern about PUDs that are not being presented with a statement of how the development meets the objectives of the PUD ordinance as an example of the current problem.

Commissioner Keesecker said he is concerned about the level of detail and when certain detail would be required. He said he would not be in favor of requiring technical details up front, because the cost of the submission would get too high.

Commissioner Keller said she did not like expedited review. She said she was concerned that the proposed changes might "over-meeting" people. She asked if it was possible to make the public meeting voluntary. She asked if all projects would be required to have a neighborhood meeting. She said that there needed to be minimum requirements that were clear.

Commissioner Keesecker said he would like to see hand drawn models only. He said less detail gives people better indications of scale.

Commissioner Keller said that plans should show the streetscape, ingress/egress, scale and context.

Commissioner Lahendro said he would like to see the substance of an application, rather than the image.

Adjourn at 7:35

MINUTES
PLANNING COMMISSION REGULAR MEETING
Tuesday, April 14, 2015

I. PLANNING COMMISSION PRE-MEETING (Beginning at 4:30 p.m.)

Location: NDS Conference Room, Charlottesville City Hall, 2nd Floor

Members Present: Chairman Dan Rosensweig; Commissioners Lisa Green, Kurt Keesecker, Genevieve Keller, Jody Lahendro, and John Santoski; UVA representative Bill Palmer

Call to Order: the meeting was called to order by Chair Rosensweig at 5:00 p.m.

Commissioner Rosensweig stated that because of a clerical error with the advertisement for this month's public hearings, the Commission could not make recommendations on those items, and they would be re-advertised for May public hearings. He stated that they would still hold public hearings this evening for any members of the public who wished to speak. He also noted that he would recuse himself from the item regarding the Lochlyn Hill PUD.

Commissioner Tania Dowell arrived at 5:10.

Commissioner Rosensweig asked Brian Haluska, Principal Planner if he had any notes about the agenda.

Mr. Haluska stated that there were two zoning initiations on the consent agenda that were coming before the Commission as a result of code changes by the General Assembly that the City had requested. He stated that the Lochlyn Hill Planned Unit Development site plan was being brought forward without Block 2B, which the Commission had discussed at a previous meeting. He additionally handed out some additional information on the application for 201 Garrett Street.

Commissioner Lahendro and Commissioner Keller submitted several changes to the minutes.

Commissioner Rosensweig asked if there were any questions regarding the 201 Garrett Street Special Use Permit. The Commissioners and staff discussed the parking calculations on the site. Several Commissioners had questions about the elevations the applicant had presented in the packet.

Commissioner Rosensweig asked if there were any questions regarding the William Taylor PUD Amendment. The Commissioner discussed the legal standing of a Planned Unit Development and their options when reviewing a request for an amendment of a PUD.

The meeting ended at 5:27.

Votes: No Vote or other action was taken by the Commission.

Adjournment: At 5:27 p.m. the Chair adjourned the meeting in order to reconvene in City Council Chambers at 5:30 to continue with the Commission's regular monthly agenda.

II. ADMINISTRATIVE AGENDA (Beginning at 5:30 p.m.)

Location: City Council Chambers, Charlottesville City Hall, 2nd Floor

Members Present: Chair Rosensweig; Commissioners Taneaia Dowell, Lisa Green, Kurt Keesecker, Genevieve Keller, Jody Lahendro, and John Santoski; UVA representative Bill Palmer

Call to Order: the meeting was called to order by Chair Rosensweig at 5:30 p.m.

A. Commissioner's Reports:

Commissioner Lahendro reported he met with the Parks and Recreation Advisory Board on March 18th and there were three topics of conversation. The first, was the McIntire Park master plan. There was an open house in February which drew over 70 citizens to discuss the master plan with staff. The revised master plan with no south pond and a smaller north pond received City Council's approval on March 16th and now they are entering contract document phase and will be looking to coordinate a fund raising plan with the construction phasing. The skate park in McIntire Park was approved by City Council at the March 16th meeting and they are now entering the contract document phase. The Tonsler Park basketball court renovations are underway, replacing 2 ½ existing courts with three collegiate size courts. The cost of the work is roughly \$32,500. The project went to bid at the end of March and looking to complete construction by the end of April. On March 25th, the Tree Commission met. They are coordinating an Arbor Day Celebration on Friday, April 24th at 10:00 am at Emanuel Lutheran Church which is on Jefferson Park Avenue to celebrate the small tree arboretum that the Tree Commission has been instrumental in creating in the median strip of JPA. There will be a tree expert to speak briefly regarding tree and utility compatibility and a ribbon cutting. The PACC will have their first meeting this Thursday.

Commissioner Keller reported that the Place Task Force will not be meeting in April. She attended the TJPDC meeting where they are in the midst of annual budget preparations.

Commissioner Dowell no report

Commissioner Keesecker no report

Commissioner Santoski reported he attended the MPO Tech meeting, where they discussed how to add projects to the visioning plan. They were asking for guidance on how to add new projects that were outside the five year plan that was in place. He said another plan was introduced to them and they had to consider how to add it to the visioning plan. He said they decided on a general set of recommendations on how to move things forward and it will be interesting to see how the MPO handles this in the future. He said this makes it apparent that there needs to be a

process in place for folks to be able to add plans to the visioning plan to access funds in the future. The Belmont Bridge committee has not met but should be meeting in the near future.

Commissioner Green – reported C-Tech did not have a meeting this month. She received an email today from the Charlottesville-Albemarle Metropolitan Planning Organization (CA-MPO) to help them get word out for volunteers to cover the bicycle and pedestrian count on April 6th, 28th and May 2nd.

B. University Report—Bill Palmer wished everyone a belated Founders Day which was a festive occasion around the University yesterday. The Thomas Jefferson Foundation honored people in the areas of law, citizen leadership and architecture and each of the recipients gave a public lecture. In law it was Honorable Joanie Donahue, the current American Judge serving on the International Court of Justice. In citizen leadership it was U.S. Representative from Georgia, John Lewis, Civil Rights Activist and Lifelong Public Servant. In architecture, it was the acclaimed Dutch Architect Herman Hertzberger. Also a tree was planted in honor of Founders Day and this year the tree honored enslaved laborers who built and maintained the University between 1817 and 1865. The tree is located in front of Pavilion 4 on the lawn.

C. Chair's Report—Chair Rosensweig reported the Housing Advisory Committee did not meet this month. The Thomas Jefferson Area Coalition for the Homeless sponsored an all-day symposium on housing and homelessness. It was informative and inspirational, and well organized. It was a day to describe the continued care that is available while people progress from homelessness through rapid re-housing, transitional housing, through long-term rentals and affordable home ownership. There were two overwhelming interests, 1) the lack of access to safety in affordable housing that has significantly downstream consequences that everyone pays for - education, jobs it all starts with housing. Also the challenges are able to be confronted as long as we continued to devote resources to it and as long as we work together strategically to increase our impact. The Housing Advisory members and other stakeholders are continuing support of a city commissioned comprehensive housing study. This week the consultants are in town to interview and check in with various stakeholders. The Rivanna River committee will meet on Thursday, to continue a discussion towards a plan to better utilize and protect the Rivanna as a resource for the community. On March 30th the Code Audit and Streets that Works steering committee had its first meeting with consultants. A representative from a broad cross-section of Charlottesville from bike advocates to tree and place committee members are going to meet regularly to keep momentum behind these two critically linked planning initiatives.

D. NDS Department Report: given by Brian Haluska, Principal Planner, He reported that the position for the Director of Neighborhood Development Services has been posted on the City Job Board and other sites. The Planning Commission's upcoming work session for April will be done in conjunction with the Smart Growth America planning process that will be ongoing at that time. There is going to be a public event at the Jefferson School from 5 pm to 7 pm.

E. Public Comment (Items Not Scheduled for a Public Hearing on the Regular Agenda)

1. Thomas Olivia, 4632 Green Creek Road, Schulyer, VA – He is the Vice-President of Advocates for Sustainable Albemarle Population (ASAP). ASAP is pleased to provide the Commission with copies of the just published book, Overdevelop, Overpopulation, Overshoot as

a part of our dissemination of the volume to Charlottesville and Albemarle decision makers and environmental decision makers and local libraries. Our local distribution is part of an international campaign to raise awareness about the impact of population, growth and to stimulate the search for solutions. The book is intended to illustrate the ecological and social strategies of humanity's blooming numbers and consumption. ASAP distribution of Over is undertaken within conjunction with a network of organizations and individuals through the 2015 Global Population Speak Out campaign. Speak-out is jointly administered by the Population Media Center and the Population Institute. It aims to bring world-wide attention to the crises posed by over-development in human population size and population growth. Through ASAP special focuses you probably know is local growth and limits growth in the Charlottesville/Albemarle community. Advanced copies of this globally oriented book will make it available to us for distribution because of ASAP's strong history of population activism. In addition in keeping with the now old saying we all should think globally before we act locally. We hope the beautiful but provocative pictures will stimulate your thinking, population growth, and development issues at every level; global, national, and here in the Charlottesville/Albemarle community.

2. Neil Williamson President of the Free Enterprise Association, a public policy organization. He said late last year in a meeting with local officials and business leaders, he shared the pencil story. He referenced a story about Greene County giving each applicant a green pencil to fill out forms with the slogan "Permit Us to Permit You" printed on the pencil. He said the permit us philosophy doesn't suggest staff take an approve everything approach instead it positions staff as trusted guide working with applicants to find legal ways to achieve their goals. This trusted guide methods encourages staff to take ownership of an application. Too often at all levels of government you hear the mantra no one ever got fired for saying no. He stated that one of the business leaders offered to fund him to print these pencils to be shared with local government. He gave 3 bags of pencils to the Planning Commission and staff

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

1. Minutes - February 24, 2015 – Work Session
2. Minutes – March 10, 2015 – Pre-Meeting
3. Minutes – March 10, 2015 – Regular Meeting
4. Preliminary Site Plan – Lochlyn Hill PUD
5. Zoning Initiation - Revised definition of Affordable Dwelling Unit
6. Zoning Initiation – Revised sidewalk legislation

Motion by: Commissioner Keller

Seconded: Commissioner Green

VOTE: 7-0

"Aye": Commissioners Dowell, Green, Keesecker, Keller, Lahendro, Rosensweig, Santoski

"Nay": None

Abstentions: None

Disqualifications: Mr. Rosensweig recused himself from Item 4, the Lochlyn Hill PUD

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

G. JOINT PUBLIC HEARINGS

1. **SP-14-12-13 – 201 Garrett Street** - Russell E. Nixon of Nixon Land Surveying, LLC, has submitted a special use permit for a mixed-use development at 201 Garrett Street. The request is for residential density in excess of 43 dwelling units per acre, up to 168 dwelling units per acre. The site plan proposes 229 new multi-family residential units, 5,000 square feet of general office space, 4,000 square feet of retail space, and 215 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. This is the Glass Building

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

Oliver Kuttner is proposing a nine-story apartment building near the Downtown Mall and the William Taylor Plaza project off Ridge Street and Cherry Avenue. He is seeking a special use permit in order to build more than 200 residential units above and around the existing Glass Building on Second Street Southeast and Garrett Street. He wants to build 229 apartments, 5,000 square feet of office space, and 4,000 square feet of retail.

Open the Public Hearing

Several residents of the nearby Gleason building, which was constructed in 2008, took the opportunity to speak against the project. One pointed out that Mr. Kuttner's proposal is still at the conceptual stage.

Bob Maushammer, 200 Garrett St. Unit 509, said he was surprised that we are presented with the opportunity to comment on something that is not stated clearly or definitively and we don't know what the proposal is that Mr. Kuttner is making. He does not think the commission has had a chance to consider what the proposal is and he doesn't think anybody knows what the plans are, not even Mr. Kuttner. He said what Mr. Kuttner has shown so far is very much outside anything contemplated the zoning for density and parking and other rules for the downtown extended corridor were established, these are far outside of anything like that. He said the narrative is inconsistent and is hard for anybody to understand what is going on. He finds it hard to believe financing will be available for something with such a heavy concentration of single type non-family living spaces.

Jean Maushammer said she found 12 one bedroom units available around a \$1000 within walking distance of the downtown mall. She also found that City Walk which is 6 blocks away is \$1050.00 for a studio apartment including pool, parking, and guest parking. She said another one is Locust Grove has one bedroom apartment within the same range as Mr. Kuttner proposed apartments. She said she doesn't understand why the city of Charlottesville would want to allow

a special density permit to be given to a single facet of population and to the detriment to everyone else around us.

Close the Public Hearing

The project was generally favored by the commission.

Commissioner Green stated she did not have a problem with the density and she agrees that is the idea we put in our Comprehensive Plan for density and it is two blocks from the Downtown Mall. She also said the commission should have a conversation about how to encourage construction of housing units for all income ranges. She pointed out that the Gleason has high-end luxury condominiums right across the street from Friendship Court, which is restricted to low income families and individuals.

Commissioner Santoski said it does seem to be a work in progress and he would hope by the time we see it next month there is some specificity so we can feel more comfortable with it.

While the commission largely favored Mr. Kuttner's proposal, however there were questions concerning the price of the apartments and the square feet of the units. The commission was also concerned about the height on Garrett Street conflicting with the SIA which has been incorporated in the Comprehensive Plan. Mr. Kuttner said most of the units will be between 450 and 700 square feet and the building will be built in phases. He said he hopes all units will be below \$1,000 a month including utilities.

Commissioner Keller applauds his efforts, but wonders who would to live in a small apartment with amenities in less than 400 square feet.

Commissioner Green observed that individual apartments of 400 square feet are adequate for quite a few citizens.

2. ZM-14-12-14 – William Taylor Plaza PUD Amendment - Southern Development acting as agent for Cherry Avenue Investments, LLC has submitted a PUD amendment for a development located on the northwest corner of Ridge Street and Cherry Avenue. The original PUD was approved November 2, 2009. Changes to the approved proposal include a revised proffer statement, parking configuration, parking lot screening, and Arboretum requirements. A revised proffer statement and development plan reflecting these changes has also been submitted. The property is further identified on City Real Property Tax Map 29 Parcels 157, 150, 149, 147, 146, 145, and 151 having frontage on Ridge Street and Cherry Avenue. The site is zoned PUD and the total project area is 125,321.5 square feet or approximately 2.90 acres.

The applicant, in amending the 2009 PUD development plan and proffer statement had an opportunity to address concerns from staff and Planning Commission not covered in the original PUD. A use matrix, phasing plan, and building envelopes are all details staff would have liked included in PUD applications. By including these elements the neighborhood and community at large would have a better understanding of the development future for this important site.

Staff finds that the proposed amendments are not of equal or higher quality than the original 2009 PUD and recommends denial based on Sec. 34-490(1) To encourage developments of equal or higher quality than otherwise required by the strict application of zoning district regulations that would otherwise govern.

The Planning Commission was not receptive to the new request from Southern Development to amend a previous rezoning plan for the William Taylor Plaza, a proposed mixed-use development at the corner of Ridge Street and Cherry Avenue.

Matt Alfele, city planner stated Southern Development wants to move in a direction that would embrace a lot of the changes that have been suggested. The existing zoning requires 90 percent of the parking on the site to be in a structure, but the company wants that lowered to 60 percent.

Charlie Armstrong, Southern Development's vice president, said the design changes you'll see in May are really aimed at activating the Cherry Avenue streetscape including a formal entrance with a large entryway into buildings there. Our intent is to get people onto that street. He stated they are no longer asking for the LEED certification requirements to be dropped and wants to increase the amount of the property set aside for an arboretum.

Commission Santoski said he admires Mr. Armstrong's tenacity in bringing this forward again and trying to make some minor changes however, he felt that it still looks the same as it has always been.

Mr. Armstrong argued the plaza would be the first step in revitalizing Cherry Avenue, pointing out that nothing new has been built on the street for many years.

Commissioner Keller said she wanted more certainty than that. She stated she is not looking for could or would but looking for what will-be.

Commissioner Santoski commented that Cherry Avenue has been waiting for the right project, and in his estimation this isn't the right one so, we can wait a little bit longer

Open of Public Hearing

Travis Pietila, Southern Environmental Law Center, stated that this request should not be granted unless it will improve upon the original PUD approved in 2009. Based on the limited information provided for tonight's meeting, his organization is skeptical that this would be the case. Two of the key benefits of the original proposal were: (1) its protection of significant natural features and open space on an environmentally-sensitive site; and (2) its potential to better activate the street along Cherry Avenue. Not only does this new proposal not seem to advance these objectives beyond what was in the originally approved plan, it could be a step backwards by diminishing its value in both of these areas.

Overall, his organization believes this proposal will not be an improvement over the existing PUD, and they remain concerned (as they were in January) that these changes, if approved, could set a precedent for allowing an applicant to renege on commitments that were important factors

in the project's approval. He urged the Commission to deny this request as staff has recommended.

The commissioners indicated they are not likely to change their mind on the application.

3. ZM-15-02-02 – Longwood Drive PUD Amendment - Longwood (PUD) Amendment- Richard Spurzem of Neighborhood Properties Inc. has submitted a PUD amendment to add (5) attached residential units to the existing Longwood PUD development. The additional units will be located on the southwest corner of Harris Road and Longwood Drive. The original PUD was approved July 20, 2009. Additions to the approved proposal include expansion of the existing PUD by 0.20 acre constructing (5) attached residential units, additional parking, and adding 2,000 square feet of open space. The property is further identified on City Real Property Tax Map 21A Parcel 104, having frontage on Harris Road and Longwood Drive. The site is zoned R-2 and the total project area is 8,712 square feet or approximately 0.02 acres.

Staff finds that incorporating five (5) additional townhomes into the existing Longwood PUD complies with many of the goals laid out in the Comprehensive Plan, but some concerns remain.

The principal concern staff has is with the fulfillment and documentation of the 2009 proffers. The applicant has stated that three (3) of the proffers have been satisfied, but staff would like more detailed documentation on how that was determined. The addition of proffer # (6) is very much welcomed by the City.

Staff finds the Longwood PUD amendment complies with the goals of the Comprehensive Plan and all documents required by the code have been submitted by the required deadline to warrant a decision from Planning Commission. With that said, staff recommends deferral so that feedback from the April 8th Fry's Spring meeting can be incorporated into staff's recommendation. This would also give the applicant an opportunity to provide more clarity/detailed information as to how certain proffers have been fulfilled, which could help Planning Commission in their decision.

Mike Myers, Design Engineer, stated the PUD Amendment proposal is for the construction of 5 new townhome units with associated parking at the intersection of Harris and Longwood. He said Mr. Spurzem had always wanted to include these lots in the PUD, but it had only been recently that he was able to purchase this property. The ultimate goal of the development is to "bookend" Longwood Drive with new townhomes and upgrades the existing duplexes in the middle. The developer is also providing 15% of the units as affordable, and has promised contribution of an additional \$10,000 to the Charlottesville affordable dwelling fund (in addition to \$50,000 already provided with the original PUD approval).

Open the Public Hearing

David Hennegan, 101 Longwood Drive, Lot 116 – said when he moved into his current townhouse he believed that he had a 25 foot rear yard behind his townhouse. The way the project was originally laid out there was a very large space in the middle so the two new buildings would

have a wonderful setback, but they have squeezed it right up to the back of his unit. He said there is no reason why the 3 units unit cannot be shifted over 15 feet more as originally plan which would give him his 25 foot rear yard that he thought he would always have. They are asking for a lot when they are asking for a PUD to make up their own zoning practically. Another concern is because this is a PUD they can administratively file to change the plan; and he would like them to agree to in terms of the setback to be in a proffer because otherwise he will have to worry about this until the day they start pouring concrete. He said they were already concerned with rain runoff.

Closed the Public Hearing

Commissioner Keller is concerned about the PUD creep, required the lot at the corner which assume was a habitable house perhaps with a basement apartment and also concerned about the way it takes the PUD into Harris. She stated that Harris has a specific kind of the single family character and a different character and she is not supportive of this and share concerns with the existing properties.

Commissioner Lahendro said this is a vast improvement and he appreciates the effort in what the applicant has done.

Commissioner Rosensweig said that bringing the elevation down on Harris trying to make it more compatible architecturally and feel with the rest of the street scape on Harris is an important value. He said he is not able to say what is the right or wrong architecture solution on Harris because it is not our job but he does agree that what we are seeing is inappropriate. He said he does believe there is an appropriate architectural alternative to this problem.

H. Request for Zoning Initiation

1. Telecommunications Ordinance

Lori H. Schweller, Esquire stated this presentation is just to initiate the subject of the telecommunications ordinance.

Chairman Rosensweig said the commissions' purpose is to approve the initiative of the study.

The Commission agreed to continue discussion of the telecommunication ordinance in the May work session.

Motion by Commissioner Green
Seconded Commissioner Santoski
Motion passes 6-1, (Ms. Keller opposed)

Commissioner Green motion to adjourn, seconded by Commissioner Santoski.

CITY OF CHARLOTTESVILLE
DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES
STAFF REPORT



REQUEST FOR A ZONING TEXT AMENDMENT

ZT15-00003: AFFORDABLE DWELLING UNIT DEFINITION

JOINT PUBLIC HEARING

DATE OF PLANNING COMMISSION MEETING: MAY 12, 2015

Author of Staff Report: Kathy McHugh, Housing Development Specialist

Date of Staff Report: April 20, 2015

Applicable City Code Provisions: §34-12 (Affordable Dwelling Units - ADUs)

Executive Summary

This is a proposed zoning text amendment to modify the definition of what constitutes an affordable dwelling unit, relative to the length of the commitment and qualifying household income level. Staff recommends approval of the proposed text amendment.

Background

Compliance with the current code (Sec. 34-12) can be met by either providing on-site or off-site affordable dwelling units, or by providing a cash contribution to the City's affordable housing fund. To date, applicants have opted to provide the cash contribution only. No affordable units have been provided as a result of the ordinance to date.

Ultimately, the City's goal is to obtain a mixture of dwelling units and cash contributions to the housing fund. To this end, the current specific length of the commitment (it must be 30 years, no more, no less), as well as the amount of the qualifying household income (i.e., 60% or less of Area Median Income (AMI)) present disincentives to developers who might otherwise be willing to consider establishment of affordable units.

In order to increase the likelihood that applicants will consider providing affordable dwelling units, both the length of the commitment and the qualifying household income criteria need to be modified, to leave the City the ability to consider a broader range of possible arrangements, including: (1) the ability to consider proposals committing to the provision of ADUs for a period of less than 30 years, and (2) expansion of the pool of eligible households to include those with incomes of up to 80% AMI.

Legislation authorizing these changes was approved in the 2015 Session of the General Assembly of Virginia on February 20, 2015 via Senate Bill 1245, to be codified as an amendment to Section 1 of Chapter 693 of the Acts of Assembly of 2008, as amended by

Chapter 527 of the Acts of Assembly of 2013. The bill was signed by the Governor March 16, 2015, and the effective date is July 1, 2015.

Preparation and Adoption of Proposed Amendment

By motion, the Planning Commission initiated a study of this Code amendment at its regularly scheduled meeting on April 14, 2015. Since this amendment does not involve an amendment initiated by City Council or a property owner, the 100-day action requirement does not apply; however, a joint public hearing has been advertised with Council for May 12, 2015. If the Planning Commission chooses to act at its May 2015 meeting, then City Council would be in a position to approve the amendment in June 2015. The 2015 enabling legislation becomes effective July 1, 2015.

Standard of Review

As per §34-42 the planning commission shall review and study each proposed zoning text amendment to determine:

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

Proposed Zoning Text Change-- ZT15-00003

Section 34-12 (c) of the Zoning Ordinance should be amended to read as follows:

For purposes of this section, "affordable dwelling units" mean dwelling units affordable to households with incomes at not more than eighty percent (80%) of the area median income, and which are committed to remain affordable for a specific period of not more than 30 years.

Standard of Review Analysis

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

Goal 3.4 in the housing chapter of the Comprehensive Plan states: "Encourage creation of new, on-site affordable housing as part of rezoning or residential special use permit applications." Further, goal 3.6 states: "Promote housing options to accommodate both renters and owners at all price points, including workforce housing." In the case of the proposed zoning text change, the proposed modifications should help achieve both goals.

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

Reducing the current requirements for term and income relative to affordable dwelling units should positively impact the City's ability to obtain such units.

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

There is a need to modify our local code based on the reasons outlined herein. Further, the City has already gone through the required process with the General Assembly to amend the definition of affordable dwelling unit within the Code of Virginia; however, local approval is necessary to effect the change.

4. When pertaining to a change in the zoning district classification of property, the effect of the proposed change, if any, on the property itself, on surrounding property, and on public services and facilities.

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

Public Comment

Staff has received no public comment at the time of the drafting of this report.

Recommendation

Staff recommends approval of the zoning text amendment.

Appropriate Motions

1. "I move to recommend approval of **ZT15-00003**, based on a finding that the amendment is required by the public necessity, convenience, general welfare or good zoning practice."
2. "I move to recommend denial of **ZT15-00003**."

CITY OF CHARLOTTESVILLE
DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES
STAFF REPORT



APPLICATION FOR REZONING OF PROPERTY

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

DATE OF HEARING: May 12, 2015
APPLICATION NUMBER: ZM-14-00002

Project Planner: Matt Alfele

Date of Staff Report: April 28, 2015

Applicant: Southern Development, acting as agent for the current property owner

Applicant's Representative: Charlie Armstrong

Current Property Owner: Cherry Avenue Investments, LLC

Application Information

Property Street Address: 529 Cherry Avenue & 512 – 529 Ridge Street

Tax Map/Parcel #: Tax Map 29, Parcels 157, 150, 149, 147, 146, 145, and 151

Total Square Footage/ Acreage Site: 2.90 Acres or 125,321.5 Square Feet

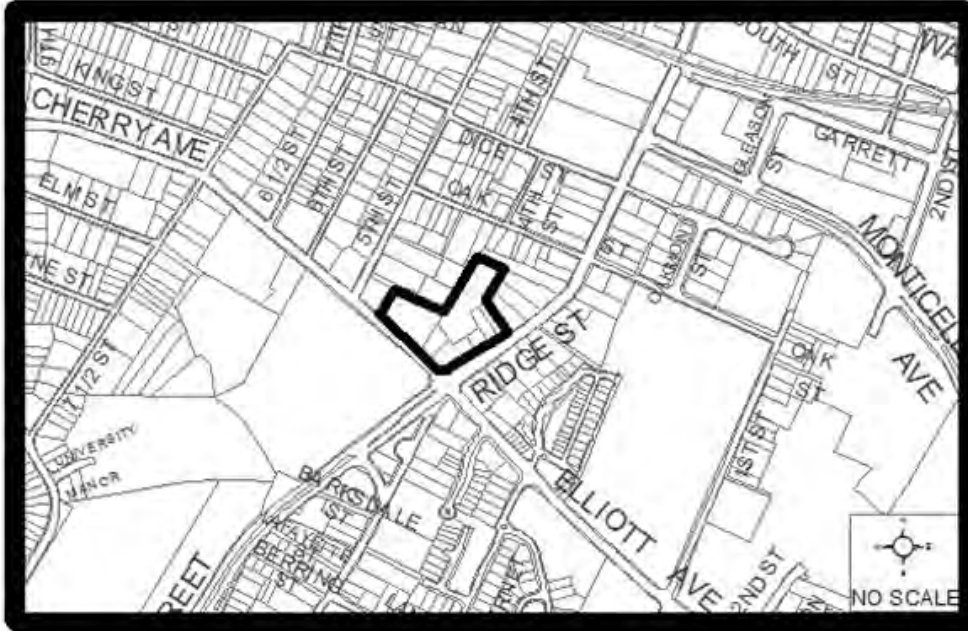
Comprehensive Plan (Land Use Plan): Mixed Use

Current Zoning Classification: Planned Unit Development

Applicant's Request

The applicant is seeking to amend the existing William Taylor Plaza PUD, originally approved November 2, 2009, with proffered development conditions. Changes to the existing William Taylor Plaza PUD include changing the parking and travelways configuration to allow more surface parking, addition of a phasing plan, the establishment of development setbacks, inclusion of a development use matrix, and additional Arboretum requirements.

Vicinity Map



Rezoning Standard of Review

Sec. 34-42. - Commission study and action.

- a. All proposed amendments shall be reviewed by the planning commission. The planning commission shall review and study each proposed amendment to determine:
 1. Whether the proposed amendment conforms to the general guidelines and policies contained in the comprehensive plan;
 2. Whether the proposed amendment will further the purposes of this chapter and the general welfare of the entire community;
 3. Whether there is a need and justification for the change; and
 4. When pertaining to a change in the zoning district classification of property, the effect of the proposed change, if any, on the property itself, on surrounding property, and on public services and facilities. In addition, the commission shall consider the appropriateness of the property for inclusion within the proposed zoning district, relating to the purposes set forth at the beginning of the proposed district classification.
- b. Prior to making any recommendation to the city council, the planning commission shall advertise and hold at least one (1) public hearing on a proposed amendment. The planning commission may hold a joint public hearing with the city council.
- c. The planning commission shall review the proposed amendment and shall report its findings and recommendations to the city council, along with any appropriate explanatory materials, within one hundred (100) days after the proposed amendment

was referred to the commission for review. Petitions shall be deemed referred to the commission as of the date of the first planning commission meeting following the acceptance of the petition by the director of neighborhood development services. Failure of the commission to report to city council within the one hundred-day period shall be deemed a recommendation of approval, unless the petition is withdrawn. In the event of and upon such withdrawal, processing of the proposed amendment shall cease without further action.

Planned Unit Development Standard of Review

Sec. 34-490. - In reviewing an application for approval of a planned unit development (PUD) or an application seeking amendment of an approved PUD, in addition to the general considerations applicable to any rezoning the city council and planning commission shall consider whether the application satisfies the following objectives of a PUD district:

1. To encourage developments of equal or higher quality than otherwise required by the strict application of zoning district regulations that would otherwise govern;
2. To encourage innovative arrangements of buildings and open spaces to provide efficient, attractive, flexible and environmentally sensitive design.
3. To promote a variety of housing types, or, within a development containing only a single housing type, to promote the inclusion of houses of various sizes;
4. To encourage the clustering of single-family dwellings for more efficient use of land and preservation of open space;
5. To provide for developments designed to function as cohesive, unified projects;
6. To ensure that a development will be harmonious with the existing uses and character of adjacent property, and/or consistent with patterns of development noted with respect to such adjacent property;
7. To ensure preservation of cultural features, scenic assets and natural features such as trees, streams and topography;
8. To provide for coordination of architectural styles internally within the development as well as in relation to adjacent properties along the perimeter of the development; and
9. To provide for coordinated linkages among internal buildings and uses, and external connections, at a scale appropriate to the development and adjacent neighborhoods;
10. To facilitate access to the development by public transit services or other single-vehicle-alternative services, including, without limitation, public pedestrian systems.

Analysis

1. **Below are areas where the development complies with the Comprehensive Plan**

This area of the City has been identified for Mixed Use development as found on the Charlottesville Land Use Map and outlined in Goal 2 under the Land Use Section of the 2013 Comprehensive Plan.

a. Land Use

Goal 2: Mixed Use

2.5: Expand the network of small, vibrant public spaces, particularly in areas that are identified for higher intensity uses and/or potential higher density

Goal 3: Public Space

3.2: Enhance existing neighborhood commercial centers and create opportunities for others in areas where they will enhance adjacent residential areas. Provide opportunities for nodes of activity to develop, particularly along mixed-use corridors.

3.4: Increase both passive and active recreational opportunities for Charlottesville residents.

b. Economic Sustainability

Goal 1: Innovation

1.5: Work strategically to continue to develop and implement land use policies and regulations that ensure the availability of sites for businesses to locate and expand.

Goal 3: Partnerships

3.3: Encourage the development of the City's key commercial corridors and surrounding sites (such as West Main Street, Preston Avenue, and Cherry Avenue).

c. Environment

Goal 2: Urban Landscape & Habitat Enhancement

2.2: Expand and protect the overall tree canopy of the City and increase the canopy of neighborhoods in an effort to achieve American Forest canopy recommendations (urban: 25%, suburban: 50%, and center business zones: 15%).

2.3: Develop methods, including financial incentives, to support retaining and increasing healthy tree canopy on private lands.

Goal 5.0: Sustainable Development

Encourage high performance, Green building standards and practices and the use of the U.S. Green Building Council's (USGBC) LEED certification program, Earthcraft, Energy Star, or other similar systems.

d. Transportation

Goal 2: Land Use & Community Design

2.1: Provide convenient and safe bicycle and pedestrian connections between new and existing residential developments, employment areas, and other activity centers to promote the option of walking and biking.

2.6: 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.

e. Historic Preservation & Urban Design

Goal 1: Urban Design

1.3: 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.

1.6: Encourage the incorporation of meaningful public spaces, defined as being available to the general public, into urban design efforts.

Goal 7: Comprehensive Approach

7.11: Encourage retaining and replenishing shade trees, particularly large trees where possible, in all neighborhoods as we strive to make the City more walkable.

2. Below are areas where the development may be inconsistent with the Comprehensive Plan

f. Historic Preservation & Urban Design

Goal 1: Urban Design

1.6: Encourage the incorporation of meaningful public spaces, defined as being available to the general public, into urban design efforts.

Although the development includes a semi-public space at the corner of Cherry Avenue and Ridge Street, elevation challenges limit the use of the space.

Goal 5: Neighborhood Conservation

5.2: Recognize and respect cultural values and human resources, as well as built resources within the City's older neighborhoods.

Special consideration needs to be given to the architectural and cultural importance of the Fifeville Neighborhood. More detailed elevations of the buildings are needed to assure this.

5.4: Study the urban forms in historic neighborhoods and consider allowing similar design standards in new neighborhoods.

Not enough information is provided at this time to ensure the new development meets the similar design standards as the surrounding neighborhoods.

3. Effect on Surrounding Properties and Public Facilities

The most substantial change to the project is to proffer four (4), altering the minimum of 90% structured parking spaces under the buildings to 60%. This change will increase the number of surface parking from 10% to 40%. Staff is concerned that an increase in surface parking could make screening more difficult and raise the amount of Stormwater runoff. The applicant plans to address screening by preserving the trees along Ridge Street during the implementation of the Cherry Avenue Phase. During the site plan stage, staff would like to see an existing tree plan for the Ridge Street Phase to assure adequate screening.

4. Proffers

The original proffer statement approved by City Council in 2009 is attached to the staff report. The applicant is requesting to amend this statement. The proposed amendments are discussed below.

Proffer (4) Original: *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.*

Proffer (4) New: *A minimum of 60% 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.*

Proffer (8) Original: *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.*

Proffer (8) New: *A minimum of 45% of the total site area shall be Open Space. Except for utilities, trails and other park amenities, the "Arboretum" shall remain undeveloped and shall occupy a minimum of 25% of the site. Public access to the Arboretum shall be permitted during daylight hours.*

Proffer (14) Original: No proffer 14 in original William Taylor PUD

Proffer (14) New: The uses and residential densities allowed within the PUD shall be those identified within the matrix titled "Use Types – William Taylor Plaza PUD".

5. Development Plan

The original William Taylor Plaza PUD Development Plan approved in 2009 is attached to the staff report. The applicant is requesting to amend aspects of the Development Plan as outlined below.

1. Increase surface parking and change traffic and pedestrian circulation patterns.
2. Changes to the appearance of the Stormwater maintenance facility
3. The introduction of a development phasing plan that creates two (2) phases; *Cherry Avenue Phase and Ridge Street Phase.*
4. The creation of an accompanying Use Matrix to mandate the types of uses allowed in each phase.
5. The creation of a building envelope through the introduction of setbacks.

6. Questions for the Planning Commission to Discuss

- **Will the changes requested by the applicant affect the intent of the original PUD?**

The Planning Commission should assess the individual changes as a whole in order to determine if the intent of the 2009 PUD is altered. Although changes to the original 2009 PUD are permissible, any change should create an equal or higher quality development than what is currently allowed. Please consider:

- How a change from 90% structured parking to 60% will affect circulation patterns on site.
- How expanding the Arboretum by 5% could alter the site.
- If the uses listed in the accompanying Use Matrix are appropriate in type and intensity for this location.
- If development phasing is appropriate.

7. Public Comments Received

Staff has received several comments from members of the public regarding this project. A few comments have been in support of amending the PUD, but most are in opposition. The public is concerned about the impact a hotel will have on the neighborhood, the scale and architecture of a large development, the effect of a large development on the historical integrity of Fifeville, and how traffic on Cherry Avenue will be impacted.

8. Staff Recommendation

The change to proffer four (4) offers greater flexibility to the applicant in the design of parking and travelways on site. Changes to the amount of surface parking could affect the site by increasing the amount of impervious surface and change the vehicular circulation and pedestrian experience. The applicant has stated that the new parking and travelway design will lower the amount of pervious surface as compared to the original 2009 design, but has not provided documentation as of this report.

Staff welcomes the change to proffer eight (8) as it increases the Arboretum by 5% and clarifies what can be developed within it. The new proffer wording unifies what was depicted on the original 2009 development plan.

The changes to the Development Plan reflect the changes to the proffer statement. The new Development Plan omits information showing the location and extent of structured parking. This is something staff would like to see. The new surface parking layout is an improvement over the last submittal as it successfully keeps parked cars hidden from Cherry Avenue and Ridge Street. The applicant has also put more thought into how pedestrians will access the Arboretum from Cherry Avenue. This is an improvement over the original 2009 plan as the amended pedestrian circulation pattern from Cherry Avenue to the Arboretum does not cross curb cuts, parking spaces, or travelways. Staff would like to see more consideration given to pedestrians accessing the Arboretum from Ridge Street. Overall staff believes the reconfigured parking and travelways are equal to or of higher quality than the currently approved plan. Staff would like to see calculations comparing impervious surface of the amended plan to that of the 2009 plan.

Staff is concerned with the development as it relates to the corner of Cherry Avenue and Ridge Street. The original 2009 PUD included a semi-public space that created a cohesive transition from development types. Although details for this location are better reviewed at the site plan level, consideration of the experience created at this corner is important. Staff would like to see that reflected on the development plan.

The inclusion of a phasing plan, building setbacks, and a Use Matrix bring the quality of the development up to a higher standard than that of the original 2009 PUD. Staff finds that the uses allowed in the Matrix are in line with that of the Cherry Avenue Mixed Use Corridor. The setbacks are also appropriate for this area of the City. Although the amended development plan includes a phasing portion, staff would like more information on the timeframe for each phase. By including the phasing plan, building

setbacks, and Use Matrix, the City and surrounding neighborhoods have a better assessment of future development patterns for this location.

On the previous PUD, the BAR had several preliminary discussions before the Planning Commission recommended approval of the PUD. Following the 2009 approval by City Council, the BAR reviewed the building plans for the whole site, although the rear of the site is not in a design control district. BAR has not been asked to review the PUD amendment. The Ridge Street frontage is in an ADC district, which means the BAR must review the design of anything proposed in that area.

Staff notes that the proposed amendments provide improvements to the existing PUD providing clarity on a number of aspects of the development which could allow for a recommendation for approval based on *34-490(1): To encourage developments of equal or higher quality than otherwise required by the strict application of zoning district regulations that would otherwise govern*. The Commission will need to assess whether the application provided addresses objectives set forth in 34-42. It was noted by the Commission at the meeting dated April 14, 2015 that the existing 2009 William Taylor Plaza PUD should not be altered or developed in phases. If this is still the prevailing sentiment of the Commissions, then this application would not meet objective *34-42(3): Whether there is a need and justification for the change*, and could be denied.

9. **Attachments**

- William Taylor Plaza PUD Amendment Summary
- Amended Proffer Statement
- Project Use Matrix
- Amended Conceptual Design Layout
- Development Phasing Plan
- Existing Topography
- November 2, 2009 Conceptual Design Layout
- September 14, 2009 Proffer Statement
- November 2, 2009 City Council Resolution

10. Suggested Motions

1. I move to recommend approval of this application to amend the development plan for the William Taylor Plaza Planned Unit Development with amended proffers, on the basis that the proposal would serve the interests of the general public welfare and good zoning practice.

2. I move to recommend denial of this application to amend the concept plan for the William Taylor Plaza Planned Unit Development with amended proffers, on the basis that the proposal would not serve the interests of the general public welfare and good zoning practice.

William Taylor Plaza PUD Amendment
Summary
April 27, 2015

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 primarily commercial portion of the mixed use development along Cherry Avenue, complementing the planned residential scale buildings along Ridge Street shown in the approved plan. The Applicant proposes to amend the proffers and PUD Development Plan to:

- a) Require that 60% of the parking be accommodated in structured parking underground, versus 90% required by the current zoning;
- b) Enlarge the size of the preserved wooded 'Arboretum' in the rear of the property by 25%;
- c) Clarify that trails and park recreational amenities are allowed within the Arboretum. This is shown graphically in the already-approved PUD;
- d) Add building setbacks to require that buildings be set back from rear and side property lines;
- e) Add a Phasing Plan that dictates how the project must be phased, if it is phased; and
- f) Add a Use Matrix that eliminates some uses that are currently allowed By-Right.

The balance of the proffered PUD Development Plan remains largely the same by maintaining the previously approved building arrangement, wide boulevard sidewalks, street trees, LEED construction standards, and LID storm water management.

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.
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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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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.

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4. A minimum of ~~90~~60% 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.
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- ~~13-14.~~ The uses and residential densities allowed within the PUD shall be those identified within the matrix titled “Use Types – William Taylor Plaza PUD.”

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 ~~14~~¹⁴th day of ~~September~~ _____, 201~~509~~⁵⁰⁹.

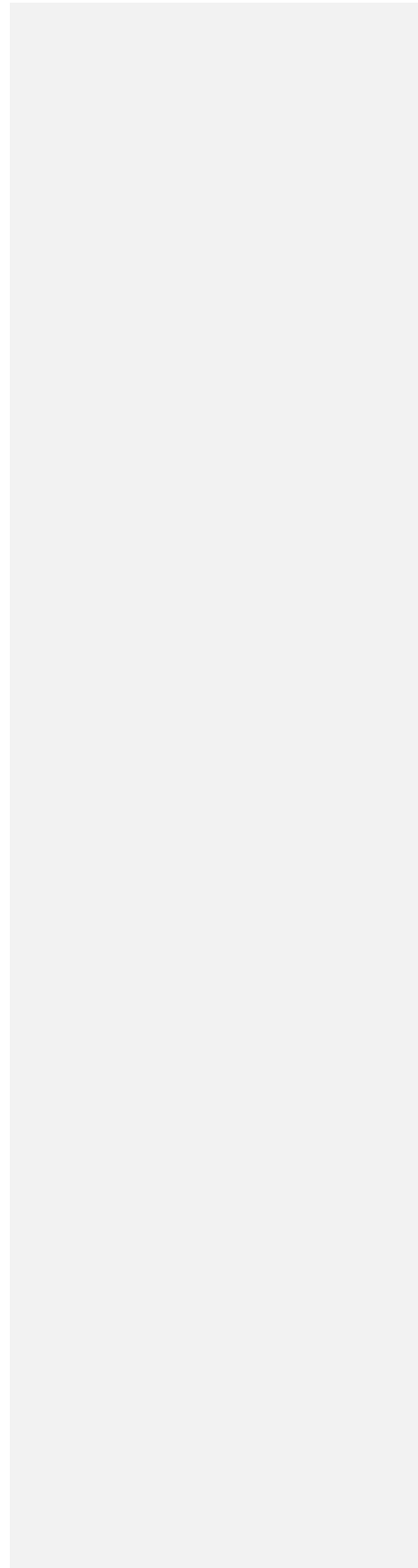
Owner:
Cherry Avenue Investments, LLC

Owner’s Address:
170 South Pantops Drive



Charlottesville, VA 22911

By: _____
Frank Ballif, Manager



| Use Types | William Taylor Plaza PUD | |
|--|--------------------------|--------------------|
| | Cherry Ave Phase | Ridge Street Phase |
| RESIDENTIAL AND RELATED USES | | |
| Accessory apartment, internal | P | P |
| Accessory apartment, external | P | P |
| Accessory buildings, structures and uses | B | B |
| Adult assisted living | * | * |
| 1—8 residents | B | B |
| Greater than 8 residents | B | B |
| Adult day care | B | B |
| Amateur radio antennas, to a height of 75 ft. | | |
| Bed-and-breakfast: | * | * |
| Homestay | B | B |
| B & B | B | B |
| Inn | B | B |
| Boarding: fraternity and sorority house | | |
| Boarding house (rooming house) | B | B |
| Convent/monastery | B | B |
| Criminal justice facility | B | B |
| Dwellings: | * | * |
| Multifamily | B | B |
| Single-family attached | B | B |
| Single-family detached | | B |
| Rowhouse/Townhouse | | B |
| Two-family | | B |
| Family day home | | |
| 1—5 children | B | B |
| 6—12 children | | |
| Home occupation | P | P |
| Manufactured home park | | |
| Night watchman's dwelling unit, accessory to industrial use | | |
| Nursing homes | B | B |
| Occupancy, residential | * | * |
| 3 unrelated persons | B | B |
| 4 unrelated persons | B | B |
| Residential density (developments) | * | * |
| 1—21 DU! | B | B |
| 22—43 DU! | B | B |
| 44—64 DU! | B | B |
| 65—87 DU! | B | B |
| 88—200 DU! | B | B |
| Residential treatment facility | | |
| 1—8 residents | B | B |
| 8+ residents | | |
| Shelter care facility | B | B |
| Single room occupancy facility | | |
| Temporary family health care structure | | |
| NON-RESIDENTIAL: GENERAL and MISC. | * | * |
| COMMERCIAL | | |
| Access to adjacent multifamily, commercial, industrial or mixed-use development or use | B | B |
| Accessory buildings, structures and uses | B | B |
| Amusement center | | |
| Amusement enterprises (circuses, carnivals, etc.) | | |
| Amusement park (putt-putt golf; skateboard parks, etc.) | | |
| Animal boarding/grooming/kennels: | * | * |
| With outside runs or pens | | |
| Without outside runs or pens | B | B |
| Animal shelter | | |
| Art gallery: | * | * |
| GF! 4,000 SF or less | B | B |
| GF! up to 10,000 SF | B | B |

| | | |
|--|---|---|
| Art studio, GFA 4,000 SF or less | B | B |
| Art workshop | B | B |
| Assembly (indoor) | * | * |
| Arena, stadium (enclosed) | | |
| Auditoriums, theaters | B | B |
| Houses of worship | B | B |
| Assembly (outdoor) | * | * |
| Amphitheater | | |
| Stadium (open) | | |
| Temporary (outdoor church services, etc.) | | |
| Assembly plant, handcraft | | |
| Assembly plant | | |
| Automobile uses: | * | * |
| Gas station | | |
| Parts and equipment sales | | |
| Rental/leasing | | |
| Repair/servicing business | | |
| Sales | | |
| Tire sales and recapping | | |
| Bakery, wholesale | * | * |
| GF! 4,000 SF or less | B | B |
| GF! up to 10,000 SF | B | |
| Banks/ financial institutions | B | B |
| Bowling alleys | B | |
| Car wash | | |
| Catering business | B | B |
| Cemetery | | |
| Clinics: | * | * |
| Health clinic (no GF! limit) | B | B |
| Health clinic (up to 10,000 SF, GF!) | B | |
| Health clinic (up to 4,000 SF, GF!) | B | B |
| Public health clinic | B | B |
| Veterinary (with outside pens/runs) | | |
| Veterinary (without outside pens/runs) | B | B |
| Clubs, private | B | B |
| Communications facilities and towers: | * | * |
| ! ntennae or microcells mounted on existing towers established prior to 02/20/01 | | |
| ! ttached facilities utilizing utility poles or other electric transmission facilities as the attachment structure | B | B |
| ! ttached facilities not visible from any adjacent street or property | B | B |
| ! ttached facilities visible from an adjacent street or property | | |
| ! lternative tower support structures | | |
| Monopole tower support structures | | |
| Guyed tower support structures | | |
| Lattice tower support structures | | |
| Self-supporting tower support structures | | |
| Contractor or tradesman's shop, general | | |
| Crematorium (independent of funeral home) | | |
| Data center | B | B |
| Daycare facility | B | B |
| Dry cleaning establishments | B | B |
| Educational facilities (non-residential) | * | * |
| Elementary | B | B |
| High schools | B | B |
| Colleges and universities | B | B |
| ! rtistic up to 4,000 SF, GF! | B | B |
| ! rtistic up to 10,000 SF, GF! | B | B |
| Vocational, up to 4,000 SF, GF! | B | B |
| Vocational, up to 10,000 SF, GF! | B | B |
| Electronic gaming café | | |
| Funeral home (without crematory) | * | * |
| GF! 4,000 SF or less | | |
| GF! up to 10,000 SF | | |

| | | |
|---|---|---|
| Funeral homes (with crematory) | * | * |
| GF! 4,000 SF or less | | |
| GF! up to 10,000 SF | | |
| Golf course | | |
| Golf driving range | | |
| Helipad | | |
| Hospital | B | B |
| Hotels/motels: | * | * |
| Up to 100 guest rooms | B | |
| 100+ guest rooms | B | |
| Laundromats | B | B |
| Libraries | B | B |
| Manufactured home sales | | |
| Microbrewery | B | B |
| Mobile food units | P | P |
| Movie theaters, cineplexes | B | |
| Municipal/governmental offices, buildings, courts | B | B |
| Museums: | * | * |
| Up to 4,000 SF, GF! | B | B |
| Up to 10,000 SF, GF! | B | B |
| Music halls | B | B |
| Offices: | * | * |
| Business and professional | B | B |
| Medical | B | B |
| Philanthropic institutions/agencies | B | B |
| Property management | B | B |
| Other offices (non-specified) | B | B |
| Outdoor storage, accessory | S | S |
| Parking: | * | * |
| Parking garage | A | A |
| Surface parking lot | A | A |
| Surface parking lot (more than 20 spaces) | A | A |
| Temporary parking facilities | T | T |
| Photography studio | B | B |
| Photographic processing; blueprinting | B | B |
| Radio/television broadcast stations | B | B |
| Recreational facilities: | * | * |
| Indoor. health/sports clubs- tennis club- swimming club; yoga studios; dance studios, skating rinks, recreation centers, etc. | B | B |
| Outdoor. Parks, playgrounds, ball fields and ball courts, swimming pools, picnic shelters, etc. | B | B |
| Restaurants: | * | * |
| Dance hall/all night | | |
| Drive-through windows | B | |
| Fast food | B | B |
| Full service | B | B |
| 24-hour | | |
| Taxi stand | B | B |
| Towing service, automobile | | |
| Technology-based businesses | B | B |
| Transit facility | B | |
| Utility facilities | | |
| Utility lines | B | B |
| NON-RESIDENTIAL USES: RETAIL | | |
| Accessory buildings, structures and uses | B | B |
| Consumer service businesses: | * | * |
| Up to 4,000 SF, GF! | B | B |
| Up to 10,000 SF, GF! | B | B |
| 10,001+ GF! | B | B |
| Farmer's market | B | B |
| Greenhouses/nurseries | | |
| Grocery stores: | * | * |
| Convenience | B | B |
| General, up to 10,000 SF, GF! | B | B |

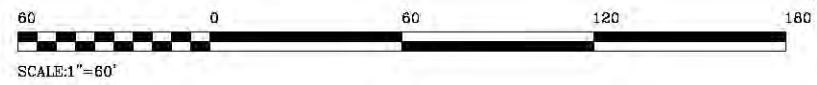
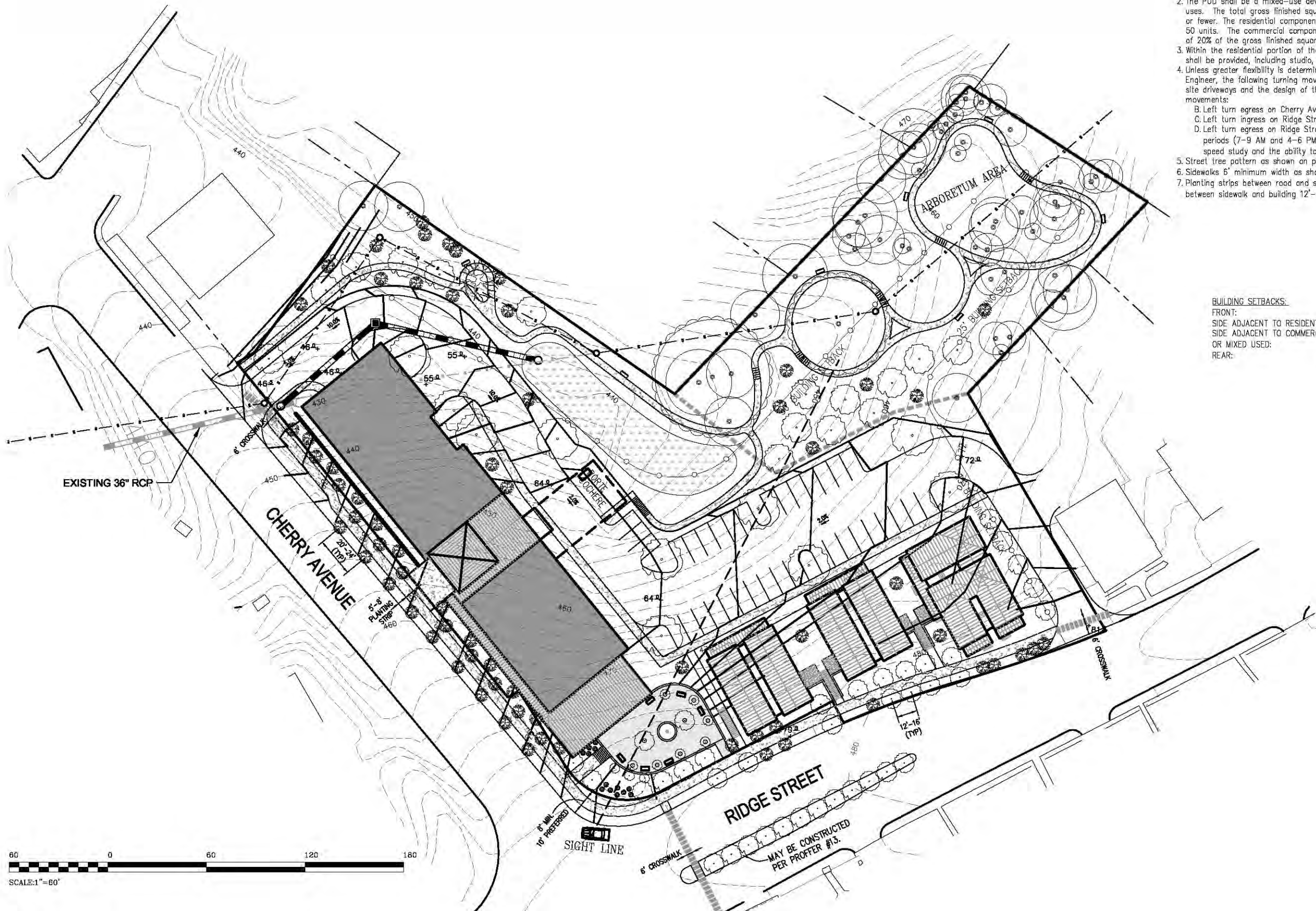
| | | |
|---|---|---|
| General, 10,001+ SF, GF! | B | |
| Home improvement center | B | |
| Pharmacies: | * | * |
| 1—1,700 SF, GF! | B | B |
| 1,701—4,000 SF, GF! | B | B |
| 4,001+ SF, GF! | B | B |
| Shopping centers | B | B |
| Shopping malls | | |
| Temporary sales, outdoor (flea markets, craft fairs, promotional sales, etc.) | T | T |
| Other retail stores (non-specified): | * | * |
| Up to 4,000 SF, GF! | B | B |
| Up to 20,000 SF GF! | B | B |
| 20,000+ SF, GF! | B | |
| NON-RESIDENTIAL: INDUSTRIAL | * | * |
| Accessory buildings, structures and uses | B | B |
| Assembly, industrial | | |
| Beverage or food processing, packaging and bottling plants | | |
| Brewery and bottling facility | B | B |
| Compounding of cosmetics, toiletries, drugs and pharmaceutical products | | |
| Construction storage yard | | |
| Contractor or tradesman shop (HAZMAT) | | |
| Frozen food lockers | | |
| Greenhouse/nursery (wholesale) | | |
| Industrial equipment: service and repair | | |
| Janitorial service company | | |
| Kennels | | |
| Laboratory, medical | B | B |
| <4,000 sq/ft/ | B | B |
| Laboratory, pharmaceutical | B | B |
| <4,000 sq/ft/ | B | B |
| Landscape service company | | |
| Laundries | | |
| Manufactured home sales | | |
| Manufacturing, light | | |
| Medical laboratories | | |
| Moving companies | B | |
| Pharmaceutical laboratories | B | B |
| Printing/publishing facility | B | B |
| Open storage yard | | |
| Outdoor storage, accessory to industrial use | | |
| Research and testing laboratories | B | B |
| Self-storage companies | | |
| Warehouses | | |
| Welding or machine shop | | |
| Wholesale establishments | | |

A = Ancillary use
B = by-right use
CR = commercial/residential
A/S = Ancillary or Special Use Permit
DUA = dwelling units per acre
GFA = gross floor area
MFD = multifamily development
P = provisional use permit
S = special use permit
T = temporary use permit
* = header section

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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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BUILDING SETBACKS:

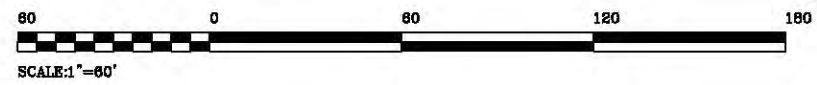
| | |
|--|-----|
| FRONT: | 0' |
| SIDE ADJACENT TO RESIDENTIAL: | 25' |
| SIDE ADJACENT TO COMMERCIAL OR MIXED USED: | 0' |
| REAR: | 50' |



CHERRY AVE PHASE █

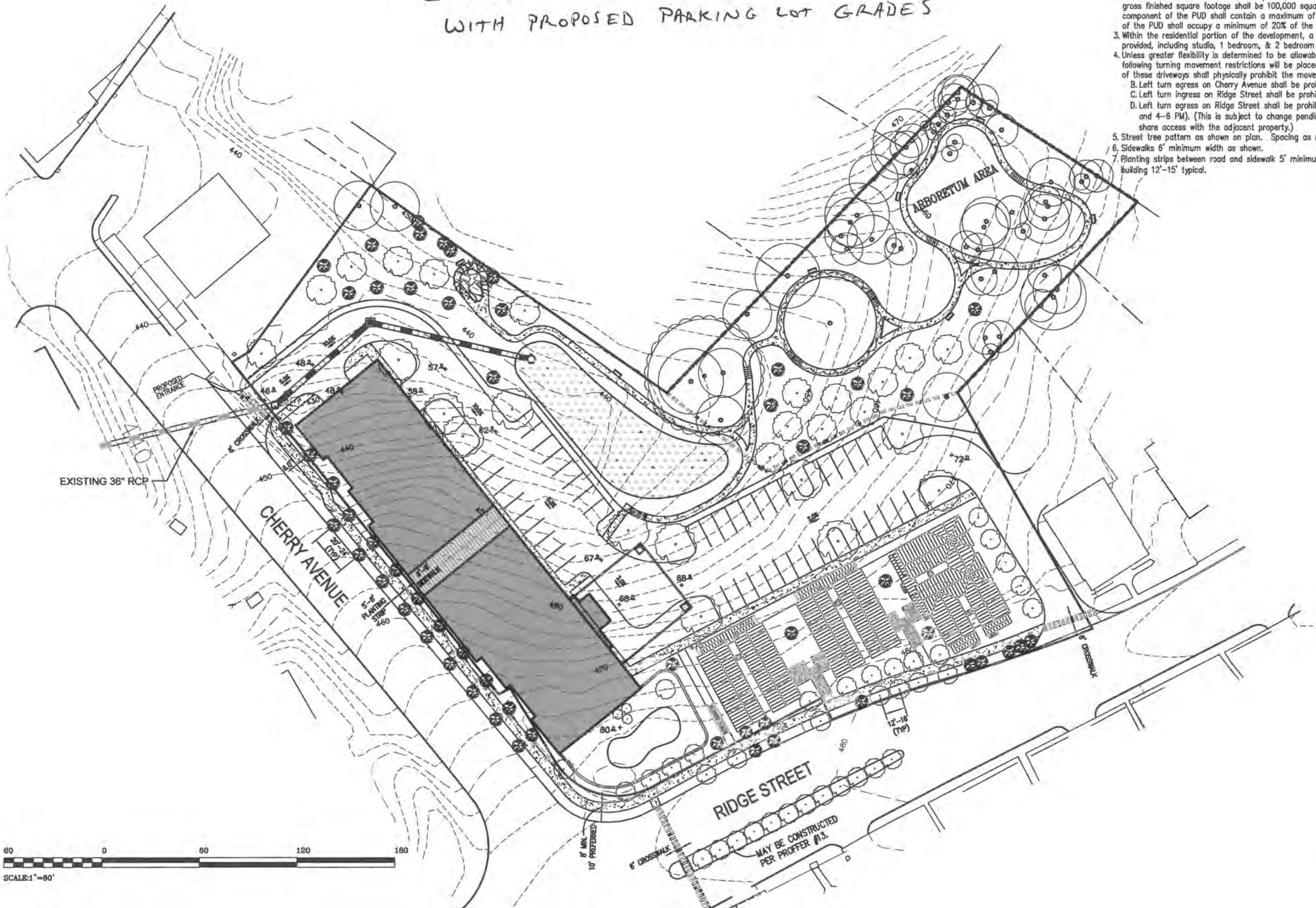
RIDGE STREET PHASE █

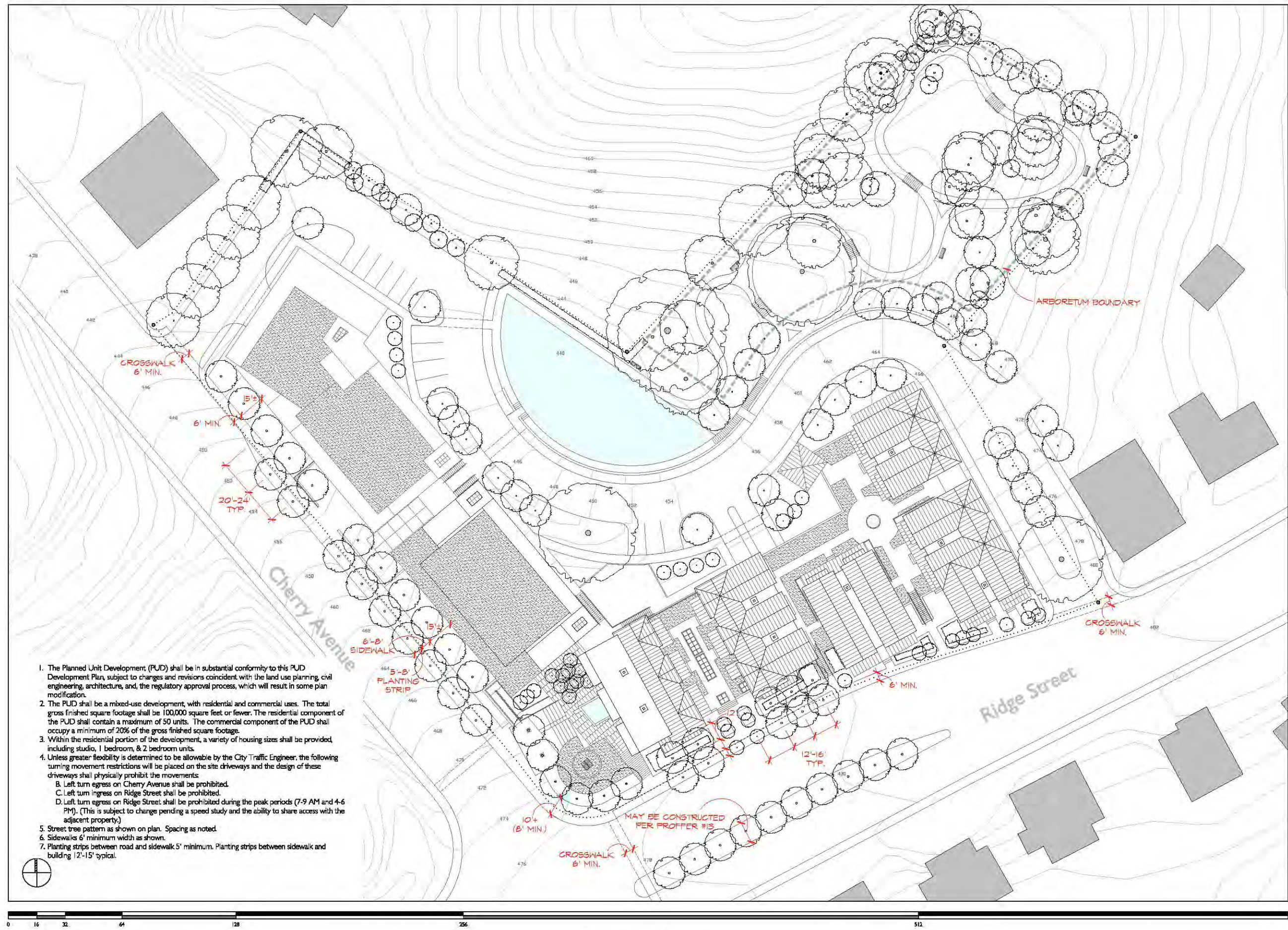
SEQUENCE:
THE OWNER MAY DEVELOP THE ENTIRE SITE SIMULTANEOUSLY UNDER ONE SITE PLAN OR MAY DEVELOP THE CHERRY AVENUE PHASE FIRST. IN THE EVENT THE OWNER ELECTS TO DEVELOP THE CHERRY AVENUE PHASE FIRST, EXISTING TREES IN THE RIDGE STREET PHASE SHALL REMAIN UNDISTURBED UNTIL SITE PLAN APPROVAL HAS BEEN GRANTED FOR THE RIDGE STREET PHASE, EXCEPT THAT INVASIVE SPECIES MAY BE REMOVED.



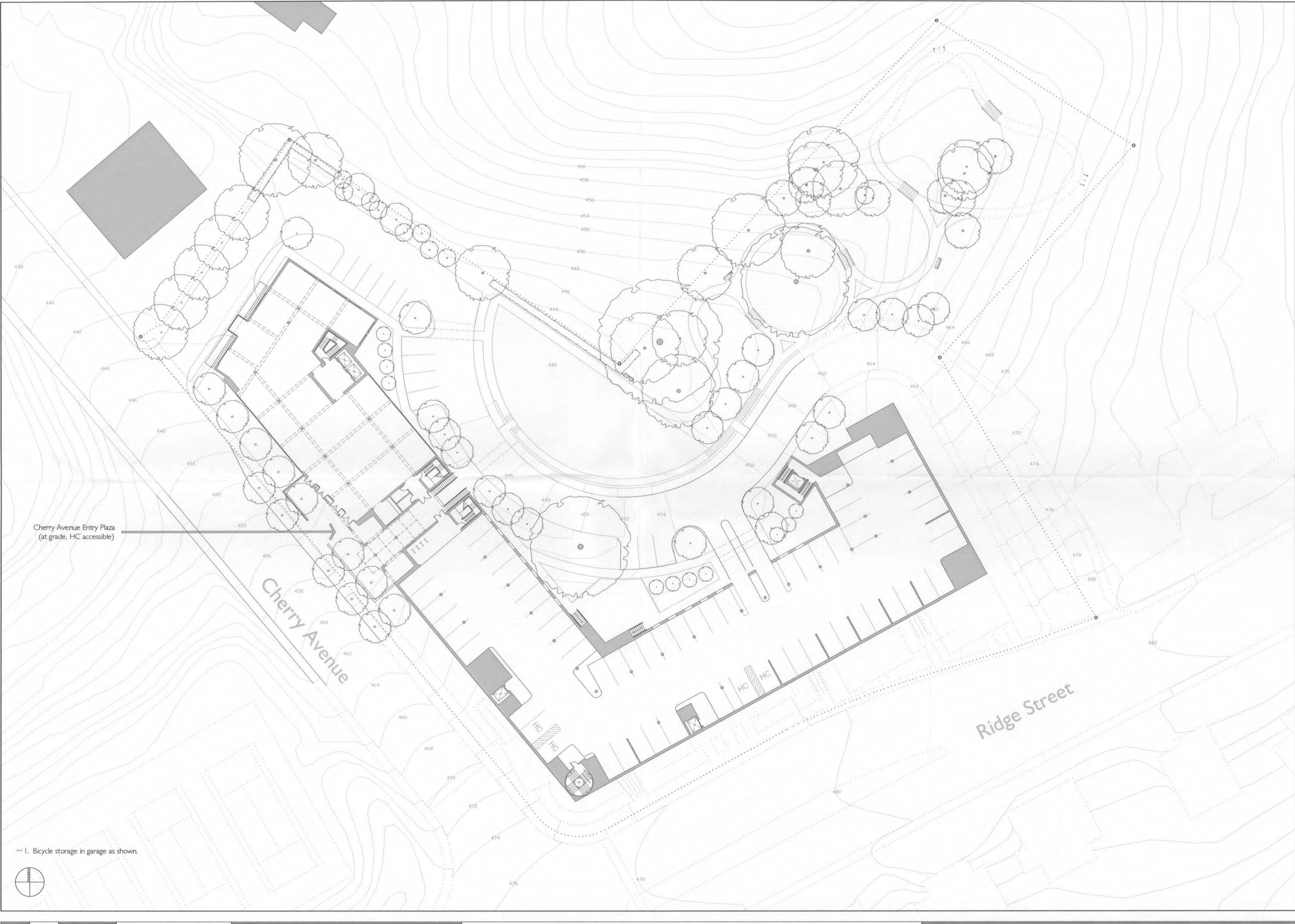
EXISTING TOPOGRAPHY WITH PROPOSED PARKING LOT GRADES

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Cherry Avenue Entry Plaza
(at grade, HC accessible)

Cherry Avenue

Ridge Street

** 1. 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.
 - 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.
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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, 2009.

Owner/Applicant:
Rock Creek Properties, LLC

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

By: 

Frank Ballif, Manager

**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

CITY OF CHARLOTTESVILLE
DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES
STAFF REPORT



APPLICATION FOR REZONING OF PROPERTY

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

DATE OF HEARING: May 12, 2015
APPLICATION NUMBER: ZM15-00001

Project Planner: Matt Alfele

Date of Staff Report: April 24, 2015

Applicant: Richard Spurzem, agent for Neighborhood Investments, LLC

Applicants Representative: Michael Myers, P.E.

Current Property Owner: Neighborhood Investments, LLC

Application Information

Property Street Address: 408 Harris Road

Tax Map/Parcel #: Tax Map 21A, Parcels 104

Total Square Footage/ Acreage Site: 0.20 acres or 8,712 square feet

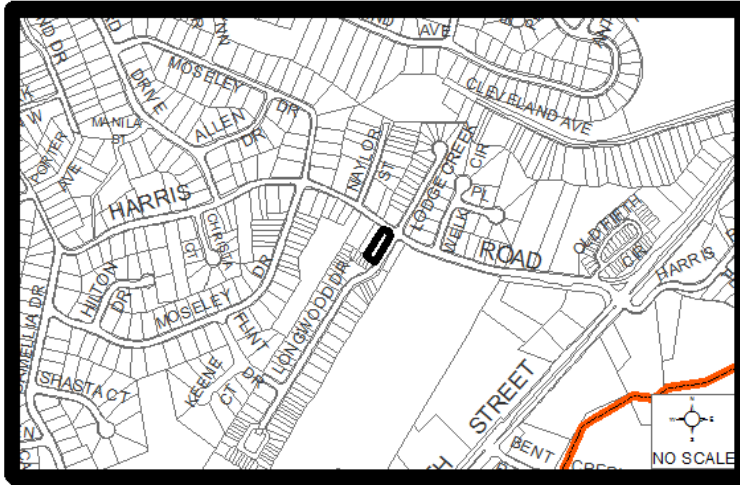
Comprehensive Plan (Land Use Plan): Low Density Residential

Current Zoning Classification: R-2

Applicant's Request

The applicant has requested to amend the July 20, 2009 Development Plan for the Longwood PUD. The applicant owns Tax Map 21A, Parcel 104 (408 Harris Road) which abuts the existing Longwood development to the North and has frontage on Longwood Drive and Harris Road. The applicant proposes to expand the existing Longwood development onto this parcel and add five (5) townhomes, additional parking, and open space.

Vicinity Map



Rezoning Standard of Review

Sec. 34-42. - Commission study and action.

- a. All proposed amendments shall be reviewed by the planning commission. The planning commission shall review and study each proposed amendment to determine:
 1. Whether the proposed amendment conforms to the general guidelines and policies contained in the comprehensive plan;
 2. Whether the proposed amendment will further the purposes of this chapter and the general welfare of the entire community;
 3. Whether there is a need and justification for the change; and
 4. When pertaining to a change in the zoning district classification of property, the effect of the proposed change, if any, on the property itself, on surrounding property, and on public services and facilities. In addition, the commission shall consider the appropriateness of the property for inclusion within the proposed zoning district, relating to the purposes set forth at the beginning of the proposed district classification.
- b. Prior to making any recommendation to the city council, the planning commission shall advertise and hold at least one (1) public hearing on a proposed amendment. The planning commission may hold a joint public hearing with the city council.
- c. The planning commission shall review the proposed amendment and shall report its findings and recommendations to the city council, along with any appropriate explanatory materials, within one hundred (100) days after the proposed amendment was referred to the commission for review. Petitions shall be deemed referred to the commission as of the date of the first planning commission meeting following the acceptance of the petition by the director of neighborhood development services.

Failure of the commission to report to city council within the one hundred-day period shall be deemed a recommendation of approval, unless the petition is withdrawn. In the event of and upon such withdrawal, processing of the proposed amendment shall cease without further action.

Planned Unit Development Standard of Review

Sec. 34-490. - In reviewing an application for approval of a planned unit development (PUD) or an application seeking amendment of an approved PUD, in addition to the general considerations applicable to any rezoning the city council and planning commission shall consider whether the application satisfies the following objectives of a PUD district:

1. To encourage developments of equal or higher quality than otherwise required by the strict application of zoning district regulations that would otherwise govern;
2. To encourage innovative arrangements of buildings and open spaces to provide efficient, attractive, flexible and environmentally sensitive design.
3. To promote a variety of housing types, or, within a development containing only a single housing type, to promote the inclusion of houses of various sizes;
4. To encourage the clustering of single-family dwellings for more efficient use of land and preservation of open space;
5. To provide for developments designed to function as cohesive, unified projects;
6. To ensure that a development will be harmonious with the existing uses and character of adjacent property, and/or consistent with patterns of development noted with respect to such adjacent property;
7. To ensure preservation of cultural features, scenic assets and natural features such as trees, streams and topography;
8. To provide for coordination of architectural styles internally within the development as well as in relation to adjacent properties along the perimeter of the development; and
9. To provide for coordinated linkages among internal buildings and uses, and external connections, at a scale appropriate to the development and adjacent neighborhoods;
10. To facilitate access to the development by public transit services or other single-vehicle-alternative services, including, without limitation, public pedestrian systems.

Analysis

1. Below are areas where the development complies with the Comprehensive Plan

This area of the City has been identified for Low Density Residential as found on the Charlottesville Land Use Map and outlined in Goal 2 under the Land Use Section of the 2013 Comprehensive Plan.

a. Housing

8.3: Encourage housing development where increased density is desirable and strive to coordinate those areas with stronger access to employment opportunities, transit routes and commercial services.

8.5: 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.

b. Historic Preservation & Urban Design

7.11: Encourage retaining and replenishing shade trees, particularly large trees where possible, in all neighborhoods as we strive to make the City more walkable.

2. Below are areas where the development is inconsistent with the Comprehensive Plan

The proposed addition to the Longwood Drive PUD would not create any additional affordable units.

a. Housing

3.1: Continue to work toward the City's goal of 15% supported affordable housing by 2025.

3.2: Incorporate affordable units throughout the City, recognizing that locating affordable units throughout the community benefits the whole City.

3.3: Achieve a mixture of incomes and uses in as many areas of the City as possible.

3.4: Encourage creation of new, onsite affordable housing as part of rezoning or residential special use permit applications.

3.5: Consider the range of affordability proposed in rezoning and special use permit applications, with emphasis on provision of affordable housing for those with the greatest need.

4.3: Promote long-term affordability of units by utilizing industry strategies and mechanisms, including deed restrictions and covenants for their initial sale and later resale and the use of community land trusts.

6.4: Encourage the creative uses of innovative housing through available opportunities, such as infill SUP and PUD.

7.1: To the greatest extent feasible, ensure affordable housing is aesthetically similar to market rate.

7.3: Encourage appropriate design so that new supported affordable units blend into existing neighborhoods, thus eliminating the stigma on both the area and residents.

The proposed addition to the Longwood Drive PUD would create two (2) additional curb cuts to Harris Road and additional curb cuts to Longwood Drive. The addition would also introduce garages to Harris Road which are uncommon.

b. Transportation

2.3: Improve walking and biking conditions by discouraging and/or minimizing curb cuts for driveways, garages, etc. in new development and redevelopment.

The proposed addition to the Longwood Drive PUD would introduce townhomes to Harris Road which is out of the architectural character of the road.

c. Historic Preservation & Urban Design

1.2: Promote Charlottesville's diverse architectural and cultural heritage by recognizing, respecting, and enhancing the distinct characteristics of each neighborhood.

3. Effect on Surrounding Properties and Public Facilities

The most significant change to the surrounding properties and public facilities would be the increased density from 0.20 acres of land zoned R-2 to five (5) townhomes with supporting parking. The lot directly to the west (Tax Map 21A Parcel 103) could be the most directly affected by the PUD expansion. The lot would be bordered on two sides by three (3) story townhomes. Added units to the existing PUD will also require additional public infrastructure support.

4. Proffers

The original proffer statement approved by City Council in 2009 is attached to the staff report. The applicant is requesting to amend this statement. The amendments are discussed below.

Proffer (1) Original: *A new pedestrian trail from Longwood Drive to Jackson Via Elementary School parking lot shall be provided substantially as shown on the attached concept plan. The provision of such trail shall be subject to the reasonable approval of the City School Board.*

Proffer (1) New: *Fulfilled.*

The applicant is stating they have fulfilled this proffer.

Proffer (3) Original: *Funding for improvements to the existing trails from Jackson Via Elementary School to the Rivanna Trail and Rivanna Trail area in floodway to the south of the PUD site will be provided to the City up to the amount of \$20,000 within 6 months after site plan approval. Improvements to be so funded shall be commenced within 12*

months after the payment of such funding to the City and thereafter completed within a reasonable time.

Proffer (3) New: *Fulfilled.*

The applicant is stating they have fulfilled this proffer.

Proffer (6) Original: *The Owner will donate the sum of Fifty thousand dollars (\$50,000.00) to the City of Charlottesville for its affordable housing fund.*

Proffer (6) New: *The Owner will donate the sum of Ten thousand dollars (\$10,000.00) to the City of Charlottesville for its affordable housing fund.*

The applicant is stating they have fulfilled this proffer. The City received a check for Fifty thousand dollars (\$50,000.00) on March 18, 2015 and was deposited March 20, 2015.

The Ten thousand dollars (\$10,000.00) would be a new donation connected to the PUD expansion.

Proffer (8) Original: *Owner agrees to make available for rent to households with Section 8 vouchers four rental units on Longwood Drive for a period of Five years after approval of the PUD application. Owner shall have the right to qualify any prospective tenants who occupy such units with Section 8 vouchers in accordance with Owner's customary tenant selection criteria for similar non-Section 8 units (aside from the income requirement).*

Proffer (8) New: *Fulfilled.*

The applicant is stating they have fulfilled this proffer.

5. Development Plan

The proposed amended Development Plan would increase the existing PUD by 0.20 acres, going from 4.53 acres to 4.73 acres to accommodate an additional five (5) townhomes. This addition would change the current 13.5 dwelling units per acre (DUA) to 13.9 DUA. Two thousand (1,565) square feet of open space and seven (7) parking spaces are also elements that have been added to the amended Development Plan.

6. Questions for the Planning Commission to Discuss

- **Is the intersection of Harris Road and Longwood Drive the appropriate location for higher density residential units?**

The applicant has turned the two (2) end townhomes to front on Harris Road. This new configuration requires a new curb cut on Harris Road for a double driveway.

- **Is the amended proffer statement sufficient to address impacts?**

The applicant has updated the proffer statement to reflect conditions met. They have added one (1) new proffer donating Ten thousand dollars (\$10,000.00) to the City's housing fund.

- **Are three (3) story townhomes harmonious with the existing uses and character of adjacent property and neighborhood?**

The majority of residential units along Harris Road are one (1) and two (2) story structures without garages. The applicant is proposing three (3) story structures with garages.

7. Public Comments Received

Staff received a comment from an adjacent property owner that the new townhomes would be too close to the existing townhomes. The applicant has updated the development plan to address that comment, but the property owner would like to see a minimum of 25' buffer. On April 8, 2015 the Fry's Spring neighborhood association had a meeting where the Longwood Drive PUD amendment was discussed. An NDS staff member was on hand along with a representative from the applicant. The following are comments from the neighborhood:

- (1) Who would be responsible for maintaining the pervious pavers? This would be the responsibility of the HOA.
- (2) Could any of the 15% affordable units be used to house a City police officer? Unfortunately the affordable units cannot be used in this way.
- (3) Will the crosswalk a Longwood Drive be ADA compliant? Yes.
- (4) The neighborhood wanted to know why the development was expanding before it has been built out and if any of the affordable units have been built. The applicant's representative stated that the affordable units would be built in the future at the south end of Longwood Drive. He also stated that the market was not right to build in the southern end of Longwood Drive yet and it would be more favorable to build market rate on Harris Road.

8. Staff Recommendation

Staff finds that incorporating five (5) additional townhomes into the existing Longwood PUD complies with many of the goals laid out in the Comprehensive Plan, but some concerns remain.

The principal concern staff has is Sec. 34-490(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.

Staff believes that three (3) story townhomes with garages will not be harmonious with the existing uses and character of the Harris Road corridor and surrounding neighborhoods. Staff has some reservation about the addition of a wide curb cut so close to Longwood Drive. This could be problematic for pedestrians and school children as it would create an additional obstacle to cross.

Also of concern is the fulfillment and documentation of the 2009 proffers. The applicant has stated that three (3) of the proffers have been satisfied, but staff would like more detailed documentation on how that was determined. Staff would also like more clarification on how proffer # (5) will be fulfilled. The addition of proffer # (6) is very much welcomed by the City.

The fact that the applicant is asking to expand the Longwood Drive PUD before the original development has been built-out is also of concern to staff and the surrounding neighborhood. It is the understanding of staff that the 15% affordable units have not been built yet and are planned for the southern end of Longwood Drive. The introduction of a phasing plan would be helpful so the City and surrounding neighborhoods fully understand the timeframe of Longwood Drive PUD.

Staff finds the Longwood PUD amendment complies with some of the goals of the Comprehensive Plan and all documents required by the code have been submitted by the required deadline to warrant a decision from Planning Commission. Staff also finds that the Longwood Drive PUD amendment does not comply with Sec. 34-490(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”*, and recommends denial.

9. **Attachments**

- Application
- Project Narrative
- Status of Final Proffer Conditions
- Comment Response Letter
- March 24, 2015 Proffer Statement
- Development Area Detail
- Perspective from Harris Road

- March 24, 2015 Amended Development Plan
- Portion of Final Approved Site Plan dated March 11, 2001 for Context
- Proffer Statement Dated march 20, 2009

10. Suggested Motions

1. I move to recommend approval of this application to amend the development plan for the Longwood Drive Planned Unit Development with amended proffers, on the basis that the proposal would serve the interests of the general public welfare and good zoning practice.
2. I move to recommend denial of this application to amend the concept plan for the Longwood Drive Planned Unit Development with amended proffers, on the basis that the proposal would not serve the interests of the general public welfare and good zoning practice.



RECEIVED

FEB 24 2015

REZONING PETITION

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

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

I (we) the undersigned property owner(s), contract purchaser(s) or owner's agent(s) do hereby petition the Charlottesville City Council to amend the City Zoning District Map for the property described below from R-2 (Current Zoning Classification) to PUD (Proposed Zoning Classification).

Reasons for Seeking This Change to add 5 residential units to the existing Longwood PUD.

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

- 1. 175 feet of frontage on LONGWOOD DRIVE (name of street)
2. Approximate property dimensions: 175 feet by 50 feet.
3. Property size: 0.20 AC (square feet or acres)
4. Present Owner: NEIGHBORHOOD INVESTMENTS, LLC as evidenced by deed recorded in Deed Book Number 2014 Page 3996, with the Clerk of the Circuit Court.
5. Mailing Address of Present Owner: 810 CATALPA CT, CHARLOTTESVILLE, VA 22903
6. City Real Property Tax Map Number Parcel(s) Lot(s) PARCEL NO. 21A104000

A. PETITIONER INFORMATION

Petitioner Name (Print or Type) RICHARD SPORZEM
Petitioner Mailing Address: 810 CATALPA CT, CHARLOTTESVILLE, VA 22903
Work Phone: 434-923-8900 Fax
Home Phone: Email richard@neighborhoodprops.com
Does Petitioner currently own the property where the rezoning is requested? YES
If no, please explain DEVELOPER OF EXISTING LONGWOOD PUD

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

Table with 3 columns: Property Owner Name, Mailing Address, City Tax Map and Parcel #. Content: REFER TO COVER SHEET OF PUD

C. ATTACHMENTS TO BE SUBMITTED BY THE PETITIONER

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

Richard Sporzem, Thqr.
Signature of Petitioner(s)

For Office Use Only (Sign Posting)
I certify that the sign(s) as required by Section 31-44 of the City Code as amended has been posted on the following date:
Signature
Date Paid: 2/24/15 Amt. Paid: \$2,000.00 Cash/Check # 106 Recorded by: J. Parnore



172 South Pantops Drive
Charlottesville, VA 22911

434.979.8121 (p)
434.979.1681 (f)
DominionEng.com

February 23, 2015

Matt Alfele, ASLA
City Planner
Neighborhood Development Services
610 East Market Street
Charlottesville, VA 22902

RE: Longwood Drive PUD Amendment - Narrative

Dear Matt.

This letter shall serve as our project narrative in accordance with Zoning Ordinance Section 34-490 pursuant to 34-517(a)2, for the incorporation of City Tax Map 21A Parcel 104 (0.20 acres) into the existing Longwood Drive PUD (4.53 acres). The density of the resulting PUD will increase from 13.5 DU/Ac to 14.0 DU/AC as the developer is proposing to construct an additional 5 attached residential units, associated parking, and a 2,000-sf open space parcel.

The project is in accord with the requirements of 34-490 in accordance with the following:

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

Approval of this PUD Amendment will allow for the creation of an aesthetically pleasing 2,000-sf open space parcel and associated street tree and open space plantings. This would not be practical the existing R-2 zone.

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

The buildings have been broken up so as to maximize the open space area onsite, which conforms in spirit to the arrangement of the buildings in the existing Longwood Drive PUD. There, the attractive arrangement of buildings around open space/park areas adds to the site design. The site and proffers also provide an opportunity to provide pervious pavement in parking areas to meet water quantity/quality criteria.

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

The proposed PUD is intermingled in a community with a mix of single family detached and duplexes, thereby creating a variety of housing types of various sizes.

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

Each area of the PUD, including the existing PUD, groups the proposed units around an open space/park parcel. Even with its relatively small size, the proposed amendment contains such a park located central to the units.

(5) To provide for developments designed to function as cohesive, unified projects;



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There is a mix of different housing types on Longwood Drive, to include the approved PUD mix of towns and duplexes on the upper and lower end of Longwood Drive and the existing duplexes to remain in the area in between. The proposed PUD Amendment will unify the upper area of the PUD and to serve as a gateway to the entire PUD development.

(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 proposed PUD Amendment contains only residential units, and is harmonious with the parent PUD and the ongoing construction of new residential units on Harris Drive west of the site. Building materials will be consistent with those of the recently constructed homes on Longwood Drive.

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

There are no features on this site that are of significant scenic or natural value. The developer will attempt to preserve the existing trees adjacent to Harris Drive if possible. However, in the event these trees can not be saved, the developer will plant suitable street trees in their stead.

(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

The architectural style will match that proposed with the existing PUD development.

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

There is an existing sidewalk along the perimeter of the site. The HOA documents will incorporate a provision to allow appropriate access for residents to the open space area.

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

As part of the original PUD, a pedestrian link has been provided to the neighboring Jackson Via Elementary school, located just east of the site.

We thank you very much for your review of this project and look forward to your thoughtful review and staff report.

Best Regards,

A handwritten signature in blue ink, appearing to read 'Michael Myers', is written over a faint, circular stamp.

Michael Myers, P.E.

Cc: Richard Spurzem

**STATUS OF FINAL PROFFER CONDITIONS
For the LONGWOOD DRIVE PUD AMENDMENT**

Dated as of March 24, 2015

1. A new pedestrian trail from Longwood Drive to Jackson Via Elementary School parking lot shall be provided substantially as shown on the attached concept plan. The provision of such trail shall be subject to the reasonable approval of the City School Board.

STATUS: Fulfilled

2. A new pedestrian trail connecting the cul-de-sac of Longwood Drive to existing Rivanna Trail system on the property now owned by the City of Charlottesville to the south of the Subject Property shall be provided.

STATUS: Not yet completed. Work will be completed when site work commences on south side of project.

3. Funding for improvements to the existing trails from Jackson Via Elementary School to the Rivanna Trail and Rivanna Trail area in floodway to the south of the PUD site will be provided to the City up to the amount of \$20,000 within 6 months after site plan approval. Improvements to be so funded shall be commenced within 12 months after the payment of such funding to the City and thereafter completed within a reasonable time.

STATUS: Fulfilled.

4. Pervious paving methods will be used in any newly constructed off-street parking spaces within the PUD site to reduce stormwater runoff into the city stormwater system.

STATUS: Pervious paving methods have been used on constructed units.

5. 15% of dwelling units (calculated to the nearest whole number) within the PUD will be designated as "affordable housing" units. Such "affordable housing" units shall be offered for final sale, for a period of 6 months after the issuance of certificates of occupancy for such units to a household whose income is 60% to 80% of Median Area Income as defined by the most recent figures generated by the U.S. Department of Housing and Urban Development. The offering price for such units shall be such that the annual cost of housing for such households does not exceed 30% of the household's gross income, including taxes and insurance, together with periodic payments of principal and interest for a purchase money loan from a commercial lender using customary and reasonable underwriting criteria applicable to the Charlottesville area. In the event that the units offered for first sale are not purchased by qualifying households within such 6 months' period, this restriction shall terminate, and the units may thereafter be offered for sale at market prices.

STATUS: This proffer remains in effect.

6. The Owner will donate the sum of Fifty thousand dollars (\$50,000.00) to the City of Charlottesville for its affordable housing fund.

STATUS: Fulfilled.

7. The Owner agrees to offer to re-locate any household displaced by the construction of this PUD to another rental unit owned by Owner on Longwood Drive and to pay such the reasonable costs of moving and re-location. Such relocation shall be on rental terms substantially similar to the terms applicable to the unit from which such household is relocated.

STATUS: This proffer remains in effect.

8. Owner agrees to make available for rent to household with Section 8 vouchers four rental units on Longwood Drive for a period of five years after approval of the PUD application. Owner shall have the right to qualify any prospective tenants who would occupy such units with Section 8 vouchers in accordance with Owner's customary tenant selection criteria for similar non-Section 8 units (aside from the income requirement).

STATUS: Fulfilled.



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Charlottesville, VA 22911

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DominionEng.com

March 24, 2015

Matt Afele, ASLA
City Planner
Neighborhood Development Services
610 East Market Street
Charlottesville, VA 22902

RE: Longwood Drive PUD Amendment – Comment-Response Letter

Dear Matt.

Thanks for your review of the referenced PUD application. The following is our response to your comments dated March 11, 2015.

1. The Planning Commission wants to know the statuses of all (8) original proffers. If a proffer have been met they will need to see documentation supporting the fulfillment. If they have not been met yet, they would probably want to know what is being done.

RESPONSE: A proffer status memorandum has been included with this submission.

2. From the meeting it sounded like the developer wants to offer additional money as outlined in proffer #(6). Any change to the proffers (even if it is increasing the donation) will require a new proffer statement. This ties into (1) on this list. If the developer has satisfied a proffer from the original PUD and can document it, it would not be required in the new proffer statement. An example of this would be, let us say proffer statement #1 has been fulfilled. The new proffer statement would no longer need to have #1 on it, as it is no longer relevant. The City attorney would like to review any new proffer statement.

RESPONSE: A new proffer statement is proposed.

3. Addressing the concerns with how the development will fit in with Harris and be separated from the existing townhomes. (From the sketch it looks like you are doing that)

RESPONSE: Additional separation from the existing townhomes has been provided.

4. They wanted to know the number of bedrooms in the new townhomes, (1), (2), or (3).

RESPONSE: The units are to be three bedroom as added to the site notes.

5. It sounded like the Planning Commission would like to see more detail on the development plan.

RESPONSE: A blowup of the proposed plan view has been provided.

6. They would like to see something in 3D or elevation. I think they are looking for something that will show the mass as it relates to the surrounding development and also how it will look from Harris.

RESPONSE: An elevation has been provided.

7. Reach out to the neighborhoods. (Looks like you are doing that. Just make sure to document your steps and what comes out of it)



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RESPONSE: We have reached out to both the Fry's Spring and Ridge Street HOA's. We will provide you with updates on our progress over the upcoming weeks.

8. Address the pedestrian experience on Longwood and along Harris.

RESPONSE: There are existing sidewalks, curb ramps and crosswalks along the site frontage.

9. PC would like fewer parking spaces. (again it looks like you are addressing that)

RESPONSE: We have eliminated 3 of the 5 extra parking spaces.

We thank you very much for your review of this project and look forward to your thoughtful review and staff report.

A handwritten signature in blue ink, appearing to be "R. Spurzem", is written over a horizontal line.

P.E.

Cc: Richard Spurzem

**DRAFT STATEMENT OF FINAL PROFFER CONDITIONS
For the LONGWOOD DRIVE PUD AMENDMENT**

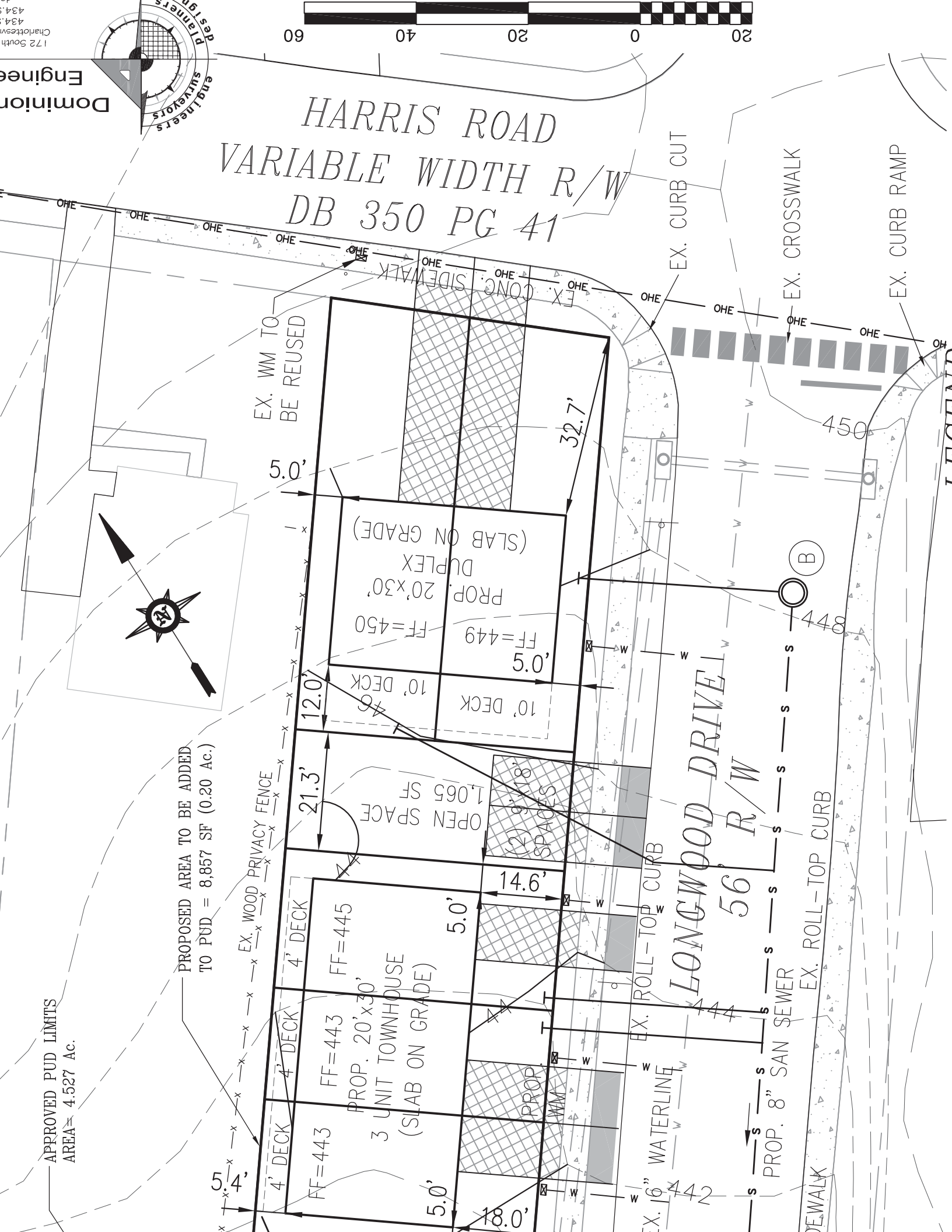
Dated as of March 24, 2015

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

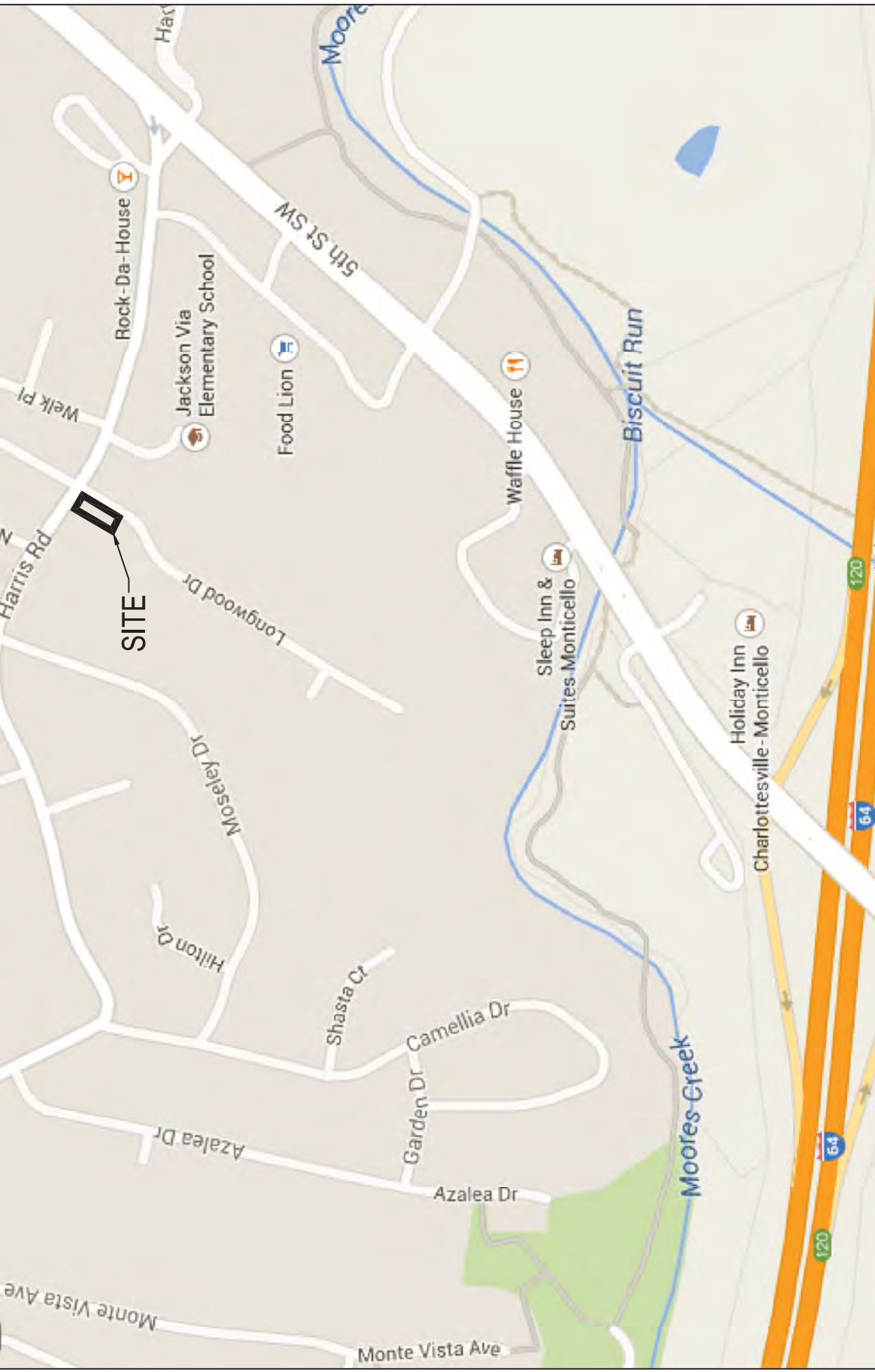
The undersigned is the owner of land subject to the above-referenced rezoning petition (“Subject Property”). The Owner/Applicant seeks to amend the current zoning of the Subject Property subject to certain voluntary development conditions set forth below. In connection with this rezoning application, the Owner/Applicant seeks approval of a PUD as set forth within a PUD Development Plan dated 2/24/2015.

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. Fulfilled.
2. A new pedestrian trail connecting the cul-de-sac of Longwood Drive to existing Rivanna Trail system on the property now owned by the City of Charlottesville to the south of the Subject Property shall be provided.
3. Fulfilled.
4. Pervious paving methods will be used in any newly constructed off-street parking spaces within the PUD site to reduce stormwater runoff into the city stormwater system.
5. 15% of dwelling units (calculated to the nearest whole number) within the PUD will be designated as “affordable housing” units. Such “affordable housing” units shall be offered for final sale, for a period of 6 months after the issuance of certificates of occupancy for such units to a household whose income is 60% to 80% of Median Area Income as defined by the most recent figures generated by the U.S. Department of Housing and Urban Development. The offering price for such units shall be such that the annual cost of housing for such households does not exceed 30% of the household’s gross income, including taxes and insurance, together with periodic payments of principal and interest for a purchase money loan from a commercial lender using customary and reasonable underwriting criteria applicable to the Charlottesville area. In the event that the units offered for first sale are not purchased by qualifying households within such 6 months’ period, this restriction shall terminate, and the units may thereafter be offered for sale at market prices.
6. The Owner will donate the sum of Ten thousand dollars (\$10,000.00) to the City of Charlottesville for its affordable housing fund.
7. The Owner agrees to offer to re-locate any household displaced by the construction of this PUD to another rental unit owned by Owner on Longwood Drive and to pay such the reasonable costs of moving and re-location. Such relocation shall be on rental terms substantially similar to the terms applicable to the unit from which such household is relocated.
8. Fulfilled.







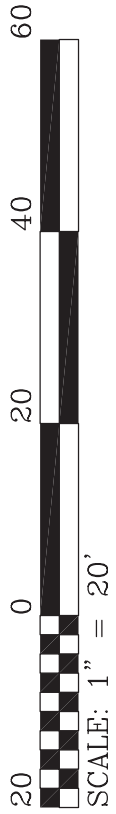
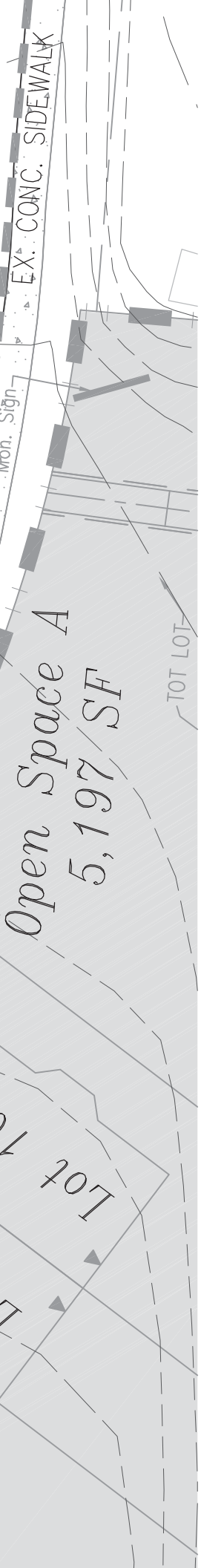
PROFFERS

DRAFT STATEMENT OF FINAL PROFFER CONDITIONS
For the LONGWOOD DRIVE PUD AMENDMENT

Dated as of March 23, 2015

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

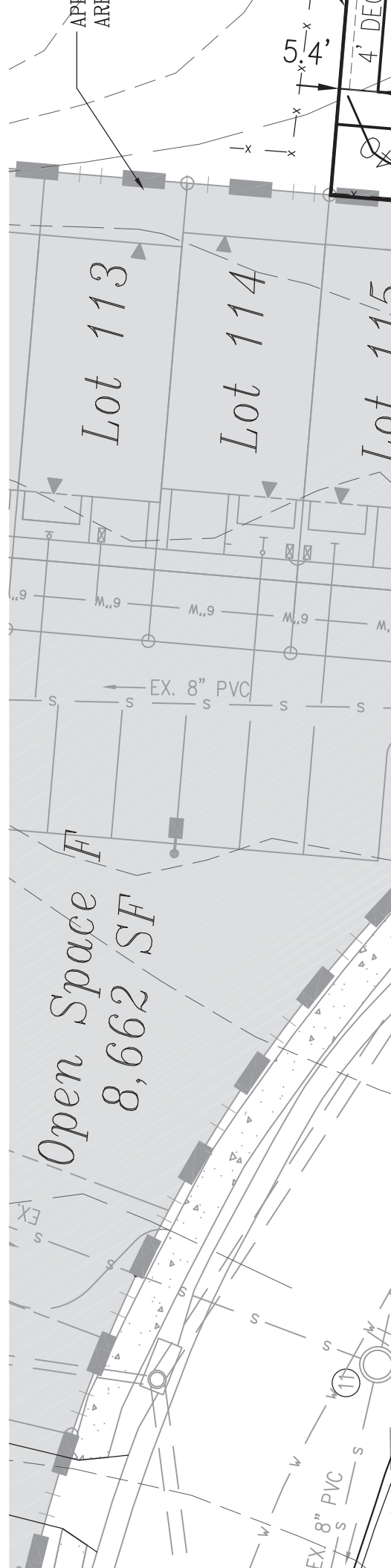




LANDSCAPE PLAN

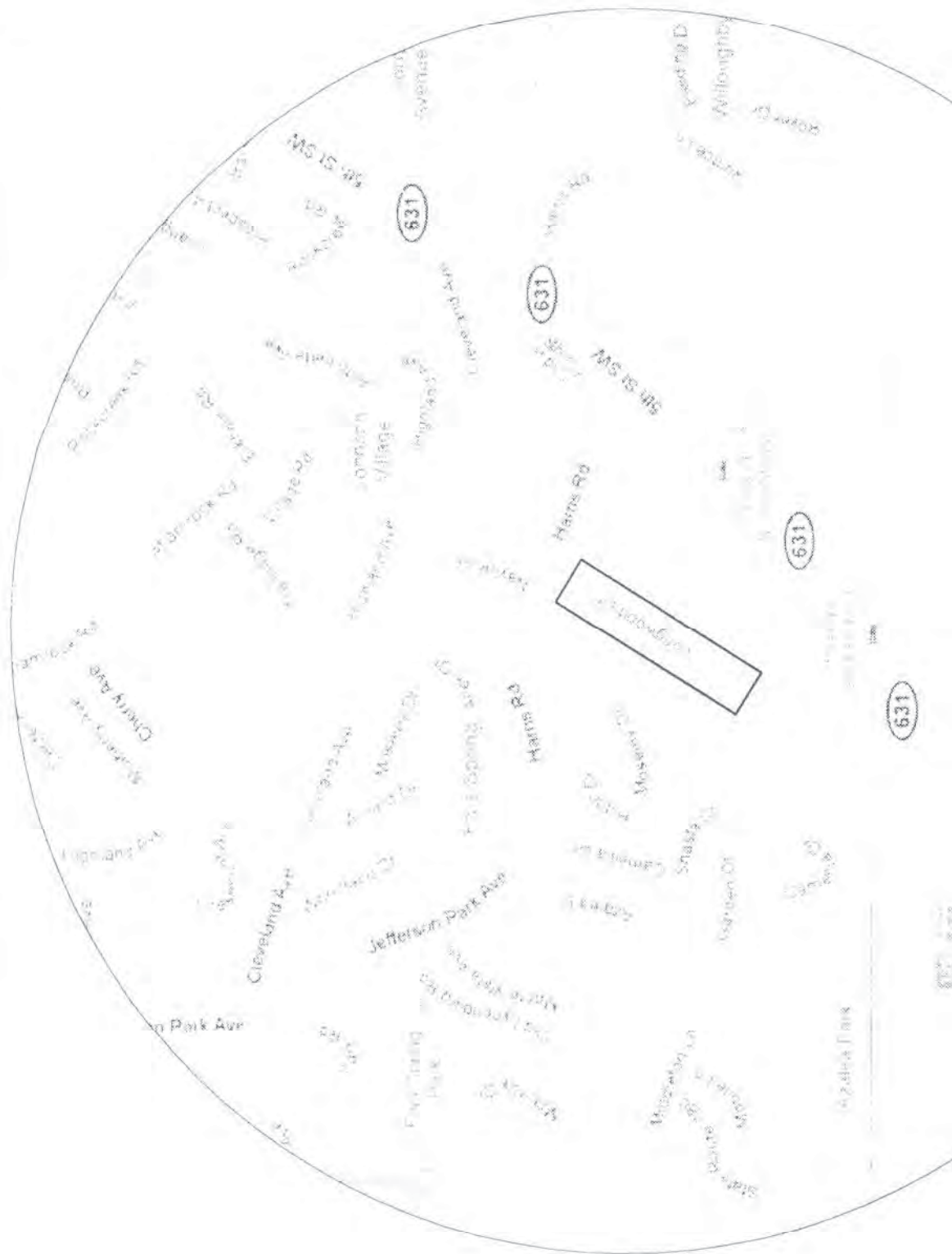
SCALE: 1" = 20'

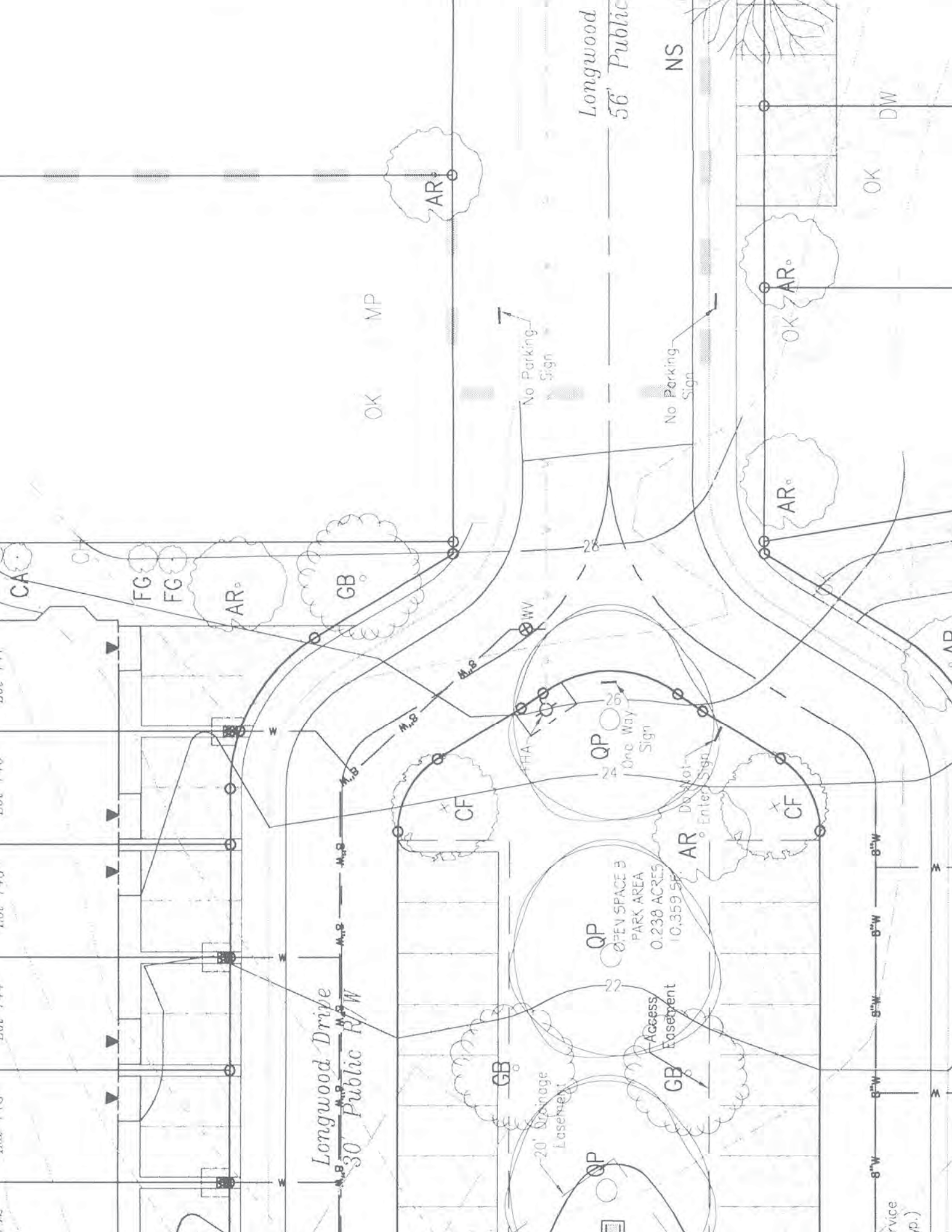
CONSTRUCTION TIMING:
THE APPLICANT ANTICIPATES A TWO TO THREE MONTH CONSTRUCTION PERIOD TO PROVIDE BUILDING-READY PADS, INCLUDING UTILITY CONSTRUCTION.

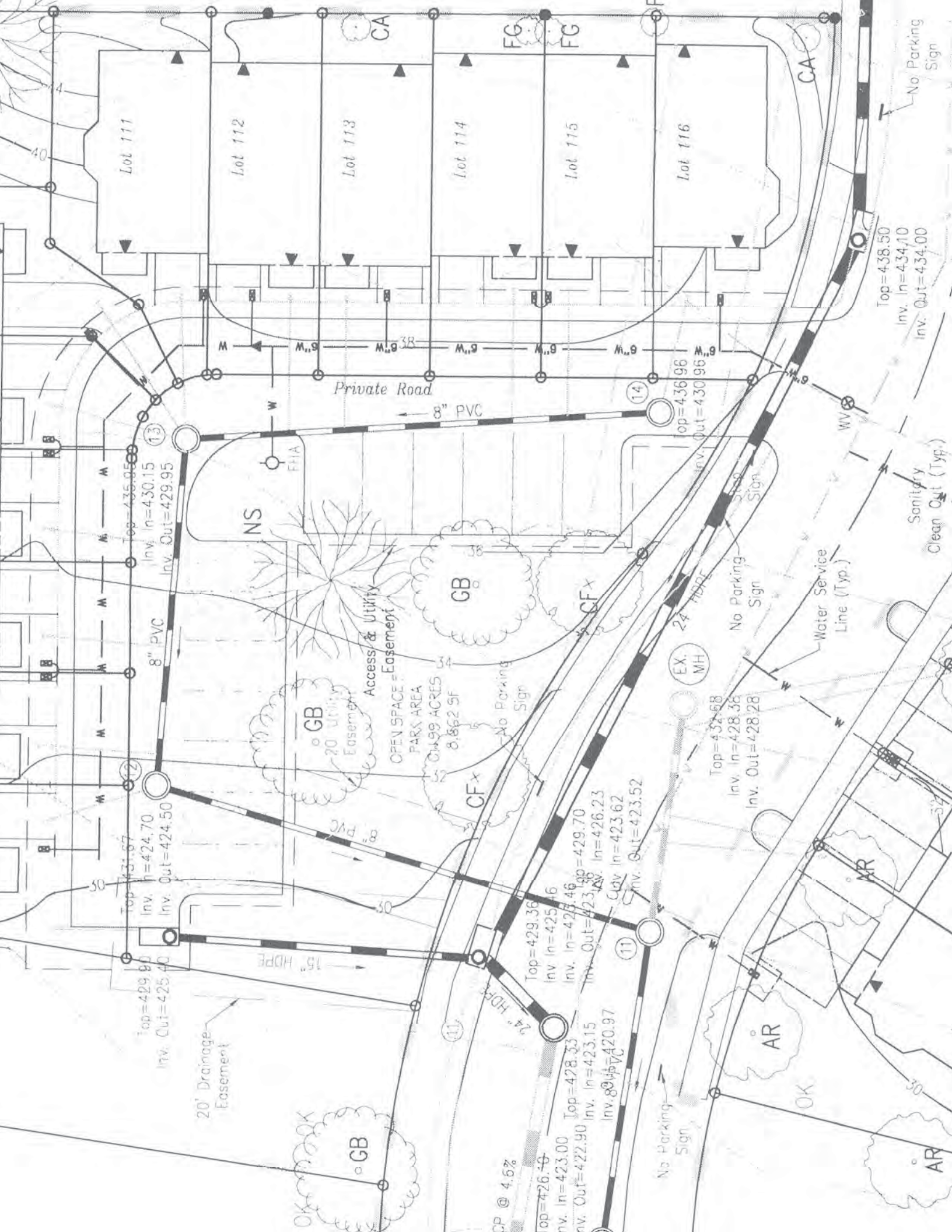


VICINITY MAP

SCALE: 1"=1000'







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

Dated as of March 20, 2009

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

The undersigned 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 Subject 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 12/23/2008.

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:

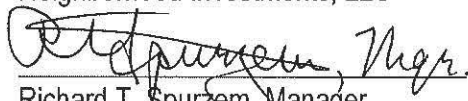
1. A new pedestrian trail from Longwood Drive to Jackson Via Elementary School parking lot shall be provided substantially as shown on the attached concept plan. The provision of such trail shall be subject to the reasonable approval of the City School Board.
2. A new pedestrian trail connecting the cul-de-sac of Longwood Drive to existing Rivanna Trail system on the property now owned by the City of Charlottesville to the south of the Subject Property shall be provided.
3. Funding for improvements to the existing trails from Jackson Via Elementary School to the Rivanna Trail and Rivanna Trail area in floodway to the south of the PUD site will be provided to the City up to the amount of \$20,000.00 within 6 months after site plan approval. Improvements to be so funded shall be commenced within 12 months after the payment of such funding to the City and thereafter completed within a reasonable time.
4. Pervious paving methods will be used in any newly constructed off-street parking spaces within the PUD site to reduce stormwater runoff into the city stormwater system.
5. 15% of dwelling units (calculated to the nearest whole number) within the PUD will be designated as "affordable housing" units. Such "affordable housing" units shall be offered for first sale, for a period of 6 months after the issuance of certificates of occupancy for such units to a households whose income is 60% to 80% of Median Area Income as defined by the most recent figures generated by the U.S. Department of Housing and Urban Development. The offering price for such units shall be such that the annual cost of housing for such households does not exceed 30% of the household's gross income, including taxes and insurance, together with periodic payments of principal and interest for a purchase money loan from a commercial lender using customary and reasonable underwriting criteria applicable to the Charlottesville area. In the event that the units offered for first sale and not purchased by qualifying households within such 6 months' period, this restriction shall terminate, and the units may thereafter be offered for sale at market prices.

6. The Owner will donate the sum of Fifty thousand dollars (\$50,000.00) to the City of Charlottesville for its affordable housing fund.
7. The Owner agrees to offer to re-locate any household displaced by the construction of this PUD to another rental unit owned by Owner on Longwood Drive and to pay such the reasonable costs of moving and re-location. Such relocation shall be on rental terms substantially similar to the terms applicable to the unit from which such household is relocated.
8. Owner agrees to make available for rent to households with Section 8 vouchers four rental units on Longwood Drive for a period of five years after approval of the PUD application. Owner shall have the right to qualify any prospective tenants who would occupy such units with Section 8 vouchers in accordance with Owner's customary tenant selection criteria for similar non-Section 8 units (aside from the income requirement).

WHEREFORE, the undersigned Owner stipulates and agrees 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 20th day of March, 2009.

By Owner: Neighborhood Investments, LLC


Richard T. Spurzem, Manager

Owner's Address: P.O. Drawer R,
Charlottesville, VA 22903

CITY OF CHARLOTTESVILLE
DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES
STAFF REPORT



APPLICATION FOR A SPECIAL USE PERMIT

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

DATE OF HEARING: May 12, 2015
APPLICATION NUMBER: SP-1500001

Project Planner: Matt Alfele

Date of Staff Report: April 24, 2015

Applicant: Richard Spurzem of Neighborhood Investments, LLC

Applicants Representative: Scott Collins, P.E.

Current Property Owner: Neighborhood Investments, LLC

Application Information

Property Street Address: 1725 Jefferson Park Avenue

Tax Map/Parcel #: Tax Map 16, Parcels 16

Total Square Footage/ Acreage Site: 0.385 acres or 16,770 square feet

Comprehensive Plan (Land Use Plan): High Density Residential

Current Zoning Classification: R-3 within the Entrance Corridor Overlay District

Tax Status: Parcel is up to date on paid taxes

Applicant's Request

Scott Collins, acting as representative for the owner, is asking for a Special Use Permit (SUP) in conjunction with a site plan for a multi-family residential structure at 1725 Jefferson Park Avenue. The property has additional street frontage on Montebello Circle. The request is for additional residential density and side yard setback modifications. *(The ad contained information relating to height. The applicant is no longer seeking an increase in height).* The

proposed development plan shows a (45) foot tall building with (19) residential units and structured parking for (32) vehicles.

Vicinity Map



Standard of Review

The Planning Commission must make an advisory recommendation to the City Council concerning approval or disapproval of a Special Use Permit (SUP) for the proposed development based upon review of the site plan for the proposed development and upon the criteria set forth. The applicant is proposing changes to the current site, and therefore is required to submit a site plan per sections 34-158 and 34-802 of the zoning ordinance.

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

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

- (1) Whether the proposed use or development will be harmonious with existing patterns of use and development within the neighborhood;
- (2) Whether the proposed use or development and associated public facilities will substantially conform to the city's comprehensive plan;
- (3) Whether proposed use or development of any buildings or structures will comply with all applicable building code regulations;

- (4) Whether the proposed use or development will have any potentially adverse impacts on the surrounding neighborhood, or the community in general; and if so, whether there are any reasonable conditions of approval that would satisfactorily mitigate such impacts. Potential adverse impacts to be considered include, but are not necessarily limited to, the following:
- a) Traffic or parking congestion;
 - b) Noise, lights, dust, odor, fumes, vibration, and other factors which adversely affect the natural environment;
 - c) Displacement of existing residents or businesses;
 - d) Discouragement of economic development activities that may provide desirable employment or enlarge the tax base;
 - e) Undue density of population or intensity of use in relation to the community facilities existing or available;
 - f) Reduction in the availability of affordable housing in the neighborhood;
 - g) Impact on school population and facilities;
 - h) Destruction of or encroachment upon conservation or historic districts;
 - i) Conformity with federal, state and local laws, as demonstrated and certified by the applicant; and,
 - j) Massing and scale of project.
- (5) Whether the proposed use or development will be in harmony with the purposes of the specific zoning district in which it will be placed;
- (6) Whether the proposed use or development will meet applicable general and specific standards set forth within the zoning ordinance, subdivision regulations, or other city ordinances or regulations; and
- (7) When the property that is the subject of the application for a special use permit is within a design control district, city council shall refer the application to the BAR or ERB, as may be applicable, for recommendations as to whether the proposed use will have an adverse impact on the district, and for recommendations as to reasonable conditions which, if imposed, that would mitigate any such impacts. The BAR or ERB, as applicable, shall return a written report of its recommendations to the city council.

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

Project Review / Analysis

1. Background

This is a request to increase density for a use allowed by right in R-3 zoning. Residential development up to 64 Dwelling Units per Acre (DUA) requires a Special Use Permit (SUP) in the R-3 zone.

The applicant has submitted an application requesting approval of a SUP to increase the residential density of the subject property, from its current (8) units maximum (21 DUA) to a (24) units maximum (64 DUA), although the corresponding site plan only calls for (19) units. The proposed development would reduce side yard setbacks from the current (1') setback per every (4') of height (minimum 10') and (20') corner street minimum to a proposed (5') minimum. The current use of the site is an existing (8) unit apartment building that would be demolished.

2. Proposed Use of the Property

The proposed use of the property is a (19) unit residential apartment tailored toward students attending the University.

3. Impact on the Neighborhood

a. Traffic or Parking Congestion

Traffic congestion: The current use of the site would not change from residential, but the intensity of the use would increase from the existing (8) unit apartment to a (19) unit apartment. Ingress and egress to the development would remain on Montebello Circle. The surrounding area consists of apartments and multi-family housing with traffic patterns similar to the project site. A mass transit stop is located just south of Montebello Circle on the west side of Jefferson Park Avenue. The development is also served by a fully developed bicycle infrastructure on Jefferson Park Avenue.

The site plan indicates that a residential apartment development of this size will generate (146) total trips per weekday according to the 8th Edition of the ITE Trip Generation Manual. The morning peak hour would feature (12) trips, 75% of which would be exiting the site. The afternoon peak hour would have (14) trips, with 71% entering the site.

Parking: Multi-family residential developments require (1) parking space for all (1) and (2) bedroom units and (2) spaces for all (3) and (4) bedroom units. The site plan shows (32) proposed parking spaces to serve the proposed (19)

residential units, (13) four bedroom units and (6) two bedroom units. All (32) proposed parking spaces are located on site in a structured parking deck with access off Montebello Circle.

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

This use will have an effect on the surrounding community with increased noise from additional residents living on-site and noise and fumes from the additional automobile traffic generated by the use.

c. Displacement of existing residents or businesses.

This use will require the displacement of residents in the existing (8) units.

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

The parcel is currently zoned R-3 for multi-family with the only proposed change being the intensity of the use. This will have no effect on economic development activities.

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

The use is staying the same as currently developed but the intended density for this location is less than what is being proposed within the SUP request. The City's Comprehensive Plan Land Use Map calls for high density residential in this section of the City. An increased density from (21) DUA to (64) DUA on this parcel, properly conditioned, is consistent with the surrounding community.

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

Any development not targeted for affordable housing could reduce the availability of affordable units in the City. This development is tailored toward University students and designed to concentrate this type of housing along Jefferson Park Avenue. This project will require compliance with *Sec. 34-12. - Affordable dwelling units* of the City Code. At the time of this report the developer has not indicated how they will fulfill this requirement.

g. Impact on school population and facilities.

This development is tailored toward University students and should have minimal to no impact on school population and facilities. Because housing is open to all, there is a possibility that families with children could take residence here, but it is believed this number would be small in comparison to the number of University student residents.

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

This site is not in a historic district.

i. Conformity with federal, state and local laws.

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

j. Massing and scale of the project.

R-3 zoning permits a maximum building height of (45'). The applicant indicates that the new building will be (45') containing (6) stories. The building will cut into existing grade with (6) in front and (3) stories in back. See attached elevations (page SUP.11) for more detail.

4. Zoning History

In 1949 the property was zoned A-1 Residence District. In 1958 the property was zoned R-3 Multiple Dwelling District.

5. Character and Use of Adjacent Properties

| Direction | Use | Zoning |
|-----------|------------------------|--------|
| North | Multi-family House | R-3 |
| South | Multi-family Apartment | R-3 |
| East | Multi-family Apartment | R-3 |
| West | Multi-family House | R-3 |

6. Reasonableness / Appropriateness of Current Zoning

The current R-3 zone within the Entrance Corridor Overlay District is reasonable and appropriate. By right uses in R-3 Multi-family include a wide variety of residential uses and limited commercial uses.

7. Below are areas where the development complies with the Comprehensive Plan

Creating more density and housing options near the University will reduce commuter congestion and may open up housing options in other parts of the City.

a. Housing

1.2: Evaluate the effect of reduced transportation costs and improved energy efficiency on housing affordability.

3.1: Continue to work toward the City's goal of 15% supported affordable housing by 2025.

8.3: Encourage housing development where increased density is desirable and strive to coordinate those areas with stronger access to employment opportunities, transit routes and commercial services.

8.5: 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.

b. Transportation

2.1: Provide convenient and safe bicycle and pedestrian connections between new and existing residential developments, employment areas and other activity centers to promote the option of walking and biking.

c. Historic Preservation & Urban Design

8.4: Use street trees, landscaping, and pedestrian routes to provide shade, enclosure, and accessibility in streetscapes.

8. Below are areas where the development is inconsistent with the Comprehensive Plan

Any housing development of this size may have negative and/or unforeseen impacts on affordable housing.

a. Housing

1.3: Evaluate the effects new developments have on transit, the environment, density, open space configuration, commuter costs and affordable housing.

2.1: Preserve and improve the quality and quantity of the existing housing stock through the renovation, rehabilitation and/or expansion of existing units as a means of enhancing neighborhood stability.

8.7: Encourage the incorporation of green sustainable principles (e.g. LEED, EarthCraft Virginia, Energy Star, etc.) in all housing development to the maximum extent feasible both as a way to be more sustainable and to lower housing costs.

The proposed development is calling for (2) curb cuts on Montebello Circle.

b. Transportation

2.3: Improve walking and biking conditions by discouraging and/or minimizing curb cuts for driveways, garages, etc. in new development and redevelopment.

Public comments Received

Staff held a Site Plan Conference with the public and applicant on March 18, 2015 to gain feedback. The public was concerned about how the new building would blend in with the surrounding architecture. They wish to see a quality building that looks appropriate. They were also concerned with how the new building would affect the views from homes on Montebello Circle. Staff has received phone calls from adjacent properties regarding how this building will affect their property value. The property owner abutting to the north is concerned about having a new building right on the property line and overshadowing their lot. The engineer and applicant are meeting with the JPA neighborhood on May 5th to review changes to the plan. This report was prepared before the May 5th meeting and comments from that meeting will need to be shared at a later time.

Staff recommendation

Staff recommends the Planning Commission focus on the following items during review; the parking, the pedestrian experience, and the massing and scale of the building.

The concern with potential parking is not whether or not the applicant can meet the required parking, but the impacts on the availability of on-street parking in the area once the construction of the project is complete. Staff proposes a condition for long term bike parking and lockers to address multimodal issues. Staff is encouraged that all proposed parking will be structured with no surface spots.

Pedestrians along Jefferson Park Avenue and Montebello Circle will interact with this site as the footprint will take up a majority of the lot. Staff believes the developer has an opportunity to improve the pedestrian experience and proposes a condition that would require large street trees be planted along the sidewalk to provide substantial canopy at installation.

Staff is concerned about the massing and scale of the project because of the proposed footprint and existing topography. Staff proposes a condition that would limit the finished floor elevation (FFE) and building entrance in relation to Jefferson Park Avenue.

Staff recommends that the application be approved with the following conditions:

1. Conform to *Sec 34-881-Bicycle Storage Facilities* or the most current Bicycle Storage Facilities code at time of development.
2. The finished floor elevation (FFE) and building entrance shall be no more than (6.5) feet above the average elevation of Jefferson Park Avenue that runs in front of the property.
3. Street tree shall be required as depicted with the application materials dated April 21, 2015, submitted to the City for and in connection with SP-1500001 (“! pplication”) and be 4” caliper at planting.

4. The design, height, density, and other characteristics of the development shall remain essentially the same, in all material aspects, as described within the application materials dated April 21, 2015, submitted to the City for and in connection with SP-1500001 (“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 Entrance Corridor Review, staff comments, or by any other provision(s) of these SUP Conditions, any change of the development that is inconsistent with the application shall require a modification of this SUP.
5. All outdoor lighting and light fixtures shall be full cut-off luminaires.
6. If the developer elects to make a contribution to the City’s Affordable Housing Fund to satisfy City Code 34-12(d)(2), no building permit shall be issued for the development until the amount of the contribution is calculated by the Director of Neighborhood Development Services, or designee, and until such contribution has been paid in full to the City. If the developer elects to satisfy City Code 34-12(d)(1) a detailed plan must be submitted and approved by the Director of Neighborhood Development Services, or designee before a building permit is issued.

Suggested Motions

1. I move to recommend approval of this application for a Special Use Permit in the R-3 zone at 1725 Jefferson Park Avenue to permit residential development up to (64) Dwelling Units per Acre and adjustment of side setbacks to a minimum of (5) feet with the following listed conditions.

OR,

2. I move to recommend denial of this application for a Special Use Permit in the R-3 zone at 1725 Jefferson Park Avenue.

Attachments

- Site Plan Dated April 21, 2015
- Building Elevations and Site Context Section Dated April 21, 2015
- Letter from Mark Kestner, AIA Dated April 28, 2015
- Letter from Karen Grecus Dated April 26, 2015

- PROJECT DATA:**
- THE OWNER/CLIENT OF THIS PROPERTY IS: NEIGHBORHOOD INVESTMENTS, LLC 810 CATALPA COURT CHARLOTTEVILLE, VA 22903
 - THESE PLANS HAVE BEEN PREPARED BY: COLLINS ENGINEERING, LLC 200 GARRETT STREET, SUITE K CHARLOTTEVILLE, VA 22902 TELEPHONE: (434) 293-3719
 - SOURCE OF SURVEY, TOPOGRAPHY & BOUNDARY INFORMATION: COMMONWEALTH LAND SURVEYING IN JANUARY 2015. FIELD VERIFIED BY COLLINS ENGINEERING FEBRUARY, 2015.
 - ZONING: R-3 WITH SPECIAL USE PERMIT FOR MODIFICATIONS TO THE SIDE YARD SETBACKS AND DENSITY.
 - THIS PROJECT FALLS WITHIN AN ENTRANCE CORRIDOR REVIEW
 - TAX MAP AND PARCEL NUMBER: TMP 160016000
 - USGS DATUM: NAD 83 (1994)
 - LOCATION/ADDRESS OF PROJECT: 1725 JEFFERSON PARK AVENUE, CHARLOTTEVILLE VA 22903
 - BUILDING HEIGHT: MAXIMUM BUILDING HEIGHT OF 45 FEET
 - PROPOSED USE: 19 UNIT APARTMENT BUILDING
 - BEDROOM APARTMENTS: 13 UNITS
2 BEDROOM APARTMENTS: 6 UNITS
 - GROSS DENSITY: ALLOWED BY-RIGHT: 1-21 DUA = 8 UNITS
ALLOWED BY SPECIAL USE PERMIT REQUEST: (44-64 DUA) = 24 UNITS
PROPOSED DENSITY: 19 UNITS (49 UNITS/ACRE)
 - TOTAL ACREAGE OF SITE: 0.385 ACRES
 - TOTAL PROPOSED LAND DISTURBANCE: 0.385 ACRES
 - SITE PHASING: ONE PHASE
 - CRITICAL SLOPES: NONE
 - PARKING REQUIREMENTS:
REQUIRED PARKING:
13 FOUR BDRM UNITS = 26 REQUIRED SPACES
6 TWO BDRM UNITS = 6 REQUIRED SPACES
TOTAL REQUIRED SPACES = 32 REQUIRED SPACES
PROPOSED PARKING:
32 GARAGE SPACES
0 SURFACE PARKING SPACES
0 OFFSITE PARKING SPOTS
TOTAL PARKING PROVIDED: 32 SPACES

- PUBLIC UTILITIES: THE SITE WILL BE SERVED BY EXISTING PUBLIC WATER AND SEWER. WATER AND WASTE WATER MAIN PROFILES WILL BE PROVIDED WITH THE FINAL SITE PLAN.
- STORMWATER MANAGEMENT AND STORM DRAINAGE: THE STORMWATER RUNOFF RATES, VOLUMES, AND VELOCITIES RESULTING FROM THIS DEVELOPMENT WILL BE IMPROVED PRIOR TO ENTERING THE CITY'S STORM SEWER SYSTEM. THE DEVELOPMENT CURRENTLY PROPOSES THE INSTALLATION OF PERMEABLE PAVEMENT FOR THE EXTERIOR PARKING LOT WITH A DOWNGRADE BIORETENTION BASIN PROPOSED TO TREAT THE ROOFTOP DRAINAGE. THIS SWM PLAN, OR AN EQUIVALENT SWM PLAN MEETING MINIMUM CITY REQUIREMENTS, SHALL BE PROPOSED AND REVIEWED WITH THE FINAL SITE PLAN.
- STREAM BUFFER: THE DEVELOPMENT OF THIS PROPERTY DOES NOT IMPACT A STREAM BUFFER.
- SIGNAGE: SITE SIGNAGE SHALL BE SUBMITTED UNDER A SEPARATE APPLICATION.
- STREET CLOSURE: A TEMPORARY STREET CLOSURE PERMIT IS REQUIRED FOR CLOSURE OF SIDEWALKS, PARKING SPACES AND ROADWAYS AND IS SUBJECT TO APPROVAL BY THE CITY TRAFFIC ENGINEER. PARTIAL STREET CLOSURES WILL BE NEEDED FOR THE CREATION OF THE SITE ENTRANCE AT 5TH STREET AND IMPROVEMENTS TO CLEVELAND AVENUE.
- INGRESS AND EGRESS: ACCESS TO THIS PROPERTY SHALL BE PROVIDED VIA STREET ACCESS AT MONTEBELLO CIRCLE.
- BUILDING/LOT SETBACKS:
FRONT - 25'
SIDE - 5' (WITH SPECIAL USE PERMIT REQUEST)
REAR - 25'
- LIGHTING SHALL BE DETERMINED WITH THE FINAL SITE PLAN. LIGHTING SHALL MEET THE CITY DARK SKY ZONING ORDINANCE AND LIGHTING SHALL BE PROPOSED AT BUILDING ENTRANCES ONLY.
- SITE TRIP GENERATION AND LAND USE ITE CODE. BASED ON THE ITE TRIP GENERATION MANUAL, 8TH EDITION.
APARTMENT (22 UNITS)
AVERAGE DAILY TRIPS: 146 VPD (73 VPD ENTER/73 VPD EXIT)
AM PEAK RATE: 12 VPH (3 VPH ENTER/9 VPH EXIT)
PM PEAK RATE: 14 VPH (10 VPH ENTER/4 VPH EXIT)

- WATER FLOW CALCULATIONS
MAX HOUR Q₁=11.4N*0.544; Q₂= 136 GPM. FIRE FLOW SHALL BE 1500 GPM MINIMUM. FINAL WATER FIXTURE COUNTS TO BE PROVIDED WITH THE FINAL SITE PLAN FOR SIZING OF THE WATER METER.
- SEWER FLOW CALCULATIONS
64 APARTMENT BEDS X 100 GPD = 6,400 GPD
- FIRE FLOW TESTING RESULTS: GPM: 1350 STATIC: 104 PSI RESIDUAL: 100 PSI
- EXISTING VEGETATION: SMALL TREES AND SHRUBS COVER A PORTION OF THE SITE.
- STREAM BUFFER MITIGATION PLAN: NOT APPLICABLE
- CONSERVATION PLAN: NOT APPLICABLE
- PAVED PARKING AND CIRCULATION AREA: 9,490 SF
- IMPERVIOUS AREAS: PREDEVELOPMENT POSTDEVELOPMENT
BUILDING: 2,565 SF BUILDING: 8,825 SF
PAVEMENT: 5,505 SF PAVEMENT: 1,120 SF
SIDEWALKS: 375 SF SIDEWALKS: 3,385 SF

- NOTES:**
- ALL SIGNAGE AND PAVEMENT MARKINGS SHALL BE CONSISTENT WITH THE MUTCD.
 - IFC 505-THE BUILDING STREET NUMBER TO BE PLAINLY VISIBLE FROM THE STREET FOR EMERGENCY RESPONDERS.
 - IFC 506.1-AN APPROVED KEY BOX SHALL BE MOUNTED TO THE SIDE OF THE FRONT OR MAIN ENTRANCE. THE CHARLOTTEVILLE FIRE DEPARTMENT CARRIES THE KNOX BOX MASTER KEY. A KNOX BOX KEY BOX CAN BE ORDERED BY GOING ONLINE TO WWW.KNOXBOX.COM. THE KNOX BOX ALLOWS ENTRY TO THE BUILDING WITHOUT DAMAGING THE LOCK AND DOOR SYSTEM.
 - STRUCTURES WITH FIRE PROTECTION SYSTEMS SHALL INDICATE THE LOCATION OF ANY FIRE LINE TO THE BUILDING(S) AS WELL AS THE LOCATION OF FIRE DEPARTMENT CONNECTIONS.
 - FIRE HYDRANTS, FIRE PUMP TEST HEADER, FIRE DEPARTMENT CONNECTIONS OR FIRE SUPPRESSION SYSTEM CONTROL VALVES SHALL REMAIN CLEAR AND UNOBSTRUCTED BY LANDSCAPING, PARKING OR OTHER OBJECTS. THE FIRE MARSHAL'S OFFICE NO LONGER ALLOWS ANY TYPE OF LANDSCAPING TO BE PLACED IN FRONT OF AND WITHIN 5 FEET OF FIRE HYDRANTS, FIRE PUMP TEST HEADERS, FIRE DEPARTMENT CONNECTIONS OR FIRE SUPPRESSION SYSTEM CONTROL VALVES. AN APPROVED WATER SUPPLY FOR FIRE PROTECTION SHALL BE MADE AVAILABLE AS SOON AS COMBUSTIBLE MATERIAL ARRIVES ON THE SITE.
 - ALL PAVEMENT SHALL BE CAPABLE OF SUPPORTING FIRE APPARATUS WEIGHTING 75,000 LBS.
 - IFC 1404.1-SMOKING IS NOT ALLOWED IN ONLY DESIGNATED SPACES WITH PROPER RECEPTACLES.
 - IFC 1404.2-WASTE DISPOSAL OF COMBUSTIBLE DEBRIS SHALL BE REMOVED FROM THE BUILDING AT THE END OF EACH WORKDAY.
 - IFC 1410.1-ACCESS TO THE BUILDING DURING DEMOLITION AND CONSTRUCTION SHALL BE MAINTAINED.
 - IFC 1404.6-CUTTING AND WELDING OPERATIONS INVOLVING THE USE OF CUTTING AND WELDING SHALL BE DONE IN ACCORDANCE WITH CHAPTER 26, OF THE INTERNATIONAL FIRE CODE, ADDRESSING WELDING AND HOTWORK OPERATIONS.
 - IFC 1414.1-FIRE EXTINGUISHERS SHALL BE PROVIDED WITH NOT LESS THAN ONE APPROVED PORTABLE FIRE EXTINGUISHER AT EACH STAIRWAY ON ALL FLOOR LEVELS WHERE COMBUSTIBLE MATERIALS HAVE ACCUMULATED.
 - REQUIRED VEHICLE ACCESS FOR FIRE FIGHTING SHALL BE PROVIDED TO ALL CONSTRUCTION OR DEMOLITION SITES. VEHICLE ACCESS SHALL BE PROVIDED TO WITHIN 100 FEET OF TEMPORARY OR PERMANENT FIRE DEPARTMENT CONNECTION. VEHICLE ACCESS SHALL BE PROVIDED BY EITHER TEMPORARY OR PERMANENT ROADS, CAPABLE OF SUPPORTING VEHICLE LOADING UNDER ALL WEATHER CONDITIONS. VEHICLE ACCESS SHALL BE MAINTAINED UNTIL PERMANENT FIRE APPARATUS ACCESS ROADS ARE AVAILABLE.
 - OVERHEAD WIRING OR OTHER OBSTRUCTIONS SHALL BE HIGHER THAN 13 FEET 6 INCHES.
 - ALL SIGNS SHALL BE IN ACCORDANCE WITH TITLE 15, SECTION 54-100 OF THE CITY CODE.
 - IF THE FLOOR LEVEL OF THE HIGHEST STORY IS MORE THAN 30 FEET ABOVE THE LOWEST LEVEL OF FIRE DEPARTMENT VEHICLE ACCESS, THEN A CLASS I STANDPIPE SYSTEM SHALL BE INSTALLED IN ADDITION TO THE SPRINKLER SYSTEM.
 - BUILDINGS FOUR OR MORE STORIES IN HEIGHT SHALL BE PROVIDED WITH NOT LESS THAN ONE STANDPIPE FOR USE DURING CONSTRUCTION. SUCH STANDPIPES SHALL BE INSTALLED WHEN THE PROGRESS OF CONSTRUCTION IS NOT MORE THAN 40 FEET IN HEIGHT ABOVE THE LOWEST LEVEL OF FIRE DEPARTMENT ACCESS. SUCH STANDPIPE SHALL BE PROVIDED WITH FIRE DEPARTMENT HOSE CONNECTIONS AT ACCESSIBLE LOCATIONS ADJACENT TO USABLE STAIRS. SUCH STANDPIPES SHALL BE EXTENDED AS CONSTRUCTION PROGRESSES TO WITHIN ONE FLOOR OF THE HIGHEST POINT OF CONSTRUCTION HAVING SECURED DECKING OR FLOORING.
 - GUARDRAILS REQUIRED AT THE TOP OF ALL RETAINING WALLS WITH A GRADE DIFFERENCE EXCEEDING 30".
 - HANDRAILS REQUIRED AT BOTH SIDES OF STAIRS.
 - 5' SIDE SETBACKS HAS A RESTRICTIVE BUILDING CODE REQUIREMENT FOR % OPENINGS AND EXTERIOR WALL FIRE RATINGS. THESE CALCULATIONS WILL BE SHOWN ON THE BUILDING PLANS.
 - A MINIMUM OF 98" HEIGHT CLEARANCE IS REQUIRED AT PARKING GARAGE DOORS AND CLEARANCE AT HANDICAP PARKING SPACES.

LEGEND

ROADS

| | |
|--|-----------------------------|
| | EXISTING CULVERT |
| | DROP INLET & STRUCTURE NO. |
| | CURB |
| | CURB & GUTTER |
| | PROPOSED ASPHALT |
| | PROPOSED CONCRETE |
| | PROPOSED PAVER (IMPERVIOUS) |
| | BENCH MARK |
| | VDOT STANDARD STOP SIGN |
| | EXISTING CONTOUR |

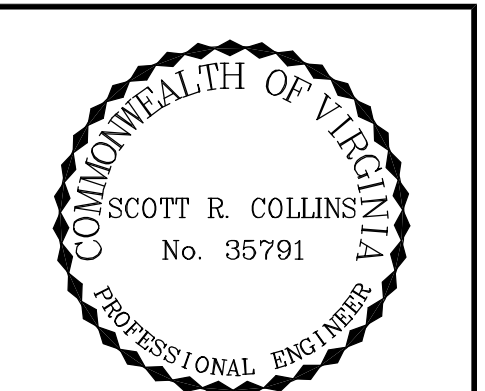
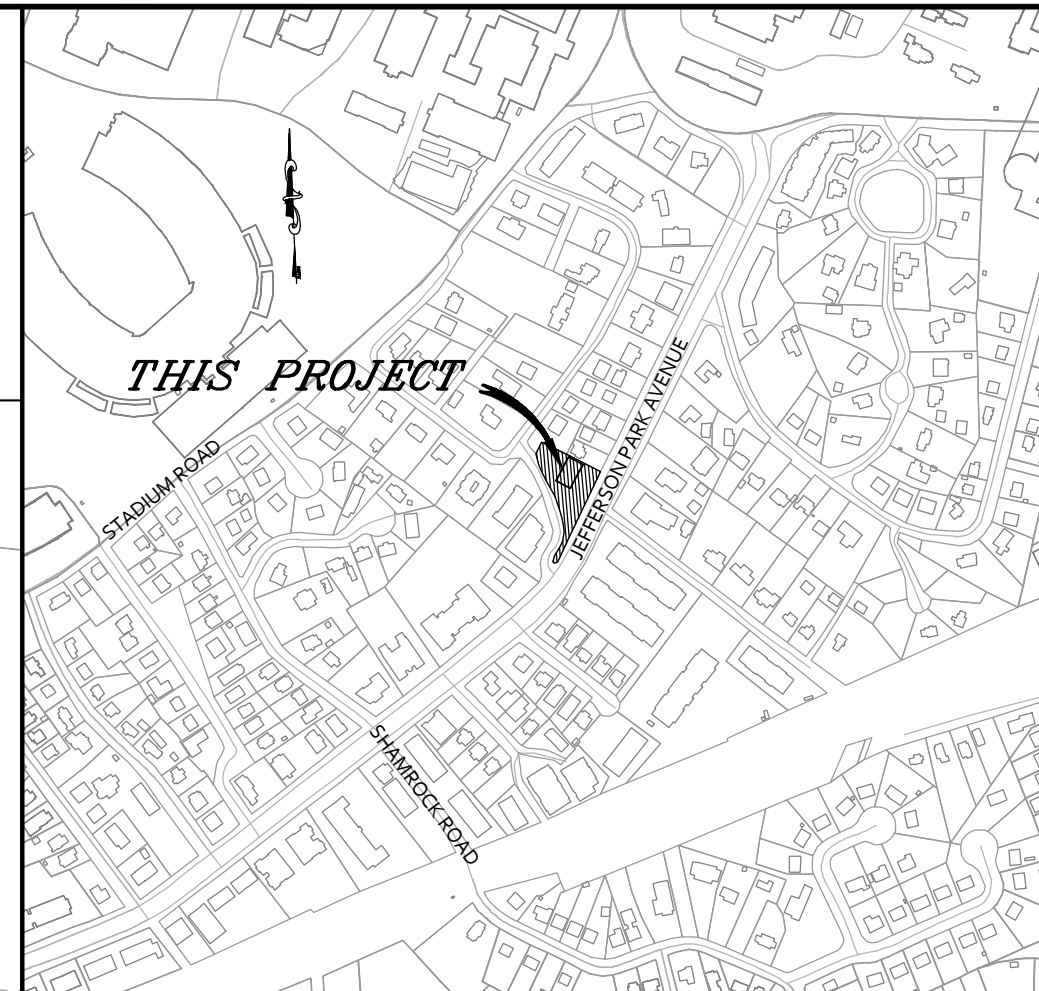
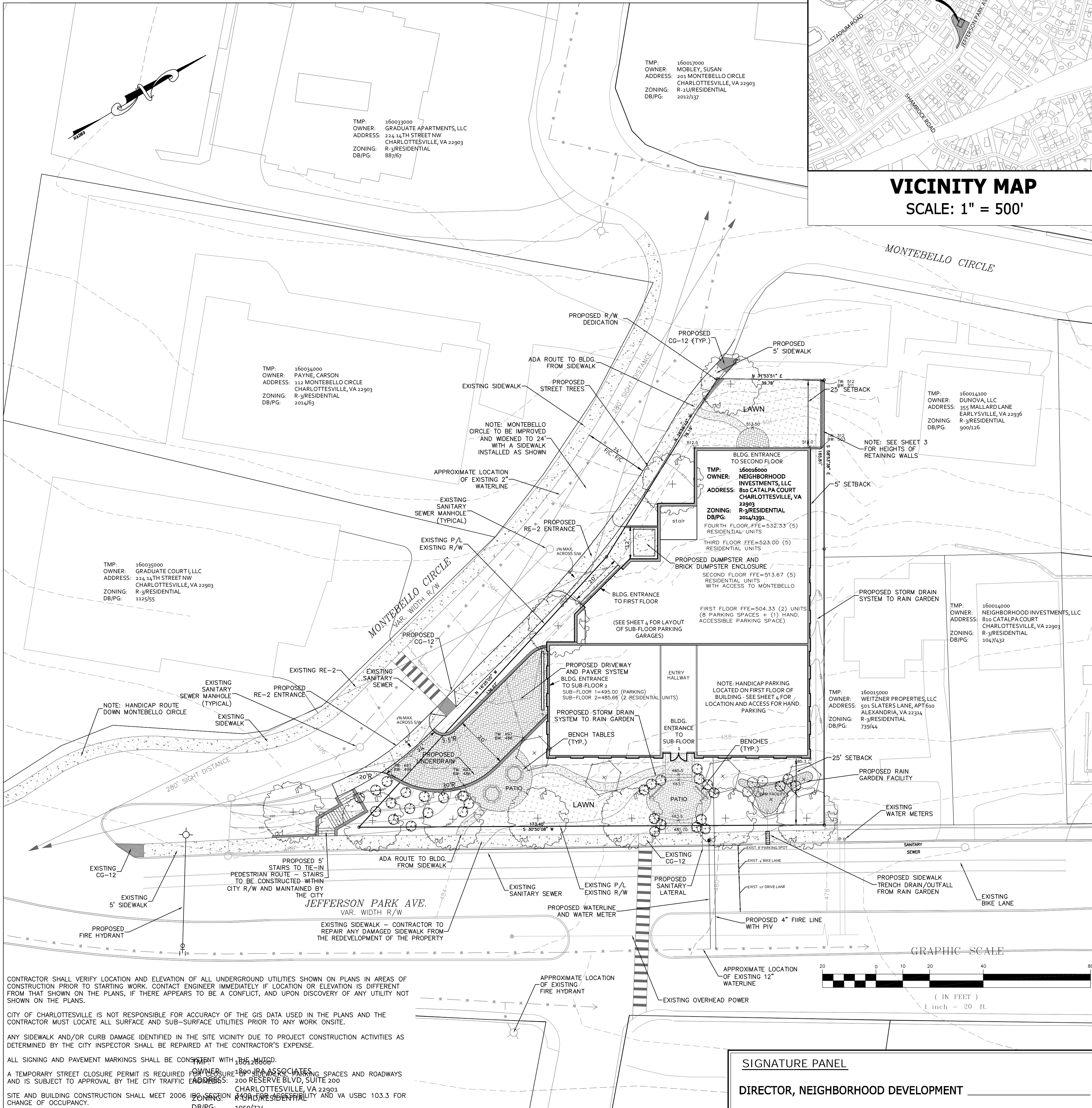
Sheet List Table

| Sheet Number | Sheet Title |
|--------------|---------------------------------------|
| 1 | COVER |
| 2 | EXISTING CONDITIONS & DEMOLITION PLAN |
| 3 | SITE & LANDSCAPING PLAN |
| 4 | NOTES & DETAILS |
| 4 | TOTAL SHEETS |

1725 JPA APARTMENTS

PRELIMINARY SITE PLAN AND SPECIAL USE PERMIT

CITY OF CHARLOTTEVILLE, VIRGINIA



REVISIONS

| REVISION DESCRIPTION | DATE |
|--|---------|
| INITIAL SUBMITTAL | 2/24/15 |
| REVISED PER CLIENT CHANGES AND CITY COMMENTS | 4/21/15 |

COLLINS ENGINEERING
200 GARRETT STREET, SUITE K - CHARLOTTEVILLE, VA 22902 - 434.293.3719

1725 JPA APARTMENTS PRELIMINARY SITE PLAN

COVER

PROJECT: 102045
JOB NO.: 102045
SCALE: 1"=20'
SHEET NO.: 1

CONTRACTOR SHALL VERIFY LOCATION AND ELEVATION OF ALL UNDERGROUND UTILITIES SHOWN ON PLANS IN AREAS OF CONSTRUCTION PRIOR TO STARTING WORK. CONTACT ENGINEER IMMEDIATELY IF LOCATION OR ELEVATION IS DIFFERENT FROM THAT SHOWN ON THE PLANS, IF THERE APPEARS TO BE A CONFLICT, AND UPON DISCOVERY OF ANY UTILITY NOT SHOWN ON THE PLANS.

CITY OF CHARLOTTEVILLE IS NOT RESPONSIBLE FOR ACCURACY OF THE GIS DATA USED IN THE PLANS AND THE CONTRACTOR MUST LOCATE ALL SURFACE AND SUB-SURFACE UTILITIES PRIOR TO ANY WORK ON SITE.

ANY SIDEWALK AND/OR CURB DAMAGE IDENTIFIED IN THE SITE VICINITY DUE TO PROJECT CONSTRUCTION ACTIVITIES AS DETERMINED BY THE CITY INSPECTOR SHALL BE REPAIRED AT THE CONTRACTOR'S EXPENSE.

ALL SIGNING AND PAVEMENT MARKINGS SHALL BE CONSISTENT WITH THE MUTCD.

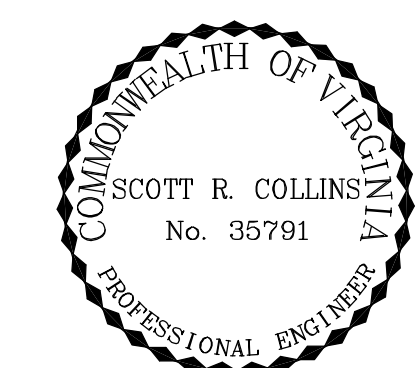
A TEMPORARY STREET CLOSURE PERMIT IS REQUIRED FOR CLOSURE OF SIDEWALKS, PARKING SPACES AND ROADWAYS AND IS SUBJECT TO APPROVAL BY THE CITY TRAFFIC ENGINEER.

SITE AND BUILDING CONSTRUCTION SHALL MEET 2006 IBC SECTION 103.3 AND VA USBC 103.3 FOR CHANGE OF OCCUPANCY.

OWNER: 1890 JPA ASSOCIATES
ADDRESS: 200 RESERVE BLVD, SUITE 200
CHARLOTTEVILLE VA 22901
ZONING: R-3 RESIDENTIAL
DB/PG: 1059/724

SIGNATURE PANEL
DIRECTOR, NEIGHBORHOOD DEVELOPMENT

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| REVISIONS | |
|-----------|--|
| DATE | REVISION DESCRIPTION |
| 2/24/15 | INITIAL SUBMITTAL |
| 4/21/15 | REVISED PER CLIENT CHANGES AND CITY COMMENTS |

COLLINS ENGINEERING
 200 GARRETT STREET, SUITE K - CHARLOTTESVILLE, VA 22902 - 434.293.3719

1725 JPA APARTMENTS PRELIMINARY SITE PLAN
 EXISTING CONDITIONS & DEMOLITION PLAN

PROJECT: 102045
 SHEET: 2

SCALE: 1" = 20'
 SHEET NO. 2

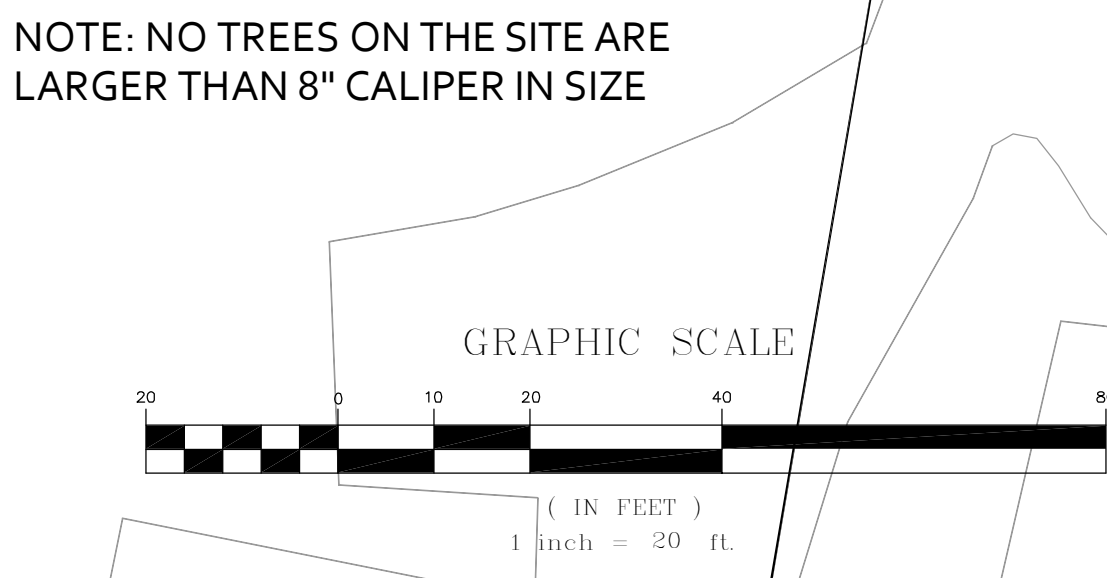
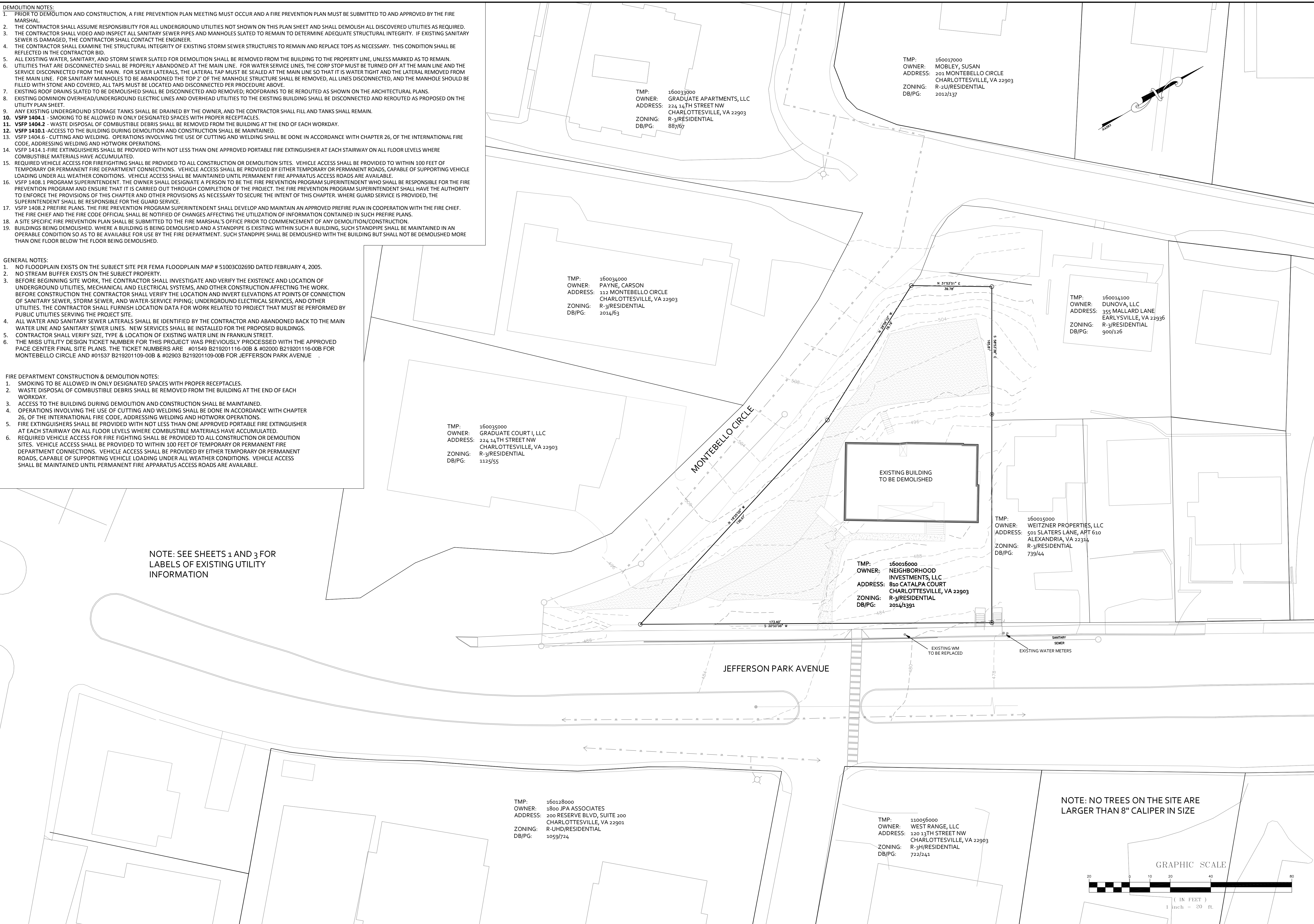
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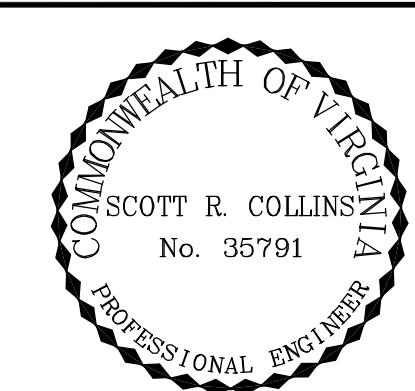
- DEMOLITION NOTES:**
- PRIOR TO DEMOLITION AND CONSTRUCTION, A FIRE PREVENTION PLAN MEETING MUST OCCUR AND A FIRE PREVENTION PLAN MUST BE SUBMITTED TO AND APPROVED BY THE FIRE MARSHAL.
 - THE CONTRACTOR SHALL ASSUME RESPONSIBILITY FOR ALL UNDERGROUND UTILITIES NOT SHOWN ON THIS PLAN SHEET AND SHALL DEMOLISH ALL DISCOVERED UTILITIES AS REQUIRED.
 - THE CONTRACTOR SHALL VIDEO AND INSPECT ALL SANITARY SEWER PIPES AND MANHOLES SLATED TO REMAIN TO DETERMINE ADEQUATE STRUCTURAL INTEGRITY. IF EXISTING SANITARY SEWER IS DAMAGED, THE CONTRACTOR SHALL CONTACT THE ENGINEER.
 - THE CONTRACTOR SHALL EXAMINE THE STRUCTURAL INTEGRITY OF EXISTING STORM SEWER STRUCTURES TO REMAIN AND REPLACE TOPS AS NECESSARY. THIS CONDITION SHALL BE REFLECTED IN THE CONTRACTOR BID.
 - ALL EXISTING WATER, SANITARY, AND STORM SEWER SLATED FOR DEMOLITION SHALL BE REMOVED FROM THE BUILDING TO THE PROPERTY LINE, UNLESS MARKED AS TO REMAIN.
 - UTILITIES THAT ARE DISCONNECTED SHALL BE PROPERLY ABANDONED AT THE MAIN LINE. FOR WATER SERVICE LINES, THE CORP STOP MUST BE TURNED OFF AT THE MAIN LINE AND THE SERVICE DISCONNECTED FROM THE MAIN. FOR SEWER LATERALS, THE LATERAL TAP MUST BE SEALED AT THE MAIN LINE SO THAT IT IS WATER TIGHT AND THE LATERAL REMOVED FROM THE MAIN LINE. FOR SANITARY MANHOLES TO BE ABANDONED THE TOP 2' OF THE MANHOLE STRUCTURE SHALL BE REMOVED, ALL LINES DISCONNECTED, AND THE MANHOLE SHOULD BE FILLED WITH STONE AND COVERED, ALL TAPS MUST BE LOCATED AND DISCONNECTED PER PROCEDURE ABOVE.
 - EXISTING ROOF DRAINS SLATED TO BE DEMOLISHED SHALL BE DISCONNECTED AND REMOVED; ROOFDRAINS TO BE REROUTED AS SHOWN ON THE ARCHITECTURAL PLANS.
 - EXISTING DOMINION OVERHEAD/UNDERGROUND ELECTRIC LINES AND OVERHEAD UTILITIES TO THE EXISTING BUILDING SHALL BE DISCONNECTED AND REROUTED AS PROPOSED ON THE UTILITY PLAN SHEET.
 - ANY EXISTING UNDERGROUND STORAGE TANKS SHALL BE DRAINED BY THE OWNER, AND THE CONTRACTOR SHALL FILL AND TANKS SHALL REMAIN.
 - VSPF 1404.1** - SMOKING TO BE ALLOWED IN ONLY DESIGNATED SPACES WITH PROPER RECEPTACLES.
 - VSPF 1404.2** - WASTE DISPOSAL OF COMBUSTIBLE DEBRIS SHALL BE REMOVED FROM THE BUILDING AT THE END OF EACH WORKDAY.
 - VSPF 1401.1** - ACCESS TO THE BUILDING DURING DEMOLITION AND CONSTRUCTION SHALL BE MAINTAINED.
 - VSPF 1404.6** - CUTTING AND WELDING OPERATIONS INVOLVING THE USE OF CUTTING AND WELDING SHALL BE DONE IN ACCORDANCE WITH CHAPTER 26, OF THE INTERNATIONAL FIRE CODE, ADDRESSING WELDING AND HOTWORK OPERATIONS.
 - VSPF 1414.1** - FIRE EXTINGUISHERS SHALL BE PROVIDED WITH NOT LESS THAN ONE APPROVED PORTABLE FIRE EXTINGUISHER AT EACH STAIRWAY ON ALL FLOOR LEVELS WHERE COMBUSTIBLE MATERIALS HAVE ACCUMULATED.
 - REQUIRED VEHICLE ACCESS FOR FIRE FIGHTING SHALL BE PROVIDED TO ALL CONSTRUCTION OR DEMOLITION SITES. VEHICLE ACCESS SHALL BE PROVIDED TO WITHIN 100 FEET OF TEMPORARY OR PERMANENT FIRE DEPARTMENT CONNECTIONS. VEHICLE ACCESS SHALL BE PROVIDED BY EITHER TEMPORARY OR PERMANENT ROADS, CAPABLE OF SUPPORTING VEHICLE LOADING UNDER ALL WEATHER CONDITIONS. VEHICLE ACCESS SHALL BE MAINTAINED UNTIL PERMANENT FIRE APPARATUS ACCESS ROADS ARE AVAILABLE.
 - VSPF 1408.1** PROGRAM SUPERINTENDENT. THE OWNER SHALL DESIGNATE A PERSON TO BE THE FIRE PREVENTION PROGRAM SUPERINTENDENT WHO SHALL BE RESPONSIBLE FOR THE FIRE PREVENTION PROGRAM AND ENSURE THAT IT IS CARRIED OUT THROUGH COMPLETION OF THE PROJECT. THE FIRE PREVENTION PROGRAM SUPERINTENDENT SHALL HAVE THE AUTHORITY TO ENFORCE THE PROVISIONS OF THIS CHAPTER AND OTHER PROVISIONS AS NECESSARY TO SECURE THE INTENT OF THIS CHAPTER. WHERE GUARD SERVICE IS PROVIDED, THE SUPERINTENDENT SHALL BE RESPONSIBLE FOR THE GUARD SERVICE.
 - VSPF 1408.2** PREFIRE PLANS. THE FIRE PREVENTION PROGRAM SUPERINTENDENT SHALL DEVELOP AND MAINTAIN AN APPROVED PREFIRE PLAN IN COOPERATION WITH THE FIRE CHIEF. THE FIRE CHIEF AND THE FIRE CODE OFFICIAL SHALL BE NOTIFIED OF CHANGES AFFECTING THE UTILIZATION OF INFORMATION CONTAINED IN SUCH PREFIRE PLANS.
 - A SITE SPECIFIC FIRE PREVENTION PLAN SHALL BE SUBMITTED TO THE FIRE MARSHAL'S OFFICE PRIOR TO COMMENCEMENT OF ANY DEMOLITION/CONSTRUCTION.
 - BUILDINGS BEING DEMOLISHED. WHERE A BUILDING IS BEING DEMOLISHED AND A STANDPIPE IS EXISTING WITHIN SUCH A BUILDING, SUCH STANDPIPE SHALL BE MAINTAINED IN AN OPERABLE CONDITION SO AS TO BE AVAILABLE FOR USE BY THE FIRE DEPARTMENT. SUCH STANDPIPE SHALL BE DEMOLISHED WITH THE BUILDING BUT SHALL NOT BE DEMOLISHED MORE THAN ONE FLOOR BELOW THE FLOOR BEING DEMOLISHED.

- GENERAL NOTES:**
- NO FLOODPLAIN EXISTS ON THE SUBJECT SITE PER FEMA FLOODPLAIN MAP # 51003C0269D DATED FEBRUARY 4, 2005.
 - NO STREAM BUFFER EXISTS ON THE SUBJECT PROPERTY.
 - BEFORE BEGINNING SITE WORK, THE CONTRACTOR SHALL INVESTIGATE AND VERIFY THE EXISTENCE AND LOCATION OF UNDERGROUND UTILITIES, MECHANICAL AND ELECTRICAL SYSTEMS, AND OTHER CONSTRUCTION AFFECTING THE WORK. BEFORE CONSTRUCTION THE CONTRACTOR SHALL VERIFY THE LOCATION AND INVERT ELEVATIONS AT POINTS OF CONNECTION OF SANITARY SEWER, STORM SEWER, AND WATER SERVICE PIPING; UNDERGROUND ELECTRICAL SERVICES, AND OTHER UTILITIES. THE CONTRACTOR SHALL FURNISH LOCATION DATA FOR WORK RELATED TO PROJECT THAT MUST BE PERFORMED BY PUBLIC UTILITIES SERVING THE PROJECT SITE.
 - ALL WATER AND SANITARY SEWER LATERALS SHALL BE IDENTIFIED BY THE CONTRACTOR AND ABANDONED BACK TO THE MAIN WATER LINE AND SANITARY SEWER LINES. NEW SERVICES SHALL BE INSTALLED FOR THE PROPOSED BUILDINGS.
 - CONTRACTOR SHALL VERIFY SIZE, TYPE & LOCATION OF EXISTING WATER LINE IN FRANKLIN STREET.
 - THE MISS UTILITY DESIGN TICKET NUMBER FOR THIS PROJECT WAS PREVIOUSLY PROCESSED WITH THE APPROVED PACE CENTER FINAL SITE PLANS. THE TICKET NUMBERS ARE #01549 B219201116-00B & #02000 B219201116-00B FOR MONTEBELLO CIRCLE AND #01537 B219201109-00B & #02303 B219201109-00B FOR JEFFERSON PARK AVENUE.

- FIRE DEPARTMENT CONSTRUCTION & DEMOLITION NOTES:**
- SMOKING TO BE ALLOWED IN ONLY DESIGNATED SPACES WITH PROPER RECEPTACLES.
 - WASTE DISPOSAL OF COMBUSTIBLE DEBRIS SHALL BE REMOVED FROM THE BUILDING AT THE END OF EACH WORKDAY.
 - ACCESS TO THE BUILDING DURING DEMOLITION AND CONSTRUCTION SHALL BE MAINTAINED.
 - OPERATIONS INVOLVING THE USE OF CUTTING AND WELDING SHALL BE DONE IN ACCORDANCE WITH CHAPTER 26, OF THE INTERNATIONAL FIRE CODE, ADDRESSING WELDING AND HOTWORK OPERATIONS.
 - FIRE EXTINGUISHERS SHALL BE PROVIDED WITH NOT LESS THAN ONE APPROVED PORTABLE FIRE EXTINGUISHER AT EACH STAIRWAY ON ALL FLOOR LEVELS WHERE COMBUSTIBLE MATERIALS HAVE ACCUMULATED.
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NOTE: SEE SHEETS 1 AND 3 FOR LABELS OF EXISTING UTILITY INFORMATION





CONTRACTOR TO USE EXTREME CARE AND CAUTION AS NOT TO DAMAGE ANY TREES SCHEDULED TO REMAIN OUTSIDE LIMITS OF CONSTRUCTION. PROPERTY LINE SERVES AS LIMITS OF CONSTRUCTION.

NO CONSTRUCTION EQUIPMENT OR STORAGE SHALL OCCUR WITHIN DRIPLINE OF EXISTING TREES. PRIOR TO MOBILIZATION CONTRACTOR SHALL CONTACT LANDSCAPE ARCHITECT (LA) TO DISCUSS TREE PROTECTION EFFORTS. ALL TREE PROTECTION MEASURES SHALL BE APPROVED BY LA AND/OR TREE ARBOREST BEFORE ANY CONSTRUCTION ACTIVITIES SHALL TAKE PLACE ON-SITE. CONTRACTOR TO MONITOR TREES FOR STRESS AND/OR DAMAGE AND ADVISE LA AND TREE ARBOREST IF ANY OCCUR.

CONTRACTOR TO NOTIFY LANDSCAPE ARCHITECT AND/OR TREE ARBOREST 48-HOURS IN ADVANCE OF ANY CONSTRUCTION ACTIVITY NEEDED WITHIN ANY TREE PROTECTION MEASURE. ALL TREE PROTECTION MEASURES SHALL BE REPLACED IN ORIGINAL LOCATION ONCE WORK HAS BEEN COMPLETED. NO WORK SHALL BE DONE WITHIN DRIPLINE OF EXISTING TREES UNLESS APPROVED BY TREE ARBOREST OR LANDSCAPE ARCHITECT PRIOR TO WORK.

ALL WORK TO BE PERFORMED BY THE CONTRACTOR WITHIN THE DRIPLINE OF ANY EXISTING TREE OR TREE PROTECTION AREA SHALL BE DONE IN A MANNER SENSITIVE TO ENSURING NO DAMAGE WILL BE DONE TO THE EXISTING TREES. THE PREFERRED METHOD FOR GRADING SMALL AREAS WITHIN THE DRIPLINE SHALL BE DONE BY HAND. LARGER AREAS TO BE GRADED MAY BE DONE WITH A SMALL BOBCAT/TRACT-HOE. CONTRACTOR TO DISCUSS METHODS OF GRADING WORK WITH LANDSCAPE ARCHITECT AND TREE ARBOREST PRIOR TO COMMENCING ANY SUCH WORK WITHIN DESIGNATED TREE PROTECTION AREAS OR WITHIN EXISTING DRIPLINES.

ALL PLANTS HAVING A QUANTITY GREATER THAN ONE(1) SHALL BE MATCHED AND SUPPLIED FROM THE SAME SOURCE (PER SPECIES).

CONTACT LANDSCAPE ARCHITECT AT THE TIME OF PLANT MATERIAL DELIVERY, BEFORE ANY SUBSTITUTIONS OR CHANGES. IF SCHEDULED TYPES ARE UNAVAILABLE, AND FOLLOWING INSTALLATION, ALL PLANT SUBSTITUTIONS SHALL BE APPROVED BY THE LANDSCAPE ARCHITECT PRIOR TO PLACEMENT OF ORDERS.

LANDSCAPE ARCHITECT SHALL INSPECT AND APPROVE ALL PLANT MATERIAL AT TIME OF DELIVERY AS WELL AS AFTER INITIAL PLACEMENT PRIOR TO PLANTING. CONTRACTOR TO NOTIFY LANDSCAPE ARCHITECT 48-HOURS PRIOR TO DELIVERY.

PLANT LOCATIONS TO BE REEVALUATED AND REVISED, IF NECESSARY, AFTER FINISHED GRADING.

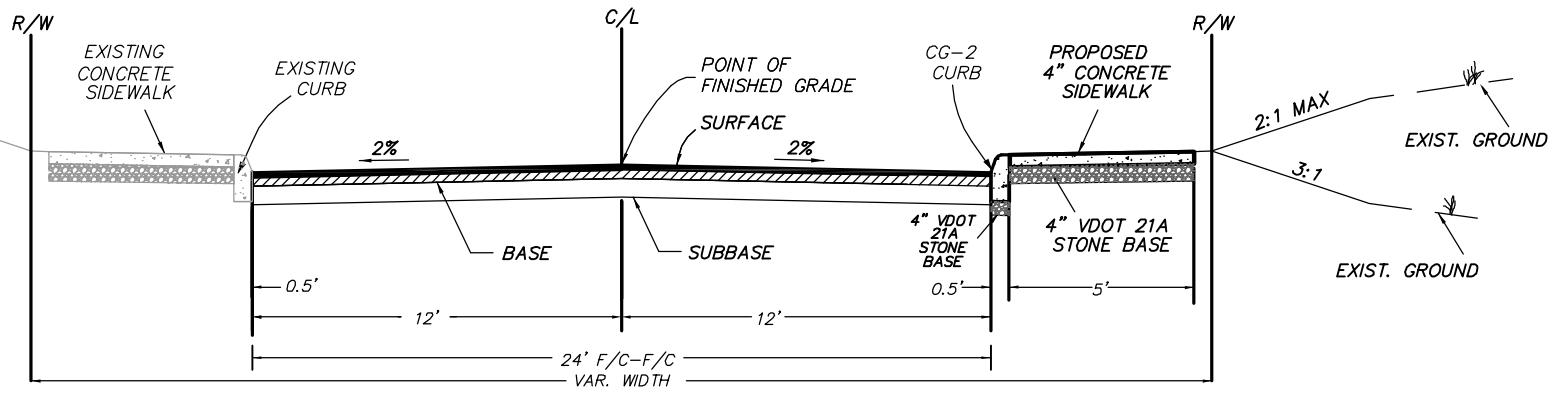
MULCH IN PLANTERS AND PLANTING BEDS TO BE CLEAN AND FREE FROM PEST AND DISEASES. MULCH SHALL BE APPLIED TO A 2-INCH DEPTH. MULCH RINGS 24-INCHES MIN. IN DIAMETER ARE TO BE PLACED AROUND ALL TREES NOT LOCATED IN PLANTING BEDS. MULCH TO BE DOUBLE-SHREDDED HARDWOOD.

CONTRACTOR TO VERIFY ALL QUANTITIES BETWEEN PLAN AND PLANT LIST AND REPORT ANY DISCREPANCIES TO THE LANDSCAPE ARCHITECT IMMEDIATELY PRIOR TO ORDERING.

ALL STREET TREES WITHIN THE PUBLIC RIGHT OF WAY SHALL BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION.

- SITE NOTES:**
1. ALL SIDEWALKS AND WALKWAYS SHALL HAVE A MINIMUM WIDTH OF 5'
 2. ALL WALKWAY CROSSINGS SHALL MEET MINIMUM ADA ACCESSIBILITY STANDARDS.
 3. CONTRACTOR SHALL OBTAIN A TEMPORARY STREET CLOSURE PERMIT FOR CLOSURE OF SIDEWALKS, PARKING SPACES & ROADWAYS SUBJECT TO APPROVAL BY THE CITY TRAFFIC ENGINEER PRIOR TO CONSTRUCTION IN THESE EXISTING AREAS.
 4. ALL SIGNING & PAVEMENT MARKINGS SHALL BE INSTALLED CONSISTENT WITH MUTCD STANDARDS.

- LANDSCAPING NOTES:**
1. ALL DUMPSTERS SHALL BE SCREENED WITH AN ENCLOSURE AT A MINIMUM HEIGHT OF ONE (1) FOOT ABOVE THE HEIGHT OF THE DUMPSTER AND WITH A MINIMUM INSIDE CLEARANCE AT THE OPENING OF TWELVE (12) FEET.
 2. ALL PLANTINGS SHALL HAVE A MINIMUM HEIGHT OF EIGHTEEN (18) INCHES WHEN PLANTED. PLANTINGS SHALL BE EVENLY SPACED IN A ROW, AT INTERVALS SUFFICIENT TO ALLOW FOR THEIR HEALTHY GROWTH AND DEVELOPMENT.
 3. TOTAL JEFFERSON PARK AVENUE ROAD FRONTAGE = 200'. TOTAL STREET TREES REQUIRED: 5 STREET TREES PROVIDED: 5
 4. TOTAL MONTEBELLO CIRCLE ROAD FRONTAGE = 210'. TOTAL STREET TREES REQUIRED: 5 STREET TREES PROVIDED: 5
 5. NOTE, NO TREES TO BE MAINTAINED BY THE CITY OF CHARLOTTESVILLE
 6. LARGE STREET TREES SHALL BE PLANTED WITHIN A PLANTING STRIP WITH A MINIMUM OF 8' WIDE, AND SOIL VOLUME OF 900 CF PER TREE, WITH A SPACING OF 30' MIN.



TYPICAL ROAD SECTION (VAR. WIDTH R/W) MONTEBELLO CIRCLE

TMP: 160035000
 OWNER: GRADUATE COURT 1, LLC
 ADDRESS: 224 14TH STREET NW
 CHARLOTTESVILLE, VA 22903
 ZONING: R-3/RESIDENTIAL
 DB/PG: 1125/55

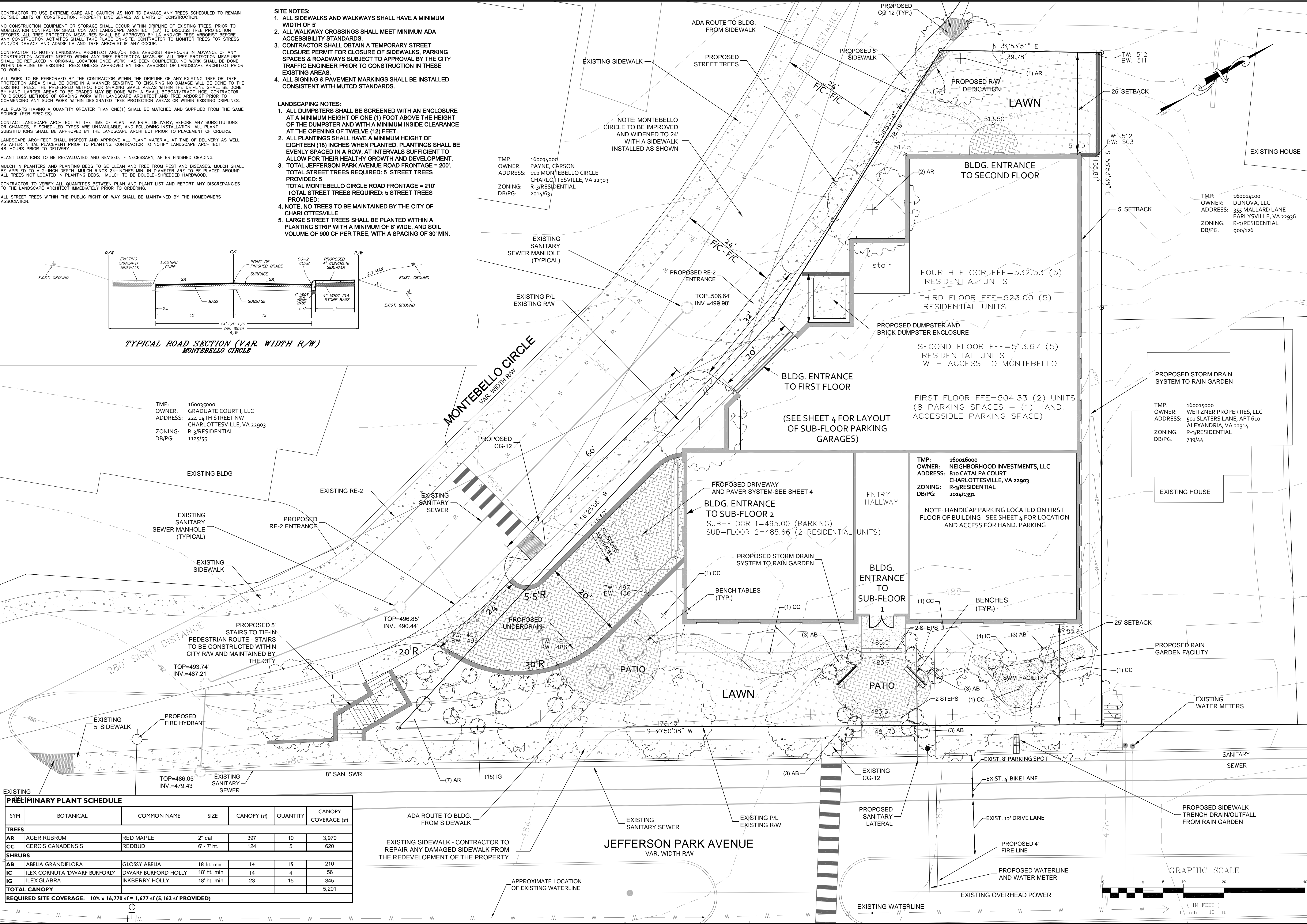
TMP: 160014100
 OWNER: DUNOVA, LLC
 ADDRESS: 355 MALLARD LANE
 EARLYSVILLE, VA 22936
 ZONING: R-3/RESIDENTIAL
 DB/PG: 900/126

TMP: 160015000
 OWNER: WEITZNER PROPERTIES, LLC
 ADDRESS: 501 SLATERS LANE, APT 610
 ALEXANDRIA, VA 22314
 ZONING: R-3/RESIDENTIAL
 DB/PG: 739/44

TMP: 160016000
 OWNER: NEIGHBORHOOD INVESTMENTS, LLC
 ADDRESS: 810 CATALPA COURT
 CHARLOTTESVILLE, VA 22903
 ZONING: R-3/RESIDENTIAL
 DB/PG: 2014/391

EXISTING PRELIMINARY PLANT SCHEDULE

| SYM | BOTANICAL | COMMON NAME | SIZE | CANOPY (sf) | QUANTITY | CANOPY COVERAGE (sf) |
|---|------------------------------|---------------------|-------------|-------------|----------|----------------------|
| TREES | | | | | | |
| AR | ACER RUBRUM | RED MAPLE | 2" cal | 397 | 10 | 3,970 |
| CC | CERCIS CANADENSIS | REDBUD | 6" - 7" ht. | 124 | 5 | 620 |
| SHRUBS | | | | | | |
| AB | ABELIA GRANDIFLORA | GLOSSY ABELIA | 18 ht. min | 14 | 15 | 210 |
| IC | ILEX CORNUTA 'DWARF BURFORD' | DWARF BURFORD HOLLY | 18" ht. min | 14 | 4 | 56 |
| IG | ILEX GLABRA | INKBERRY HOLLY | 18" ht. min | 23 | 15 | 345 |
| TOTAL CANOPY | | | | | | 5,201 |
| REQUIRED SITE COVERAGE: 10% x 16,770 sf = 1,677 sf (5,162 sf PROVIDED) | | | | | | |



REVISIONS

| REVISION DESCRIPTION | DATE |
|--|---------|
| INITIAL SUBMITTAL | 2/24/15 |
| REVISED PER CLIENT CHANGES AND CITY COMMENTS | 4/21/15 |

COLLINS ENGINEERING
 200 GARRETT STREET, SUITE K - CHARLOTTESVILLE, VA 22902 - 434.293.3719

1725 JPA APARTMENTS PRELIMINARY SITE PLAN
 SITE & LANDSCAPING PLAN

PROJECT: 102045
 SHEET: 1"=10'
 SHEET NO. 3

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GENERAL NOTES:

UTILITIES

- 1. ANY DAMAGE TO EXISTING UTILITIES CAUSED BY CONTRACTOR OR ITS SUBCONTRACTORS SHALL BE CONTRACTOR'S SOLE RESPONSIBILITY AND REPAIRED AT CONTRACTOR'S EXPENSE.
2. THE CONTRACT DOCUMENTS DO NOT GUARANTEE THE EXISTENCE, NON-EXISTENCE OR LOCATION OF UTILITIES. CONTRACTOR SHALL VERIFY THE EXISTENCE AND LOCATION OR THE NON-EXISTENCE OF UTILITIES. AT LEAST 48 HOURS PRIOR TO ANY EXCAVATION OR CONSTRUCTION, CONTRACTOR SHALL NOTIFY MISS UTILITY (1-800-552-7001) AND/OR THE RESPECTIVE UTILITY COMPANIES FOR GAS, WATER, SEWER, POWER, PHONE AND CABLE. CONTRACTOR SHALL TIMELY ARRANGE TO HAVE THE VARIOUS UTILITIES LOCATED, AND TO HAVE THEM REMOVED OR RELOCATED, OR TO DETERMINE THE METHOD OF PROTECTION ACCEPTABLE TO THE RESPECTIVE OWNER, IF THE METHOD OF PROTECTION IS NOT OTHERWISE SPECIFIED. CONTRACTOR SHALL CONDUCT ITS WORK IN THE VICINITY OF EXISTING UTILITIES IN ACCORDANCE WITH THE RESPECTIVE UTILITY'S RULES AND REGULATIONS. NO BUILDING OR WALL FOUNDATION SHALL BE CONSTRUCTED WITHIN 10 FEET OF ANY STORM, SANITARY, WATER, OR GAS LINE. ANY COST INCURRED FOR REMOVING, RELOCATIONS OR PROTECTING UTILITIES SHALL BE BORNE BY CONTRACTOR UNLESS INDICATED OTHERWISE. CONTRACTOR SHALL EXCAVATE TO LOCATE BURIED UTILITIES FAR ENOUGH IN ADVANCE OF ITS WORK TO ALLOW FOR HORIZONTAL AND /OR VERTICAL ADJUSTMENTS TO ITS WORK AND/OR THE UTILITIES. NO ADJUSTMENT IN COMPENSATION OR SCHEDULE WILL BE ALLOWED FOR DELAYS RESULTING FROM CONTRACTOR'S FAILURE TO CONTACT AND COORDINATE WITH UTILITIES.
3. WHEN THE WORK CROSSES EXISTING UTILITIES, THE EXISTING UTILITIES SHALL BE ADEQUATELY SUPPORTED AND PROTECTED FROM DAMAGE DUE TO THE WORK. ALL METHODS FOR SUPPORTING AND MAINTAINING THE EXISTING UTILITIES SHALL BE APPROVED BY THE RESPECTIVE UTILITY COMPANY AND/OR THE ENGINEER. CONTRACTOR SHALL EXERCISE CARE TO INSURE THAT THE GRADE AND ALIGNMENT OF EXISTING UTILITIES ARE MAINTAINED AND THAT NO JOINTS OR CONNECTIONS ARE DISPLACED. BACKFILL SHALL BE CAREFULLY PLACED AND COMPACTED TO PREVENT FUTURE DAMAGE OR SETTLEMENT TO EXISTING UTILITIES. ANY UTILITIES REMOVED AS PART OF THE WORK, AND NOT INDICATED TO BE REMOVED OR ABANDONED, SHALL BE RESTORED USING MATERIALS AND INSTALLATION EQUAL TO THE UTILITY'S STANDARDS.
4. CONTRACTOR SHALL NOTIFY LANDOWNERS, TENANTS AND THE ENGINEER PRIOR TO THE INTERRUPTION OF ANY SERVICES. SERVICE INTERRUPTIONS SHALL BE KEPT TO A MINIMUM.
5. CONTRACTOR SHALL COORDINATE WITH THE CITY TO LOCATE SIGNAL LOOP DETECTORS AND CONDUITS IN ORDER TO AVOID DAMAGE TO THEM. CONTRACTOR SHALL REIMBURSE THE CITY FOR REPAIRING ANY DAMAGE TO SIGNAL LOOP DETECTORS AND CONDUITS CAUSED BY CONTRACTOR'S FAILURE TO SO COORDINATE.
6. ALL RECTANGULAR WATER METER BOXES LOCATED IN SIDEWALKS SHALL BE REPLACED WITH ROUND ONES. THESE WILL BE FURNISHED BY THE CITY UPON ONE FULL WORKING DAY NOTIFICATION. THE ADJUSTMENT OF ALL MANHOLE TOPS, WATER VALVE BOXES, GAS VALVE BOXES AND WATER METER BOXES SHALL BE THE RESPONSIBILITY OF CONTRACTOR. COSTS ARE TO BE INCLUDED UNDER THE VARIOUS UNIT BID ITEMS. NO SEPARATE PAYMENT WILL BE MADE.
7. THE CONTRACTOR SHALL NOTIFY THE CITY UTILITIES DIVISION AT LEAST TWO FULL WORKING DAYS IN ADVANCE TO ARRANGE GAS SERVICE LINE ADJUSTMENTS TO BE PERFORMED BY THE CITY.
8. ALL WATER METER, VALVES AND FIRE HYDRANT ADJUSTMENTS/RELOCATIONS SHALL BE PERFORMED BY THE CONTRACTOR.

CONCRETE AND ASPHALT

- 9. ALL FORMS SHALL BE INSPECTED BY THE ENGINEER BEFORE ANY CONCRETE IS PLACED. THE ENGINEER MAY REQUIRE CONTRACTOR, AT NO ADDITIONAL COST, TO REMOVE AND REPLACE CONCRETE PLACED PRIOR TO OR WITHOUT SUCH INSPECTION.
10. ALL MATERIAL INSIDE FORMS SHALL BE CLEAN AND FREE OF ALL ROCKS AND OTHER LOOSE DEBRIS. SUB-BASE MATERIAL SHALL BE COMPACTED BY MECHANICAL MEANS.
11. CONCRETE SHALL NOT BE PLACED UNLESS THE AIR TEMPERATURE IS AT LEAST 40 DEGREES FAHRENHEIT (F) IN THE SHADE AND RISING.
12. CONCRETE SHALL NOT BE PLACED UNTIL STEEL DOWELS HAVE BEEN INSTALLED IN EXISTING CONCRETE IN ACCORDANCE WITH CITY STANDARDS.
13. 1/2" PREMOLDED EXPANSION JOINT MATERIAL SHALL BE PLACED AT A MAXIMUM OF 30' INTERVALS ON NEW SIDEWALK, CURB, CURB & GUTTER, AT EACH END OF DRIVEWAY ENTRANCES, AT EACH END OF HANDICAP RAMPS, SOME POINT ON ENTRANCE WALKS AND STEPS ADJUSTMENTS, AND ALONG BUILDINGS AND WALLS WHERE NEW CONCRETE SIDEWALKS ARE PLACED AGAINST THEM.
14. ALL EXISTING CURBS, CURB & GUTTER, SIDEWALK AND STEPS TO BE REMOVED SHALL BE TAKEN OUT TO THE NEAREST JOINT. DEMOLITION AND DISPOSAL COST TO BE INCLUDED IN OTHER UNIT BID ITEMS. NO SEPARATE PAYMENT WILL BE MADE FOR THIS WORK.
15. ALL EXISTING GRANITE CURB SHALL REMAIN THE PROPERTY OF THE CITY OF CHARLOTTEVILLE. IT SHALL BE REMOVED AND DELIVERED BY THE CONTRACTOR TO THE CITY'S PUBLIC WORKS COMPLEX. COST TO BE INCLUDED UNDER THE VARIOUS UNIT BID ITEMS. NO SEPARATE PAYMENT WILL BE MADE FOR THIS WORK.
16. STREET PAVEMENT STRUCTURE AND PATCHING SHALL BE EXTENDED FROM THE FRONT OF NEW CONCRETE TO THE EXISTING PROJECTION OF THE SOUND STREET EDGE AS DIRECTED BY THE ENGINEER.
17. DRIVEWAY ADJUSTMENTS ARE TO BE DONE IN GENTLE TRANSITIONS RATHER THAN ABRUPT BREAKS AT THE BACK OF WALKS. GRAVEL DRIVEWAYS ABOVE STREET GRADE SHALL BE PAVED FOR A MINIMUM DISTANCE OF 20' BEYOND THE BACK OF THE SIDEWALK OR CURB & GUTTER APRON WHERE APPLICABLE.
18. EXISTING ASPHALT CONCRETE PAVEMENT SHALL BE SAW CUT AND REMOVED AS PER THE SPECIFICATIONS. REMOVAL SHALL BE DONE IN SUCH A MANNER AS TO NOT TEAR, BULGE OR DISPLACE ADJACENT PAVEMENT. EDGES SHALL BE CLEAN AND VERTICAL, ALL CUTS SHALL BE PARALLEL OR PERPENDICULAR TO THE DIRECTION OF TRAFFIC.
19. DISPOSAL OF ALL EXCESS MATERIAL IS THE RESPONSIBILITY OF CONTRACTOR.

DRAINAGE

- 20. CONTRACTOR SHALL EXERCISE CARE, ESPECIALLY AT INTERSECTIONS AND GUTTER LINES, TO PROVIDE POSITIVE DRAINAGE. ANY AREAS WHERE WATER IS IMPOUNDED SHALL BE CORRECTED BY CONTRACTOR AT NO ADDITIONAL COST. POSITIVE DRAINAGE OF ALL ROADWAY AREAS TO THE STORM DRAIN INLETS OR OTHER ACCEPTABLE DRAINAGE CHANNELS AS NOTED ON THE PLANS IS REQUIRED.
21. CONTRACTOR SHALL MAINTAIN EXISTING STREAMS, DITCHES, DRAINAGE STRUCTURES, CULVERTS AND FLOWS AT ALL TIMES DURING THE WORK. CONTRACTOR SHALL PAY FOR ALL PERSONAL INJURY AND PROPERTY DAMAGE WHICH MAY OCCUR AS A RESULT OF FAILING TO MAINTAIN ADEQUATE DRAINAGE.
22. ALL PIPES, D'S AND OTHER STRUCTURES SHALL BE INSPECTED BY THE ENGINEER BEFORE BEING BACKFILLED OR BURIED. THE ENGINEER MAY REQUIRE CONTRACTOR, AT NO ADDITIONAL COST, TO UNCOVER AND RE-COVER SUCH STRUCTURES IF THEY HAVE BEEN BACKFILLED OR BURIED WITHOUT SUCH INSPECTION.
23. ALL CATCH BASINS ENCOMPASSED WITHIN NEW CONSTRUCTION SHALL BE CONVERTED TO DROP INLETS.
24. CLASS 1 RIP RAP MODIFICATIONS ALLOWS FOR A REDUCTION IN STONE DEPTH FROM 2.0' TO A MINIMUM OF 1.0' AS DIRECTED BY THE ENGINEER.
25. REMOVED PIPE SHALL BE THE PROPERTY OF CONTRACTOR AND IF NOT SALVAGED FOR RE-USE, SHALL BE DISPOSED OF LAWFULLY.
26. ALL STORM SEWER PIPE AND DROP INLETS SHALL BE CLEARED OF DEBRIS AND ERODED MATERIAL PRIOR TO FINAL ACCEPTANCE.
27. ALL STORM SEWER PIPE JOINTS SHALL BE SEALED AND SEALED IN ACCORDANCE WITH THE MANUFACTURER'S SPECIFICATIONS.
28. ALL EXISTING ROOF DRAINS AND OTHER DRAINAGE CONDUIT TIED INTO EXISTING PIPE SHALL BE TIED INTO NEW PIPE. ALL EXISTING ROOF DRAINS AND OTHER DRAINAGE CONDUIT BLOCKED OR DISRUPTED FROM THEIR PRE-CONSTRUCTION.

REQUIREMENTS FOR THE INSTALLATION OF GAS MAINS, SERVICES, AND METERS GAS UNIT:

GAS MAINS

- GAS MAINS WILL BE INSTALLED WHEN THE FOLLOWING CONDITIONS ARE MET IN THE CONSTRUCTION AREA:
1. GRADE IS WITHIN 6 INCHES OF FINAL GRADE OR BASE GRADE, IN ROADWAYS.
2. CURB AND GUTTER MUST BE INSTALLED IF GAS MAIN IS GOING TO BE INSTALLED IN OR NEAR THE ROADWAY.
3. ALL SANITARY SEWERS, DRAINS, AND STORM SEWERS MUST BE INSTALLED.
4. A MINIMUM BELOW GROUND PARALLEL SEPARATION IS REQUIRED OF 5 FEET FROM POWER, TELEPHONE, AND CABLE TO 10 FEET FROM SANITARY SEWER.
GAS STUDIES WILL BE INSTALLED FOR ALL ROAD CROSSINGS IF THE DEVELOPER HAS COMMITTED TO ALL GAS HOMES. OTHERWISE, THE DEVELOPER MAY INSTALL CONDUIT, AT THE DEVELOPER'S EXPENSE, FOR FUTURE ROAD CROSSINGS IN ORDER TO ELIMINATE DISTURBING ASPHALT WHEN SERVICES ARE INSTALLED. THE DEVELOPER SHALL FURNISH AS-BUILT DRAWINGS OF THE CONDUIT PLACEMENT OR PERMANENTLY MARK CONDUIT LOCATIONS. CONDUIT WILL BE FURNISHED BY THE GAS UNIT.

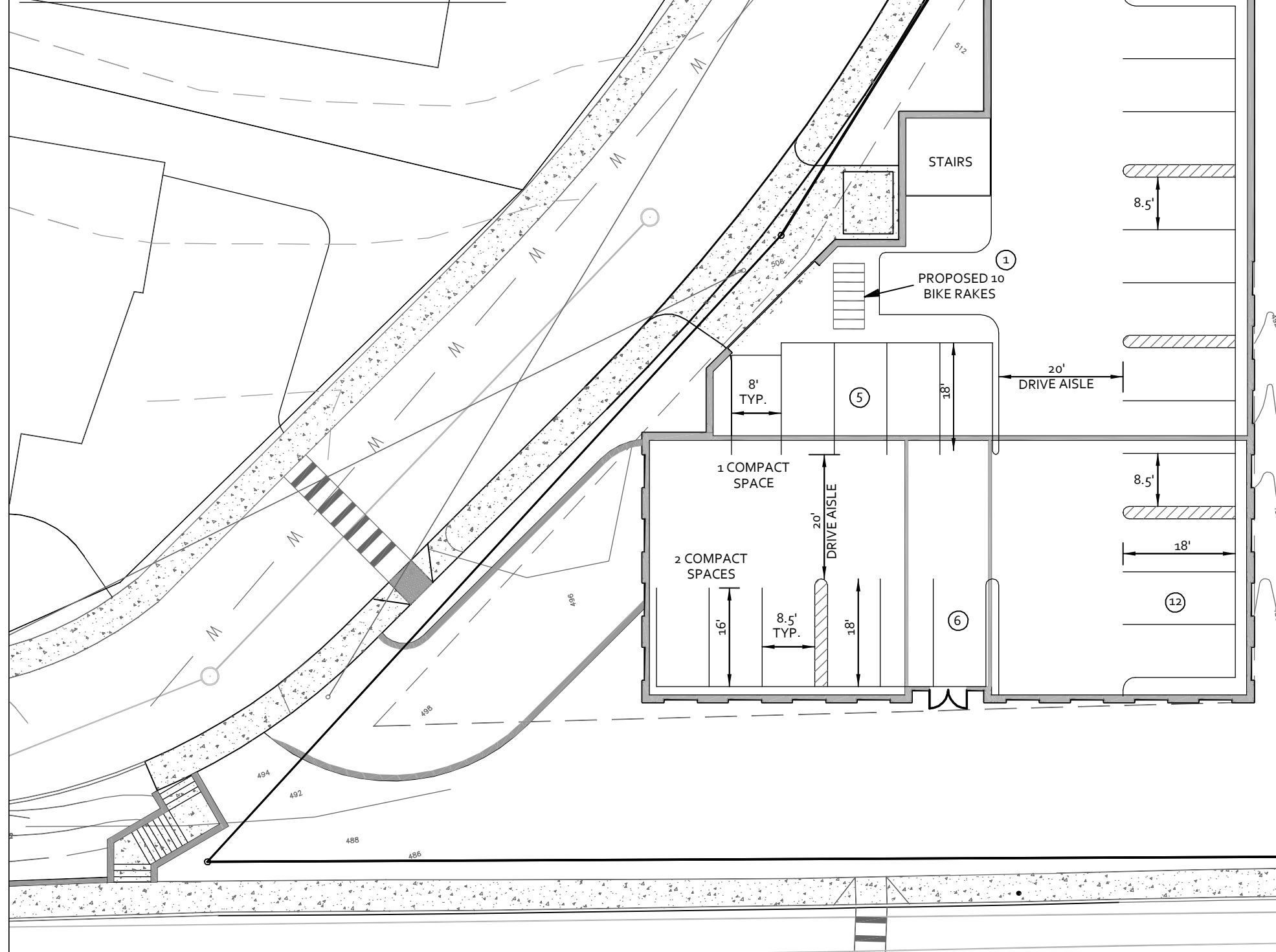
GAS SERVICES

- GAS SERVICES WILL BE INSTALLED WHEN THE FOLLOWING CONDITIONS ARE MET:
1. GRADE IS WITHIN 6 INCHES BETWEEN THE GAS MAIN AND THE METER LOCATION.
2. OUTSIDE OF BUILDING (SIDING, BRICK, VENEER, ETC.) IS TO BE FINISHED AROUND THE METER LOCATION.
3. STREET ADDRESS, TOTAL GAS CONNECTED LOAD, AND CLOSING DATE (IF APPLICABLE) IS REPORTED TO THE GAS UNIT.
4. A MINIMUM NOTICE OF _____ WEEKS AFTER FINAL GRADE IS ESTABLISHED.

GAS METERS

- GAS METERS CANNOT BE INSTALLED WITHIN 3 FEET FROM FRESH AIR INTAKES, ELECTRICAL EQUIPMENT (A/C COMPRESSORS), WINDOWS AND DOORS THE OPEN SOURCES OF IGNITION.
2. DELIVERED GAS PRESSURE TO THE CUSTOMER WILL BE 7 INCHES OF WATER COLUMN. HIGHER DELIVERED PRESSURE (PSIG) IS RESTRICTED TO COMMERCIAL AND INDUSTRIAL APPLICATIONS AND MUST BE REQUESTED IN WRITING (WITH APPROPRIATE JUSTIFICATION) AND IS SUBJECT TO APPROVAL BY THE GAS ENGINEER OR DESIGNER. LIMITATIONS TO PSIG SERVICE INCLUDE, BUT NOT LIMITED TO, EXTERNAL FUEL LINES (AS IN ROOFTOP UNITS) AND APPROPRIATE APPLIANCE REGULATORS WITH AN INTERNAL RELIEF TIED TO THE ATMOSPHERE.

SUB-FLOOR 1 PARKING LAYOUT



FIRST FLOOR PARKING LAYOUT

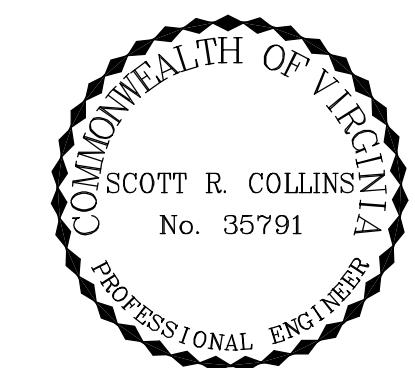
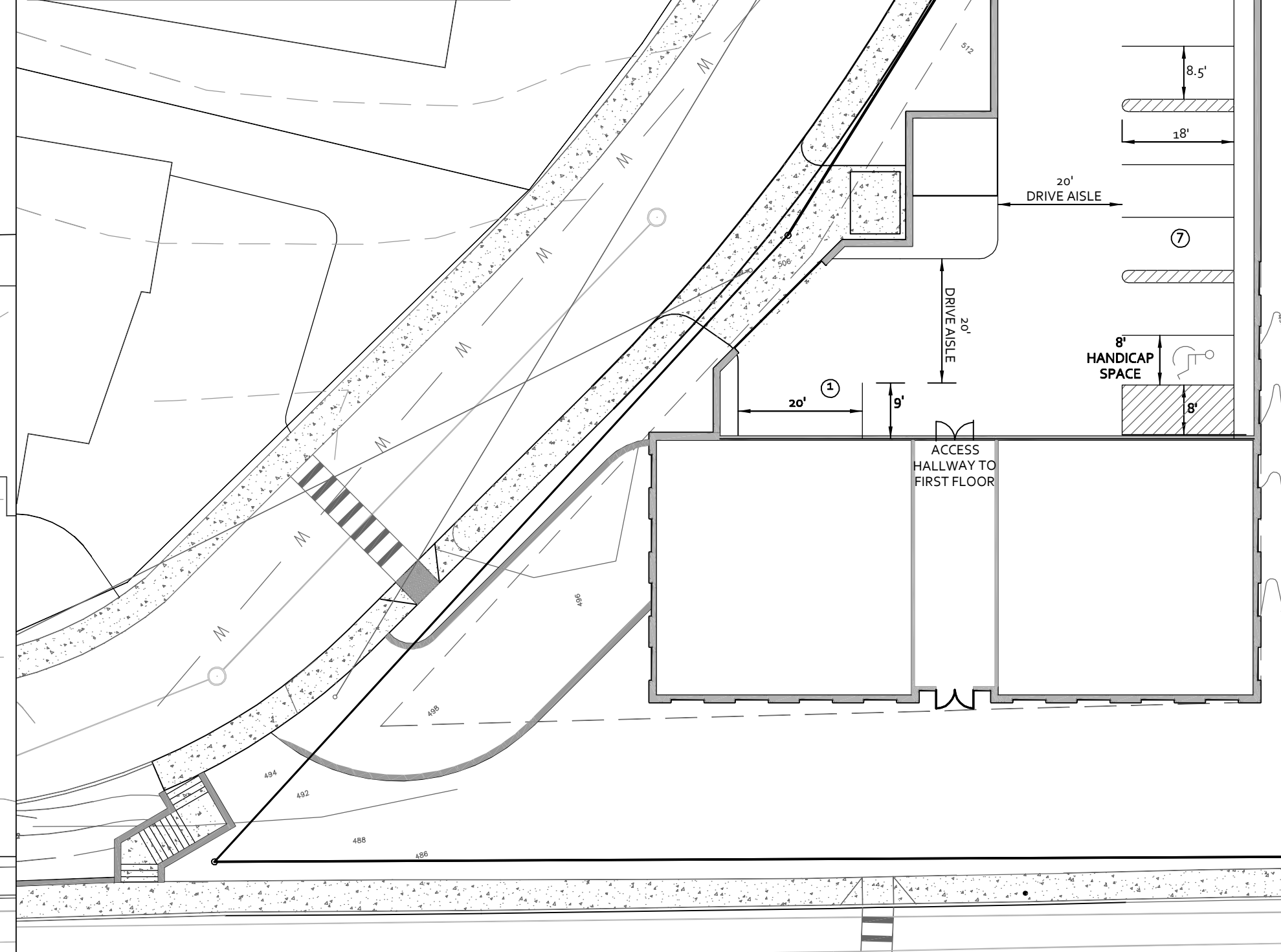
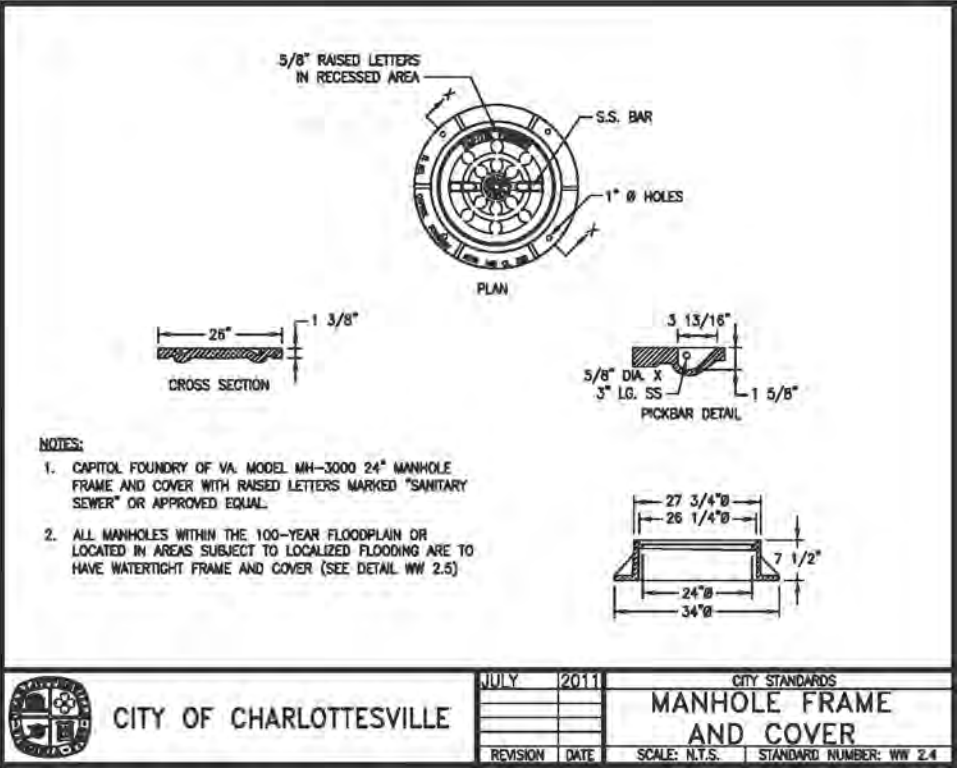
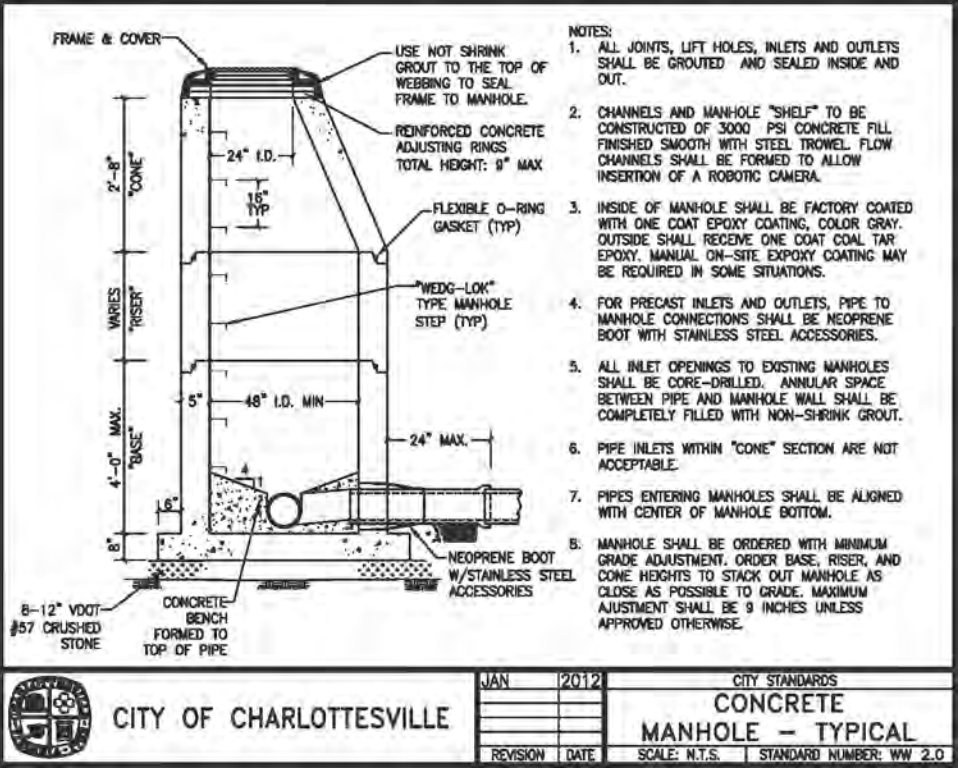
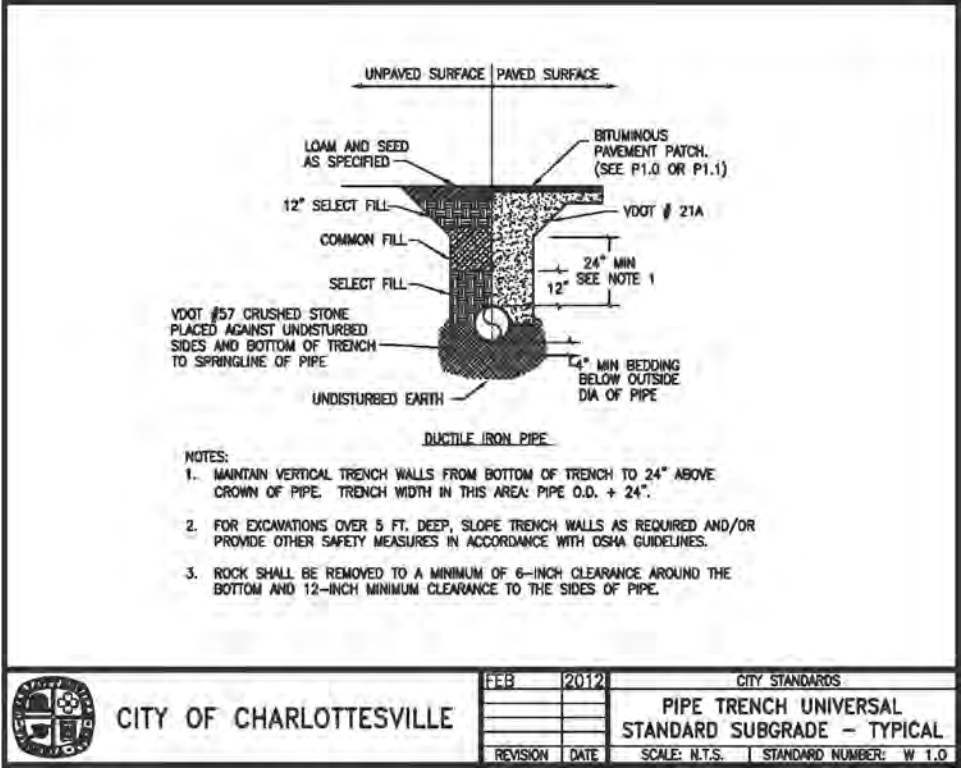
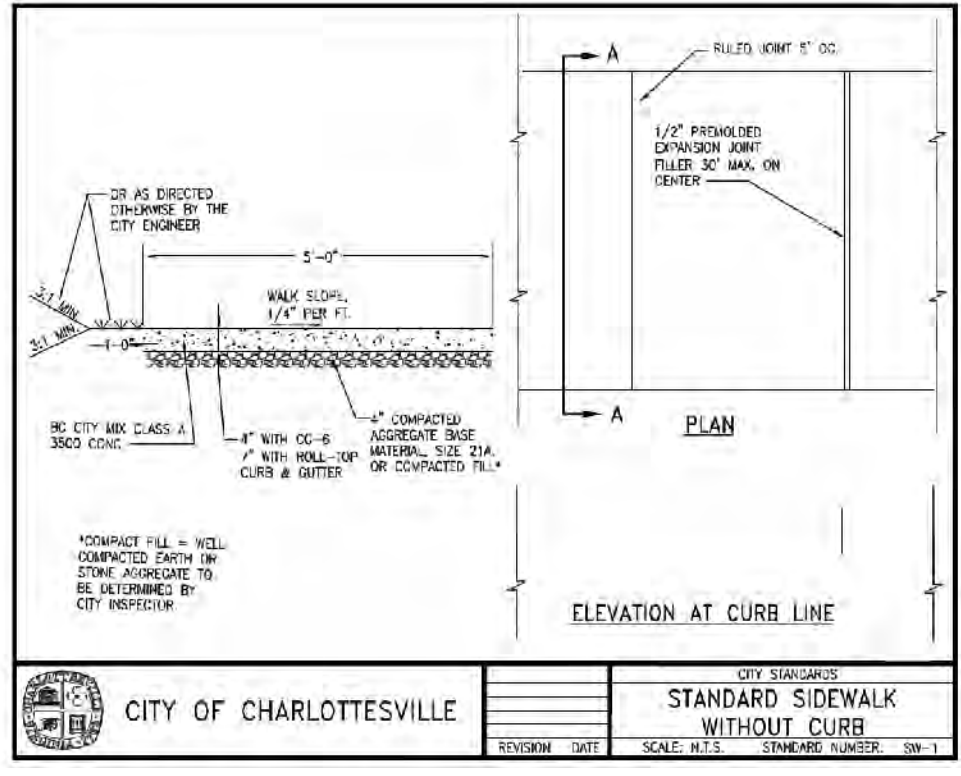
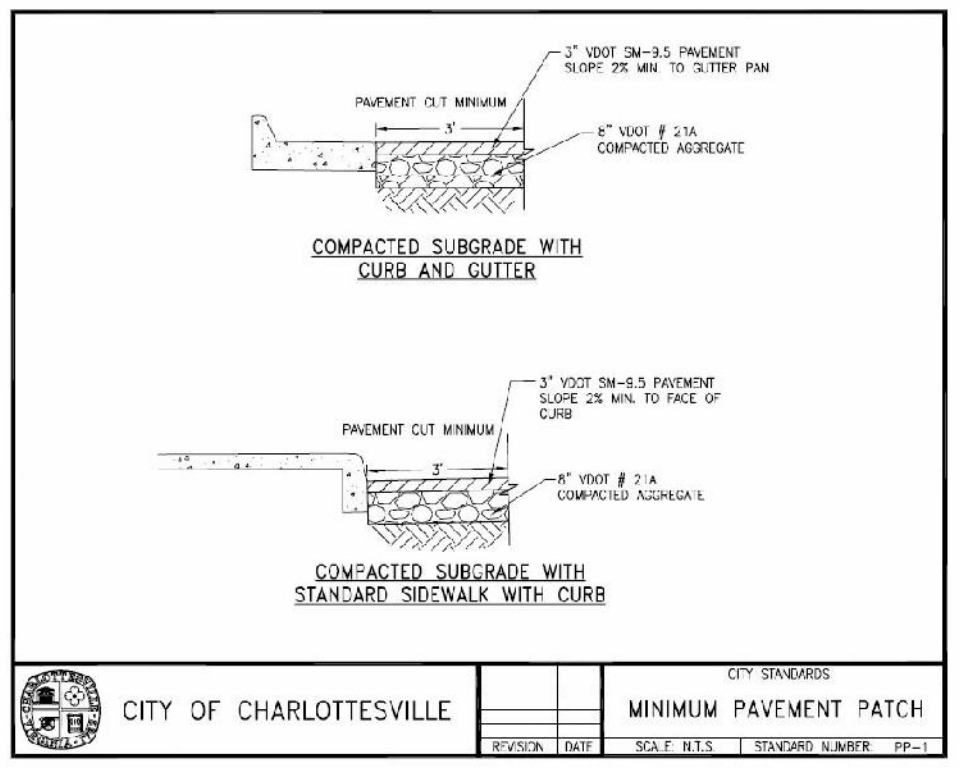
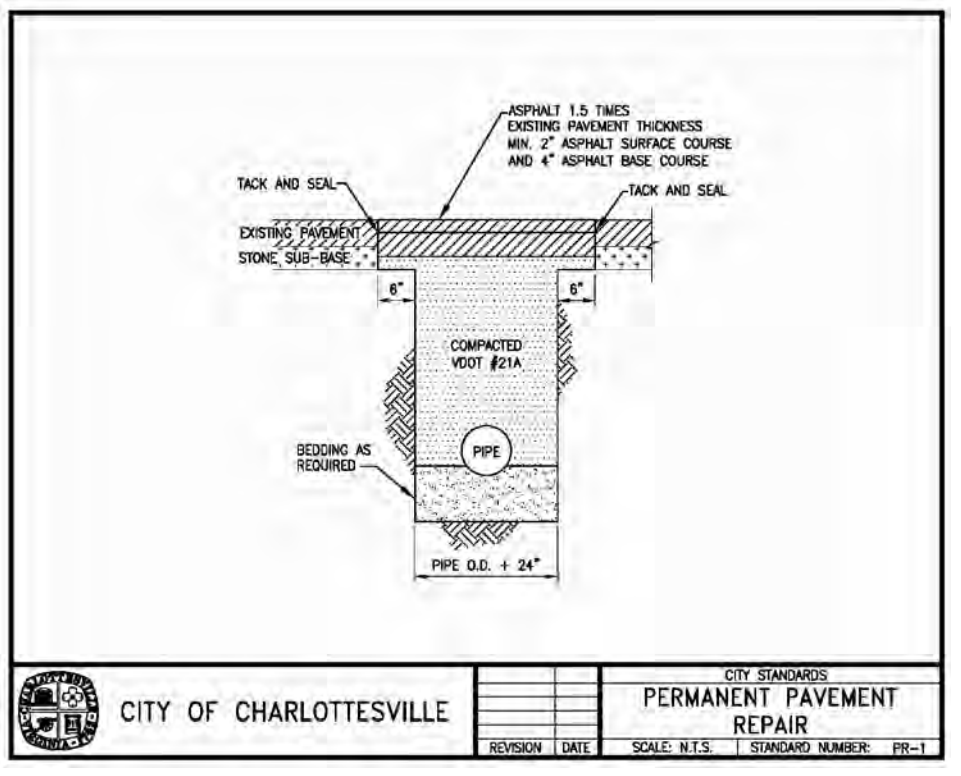
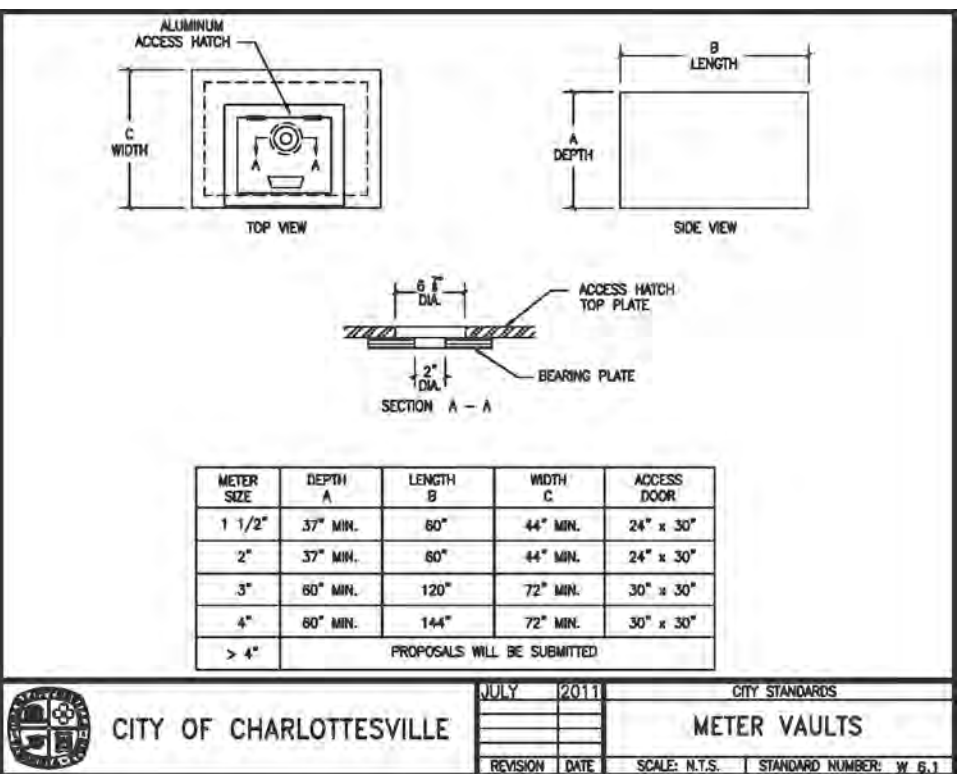
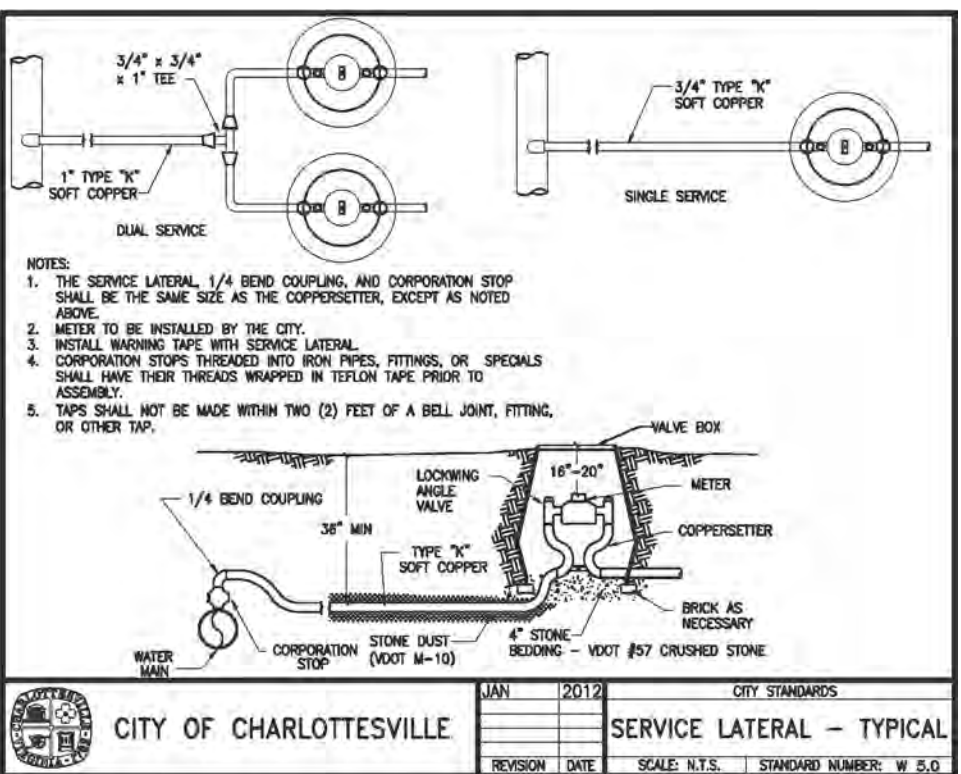
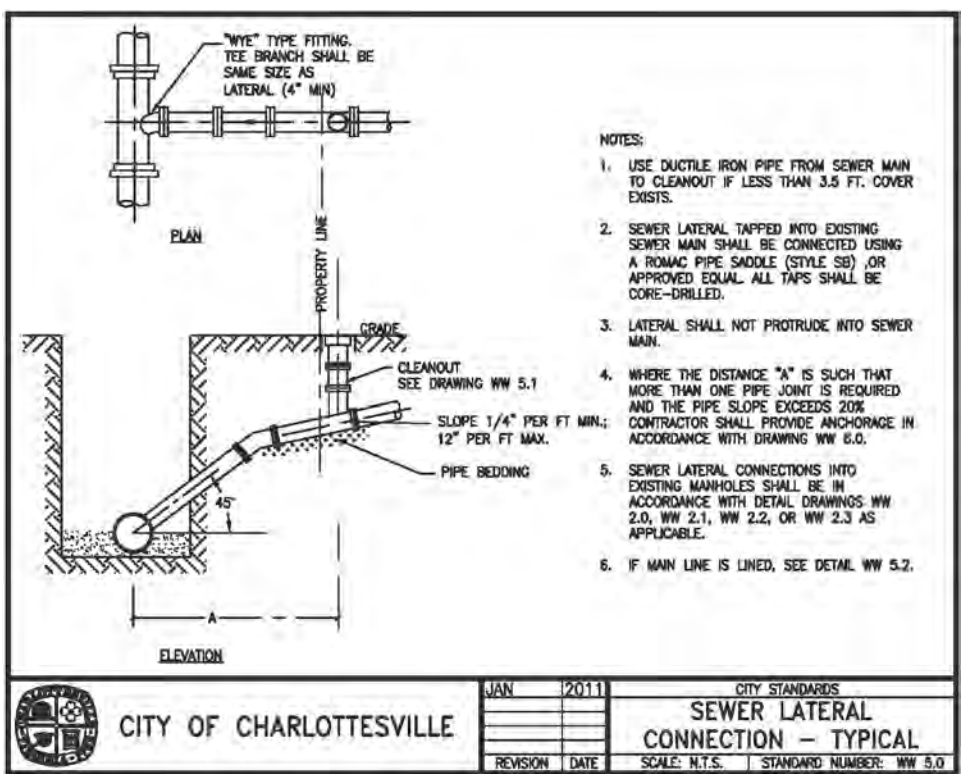
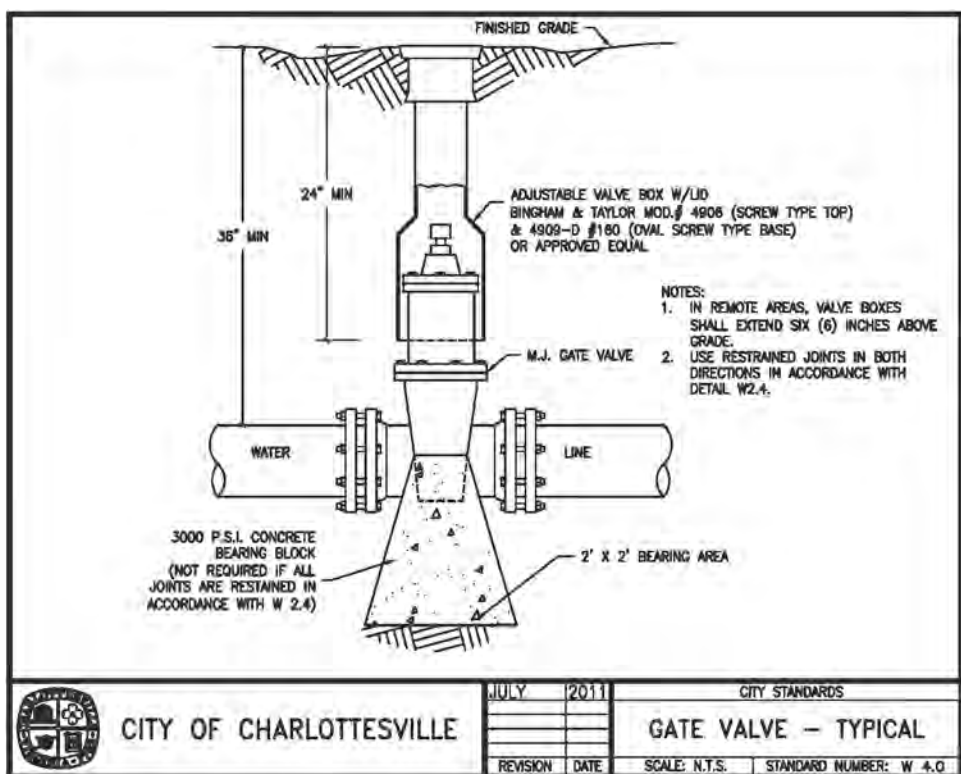
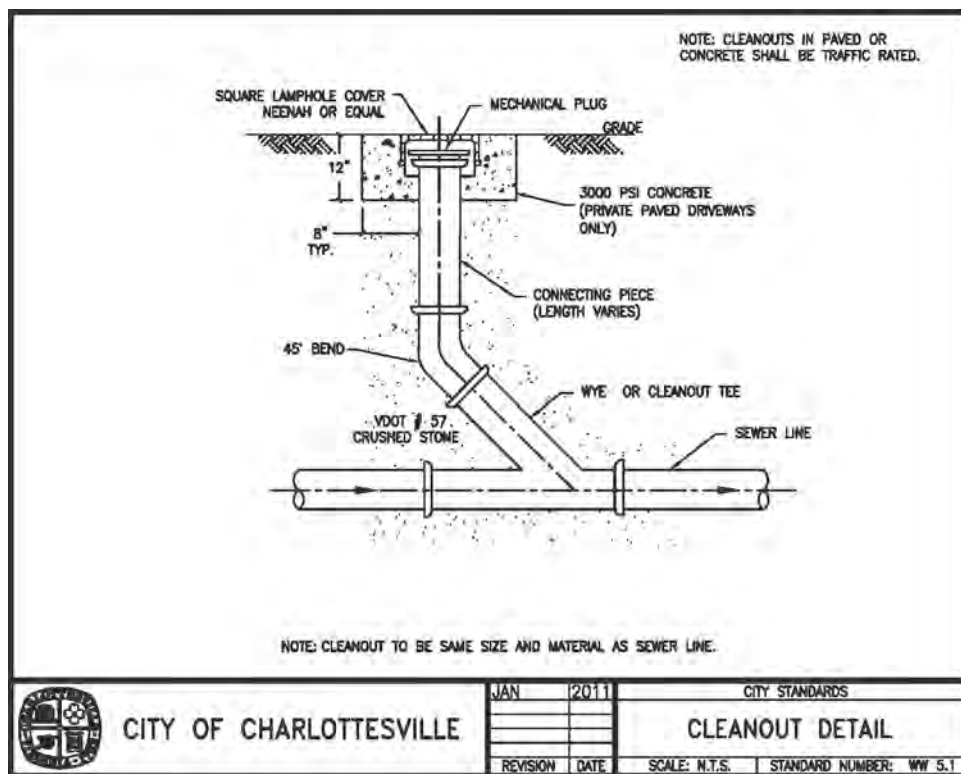
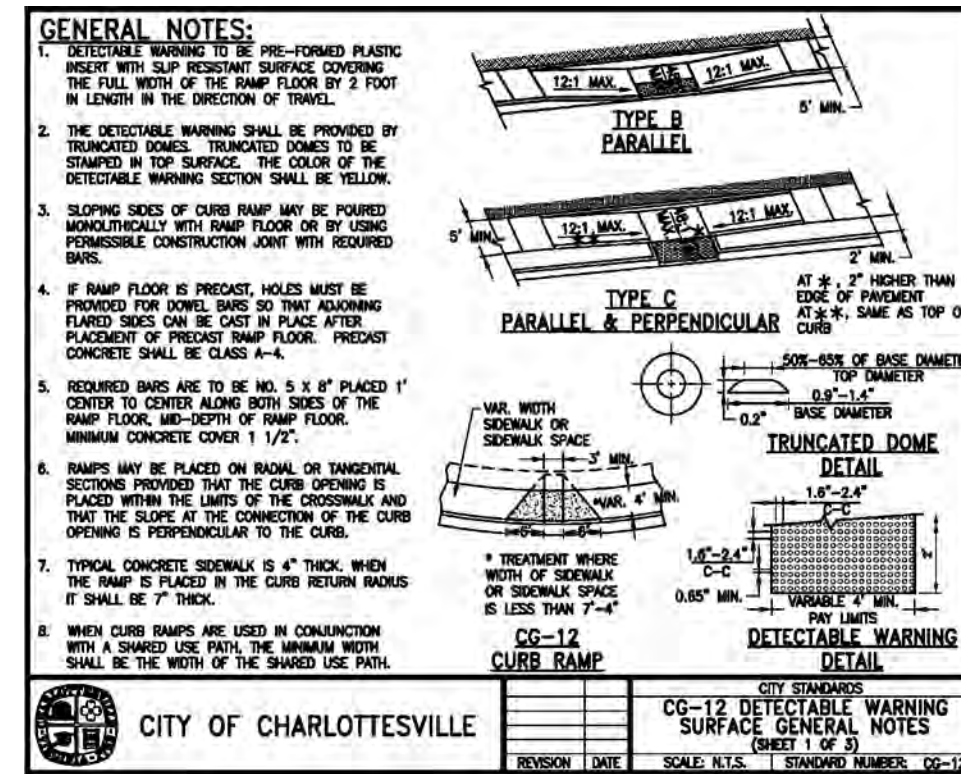
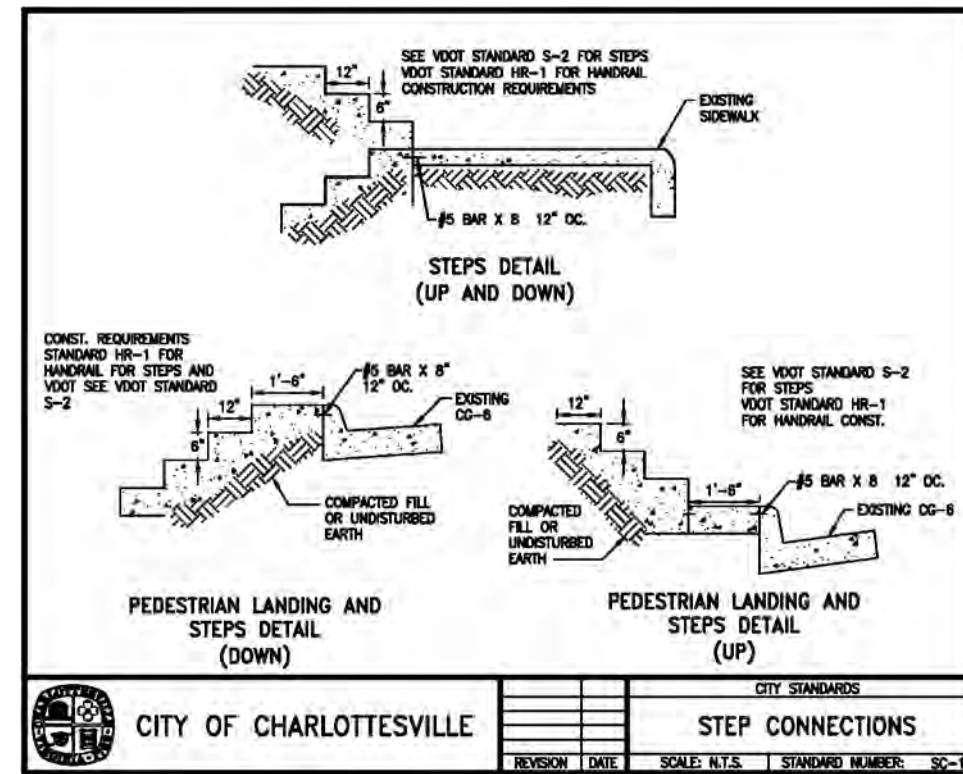
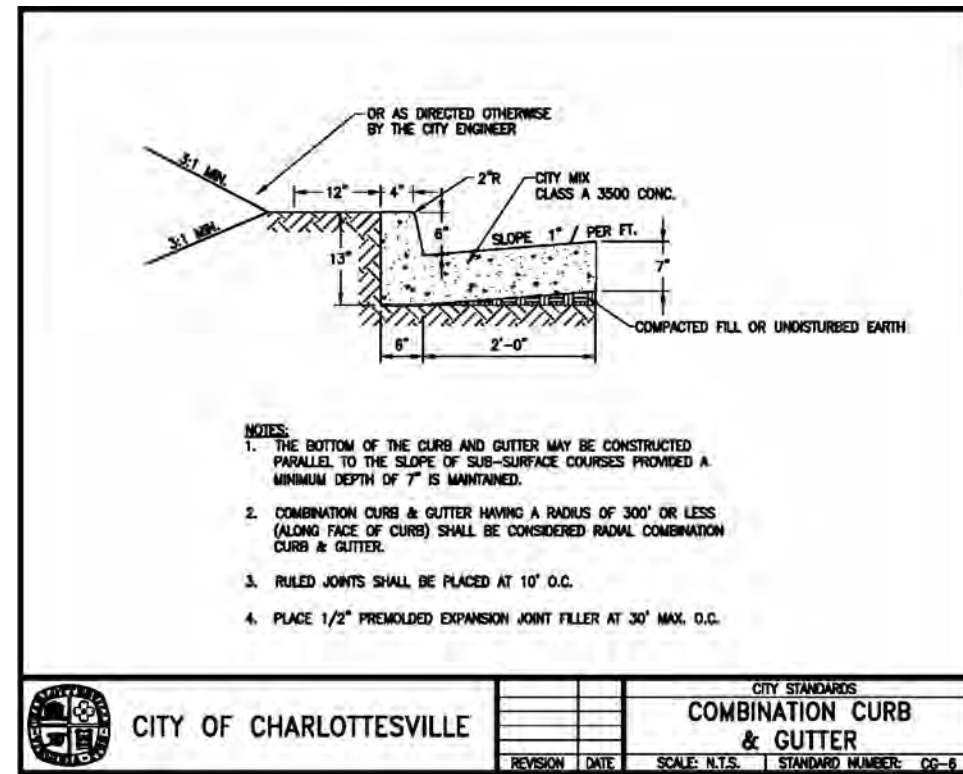
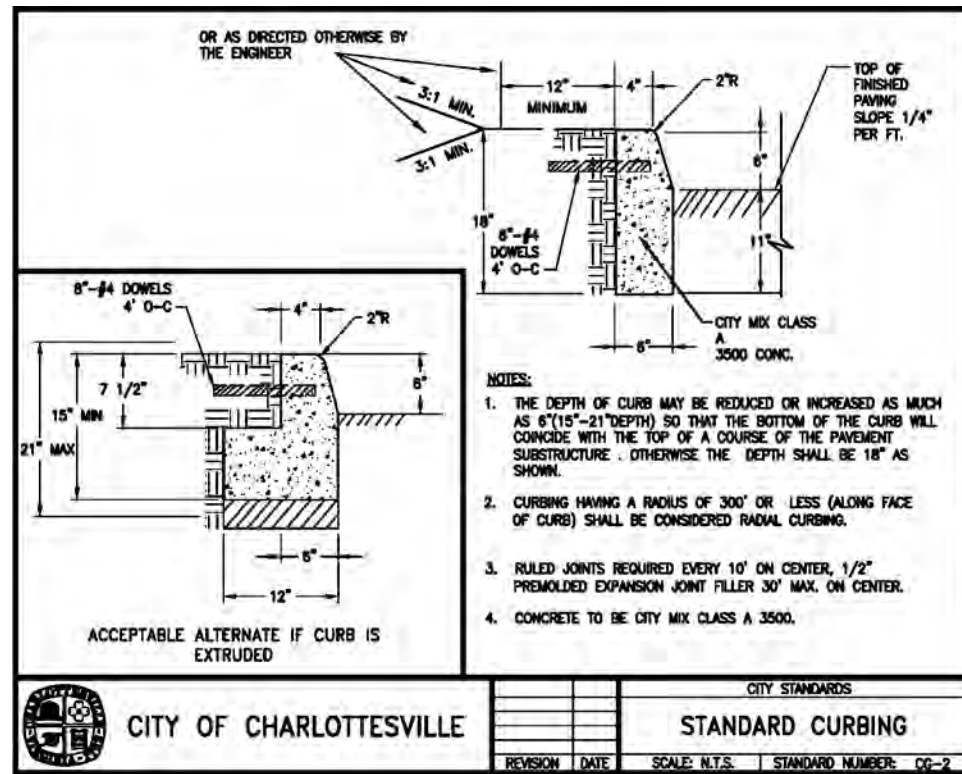


Table with 3 columns: REVISIONS, REVISION DESCRIPTION, INITIAL SUBMITTAL. Includes a row for 'REVISED PER CLIENT CHANGES AND CITY COMMENTS'.

Vertical text block containing 'COLLINS ENGINEERING', '1725 JPA APARTMENTS PRELIMINARY SITE PLAN', 'NOTES & DETAILS', and project address '200 GARRETT STREET, SUITE K - CHARLOTTEVILLE, VA 22902 - 434.293.3719'.



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RE-DEVELOPMENT

1725 JEFFERSON PARK AVE.

CHARLOTTESVILLE, VIRGINIA

CITY OF CHARLOTTESVILLE PLANNING COMMISSION
 SPECIAL USE PERMIT APPLICATION PACKAGE

21 APRIL 2015

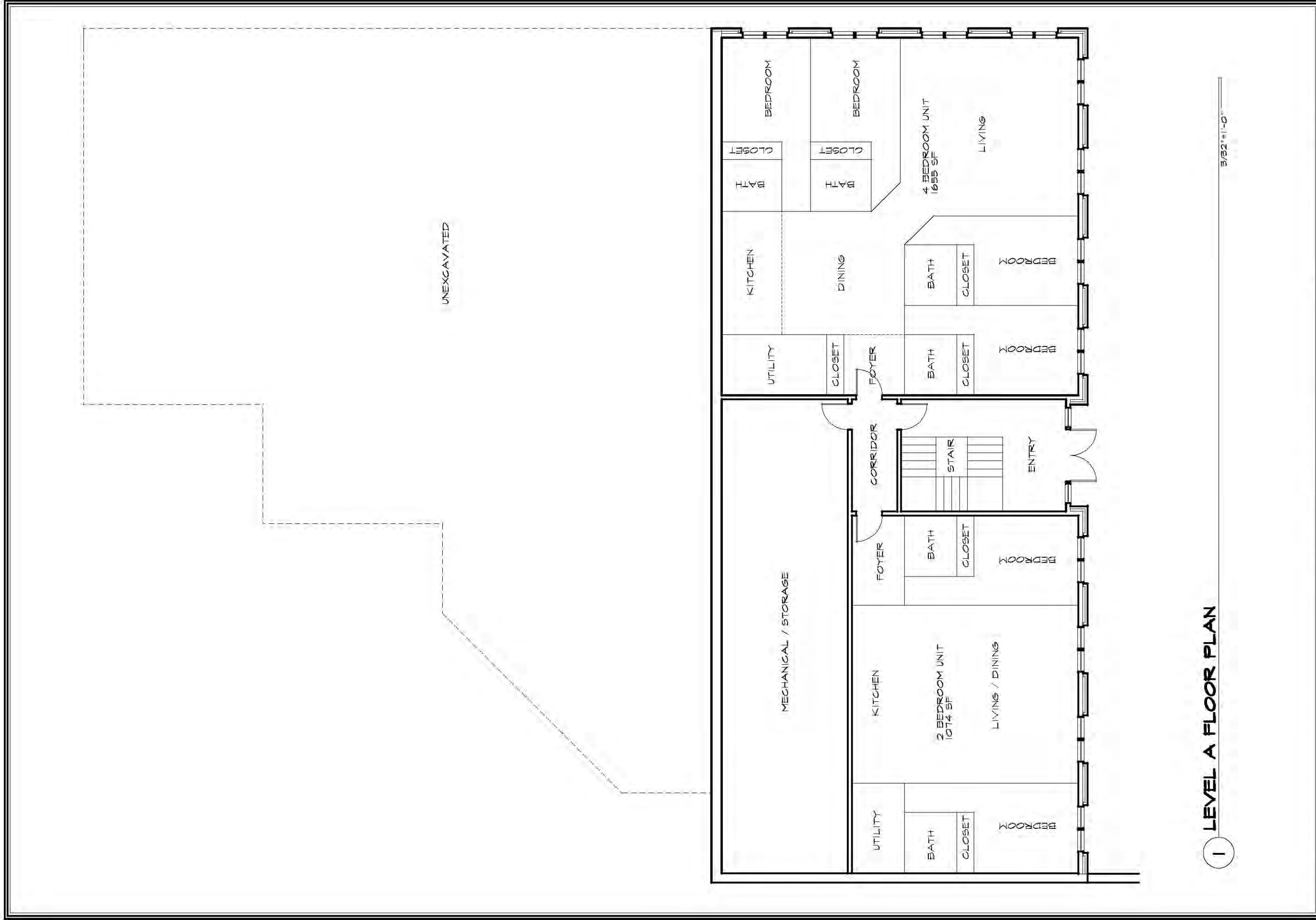

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 CHARLOTTESVILLE, VA 22902
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1725 JEFFERSON PARK AVENUE
 SPECIAL USE PERMIT
 APPLICATION PACKAGE
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JOB NUMBER 1409 FILE NO. 1409-SUP-NORRFILE

SUP.00



1 LEVEL A FLOOR PLAN

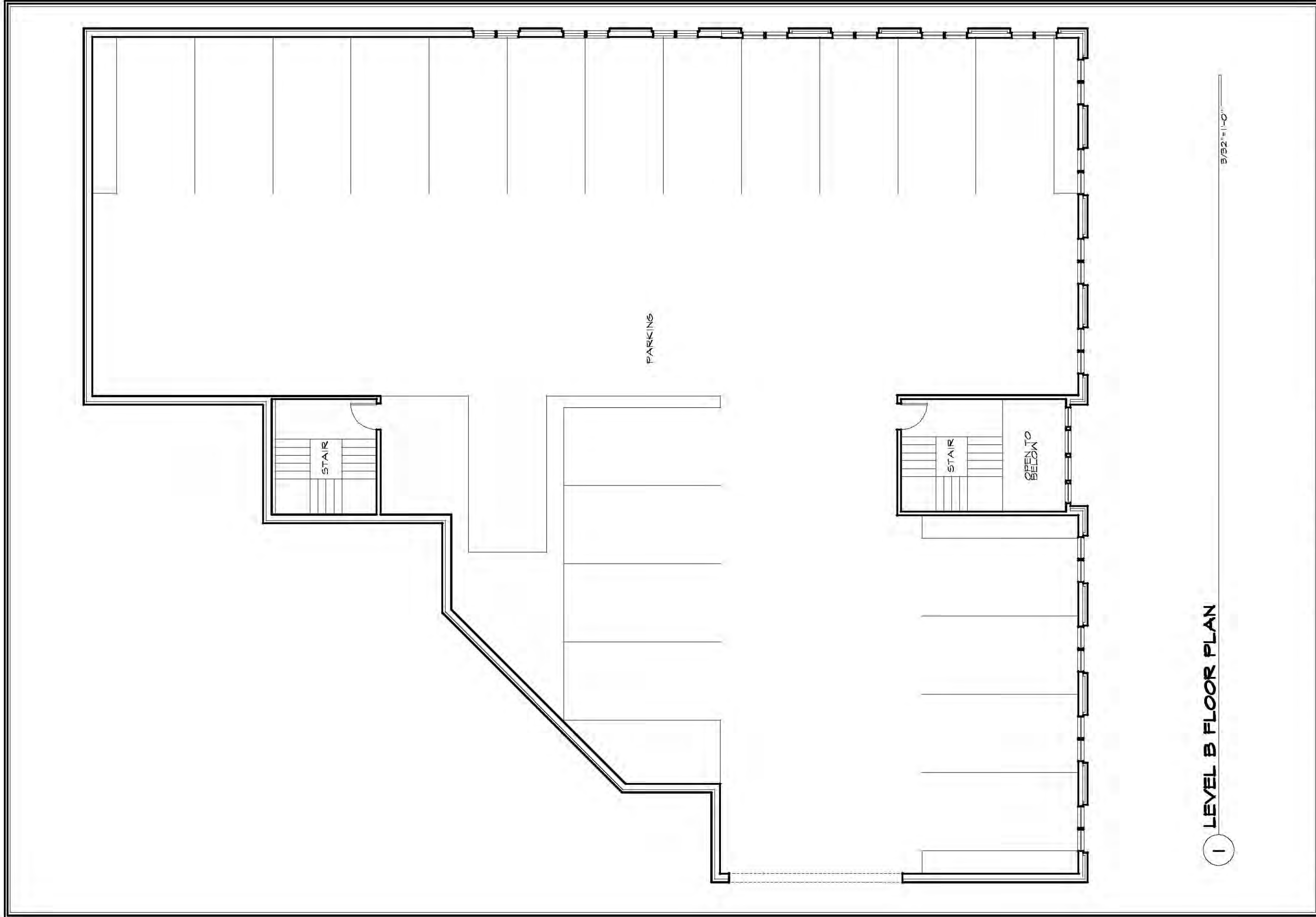
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1725 JEFFERSON PARK AVENUE
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 FLOOR PLAN


JOB NUMBER 1409 FILE NO. 1409-SUP-WORKFILE

SUP.01



1 LEVEL B FLOOR PLAN

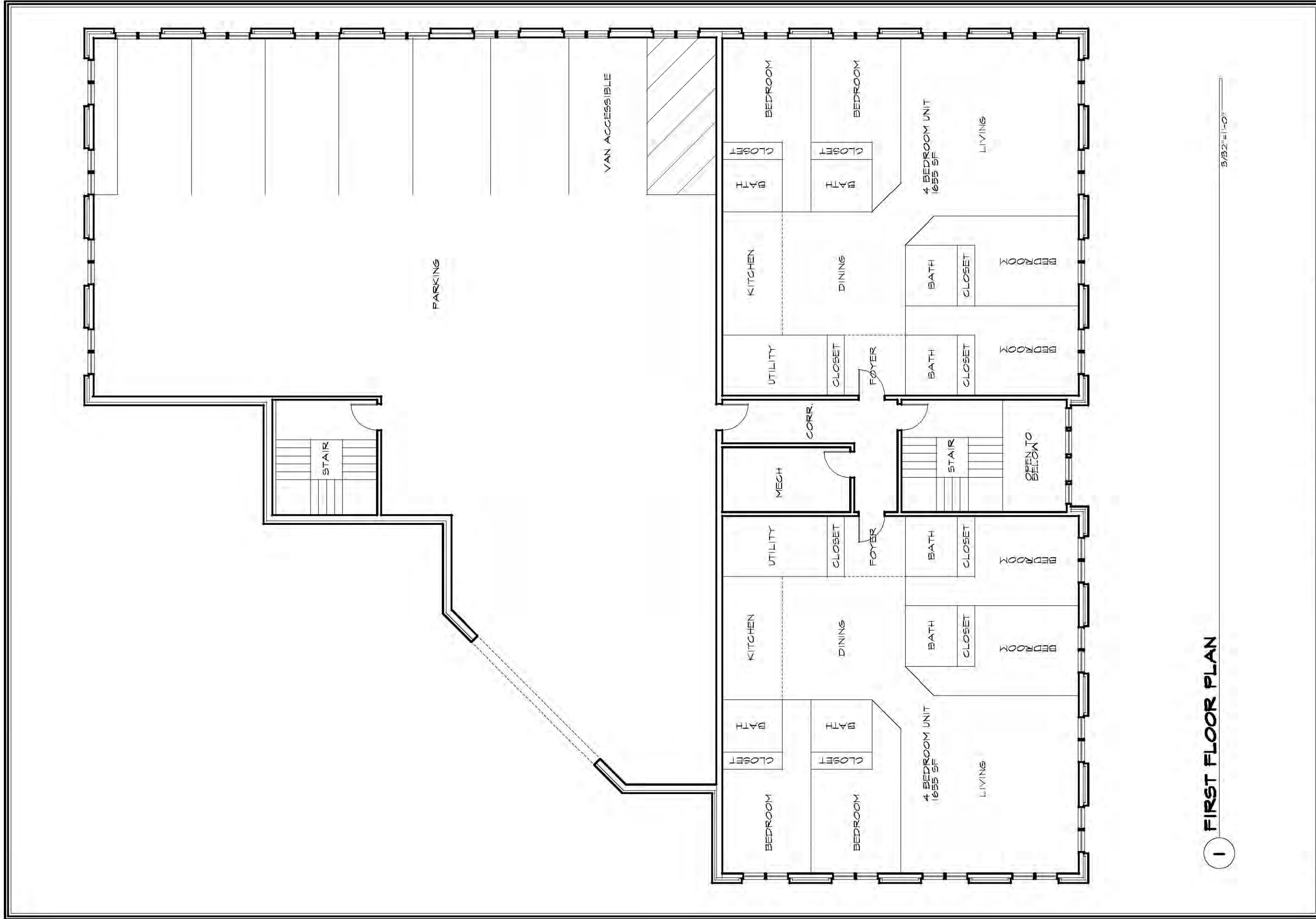
3/32"=1'-0"


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1725 JEFFERSON PARK AVENUE
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 FLOOR PLAN
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SUP.02



1 FIRST FLOOR PLAN

SUP.03

1725 JEFFERSON PARK AVENUE
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 FLOOR PLAN

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1 SECOND FLOOR PLAN

3/52' = 1'-0"

SUP.04

1725 JEFFERSON PARK AVENUE
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 FLOOR PLAN

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1 THIRD FLOOR PLAN

3/32" = 1'-0"

SUP.05

1725 JEFFERSON PARK AVENUE
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1 FOURTH FLOOR PLAN

3/82" = 1'-0"

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 FLOOR PLAN

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SUP.06



1 SOUTH (FRONT) ELEVATION

3/32" = 1'-0"

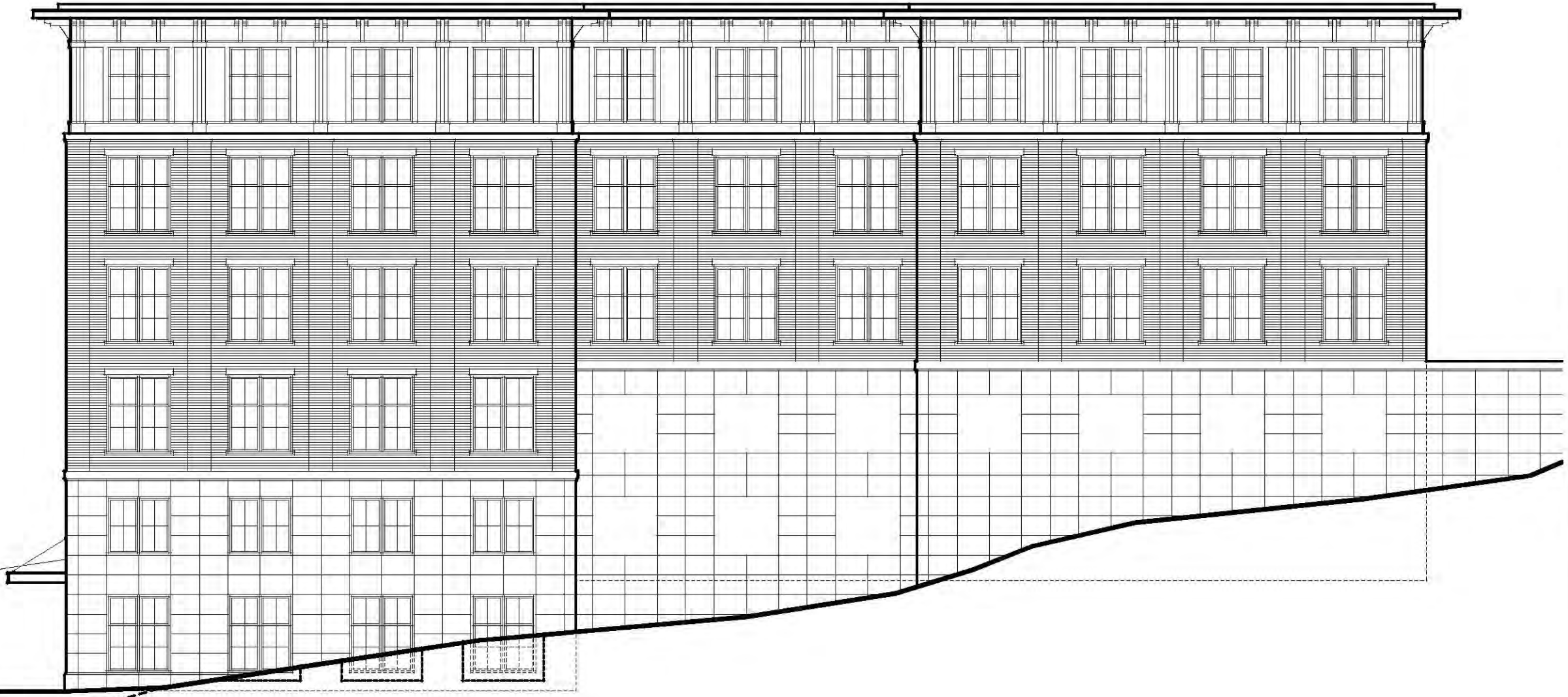

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1725 JEFFERSON PARK AVENUE
 SPECIAL USE PERMIT
 APPLICATION PACKAGE
 BUILDING ELEVATION
 JOB NUMBER 1409 FILE NO. 14-091-SUP-NOR-KFILE

SUP.07

1 EAST (RIGHT SIDE) ELEVATION



3/32" = 1'-0"


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1725 JEFFERSON PARK AVENUE
 SPECIAL USE PERMIT
 APPLICATION PACKAGE
 BUILDING ELEVATION
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SUP.08



1 NORTH (REAR) ELEVATION

3/32"=1'-0"

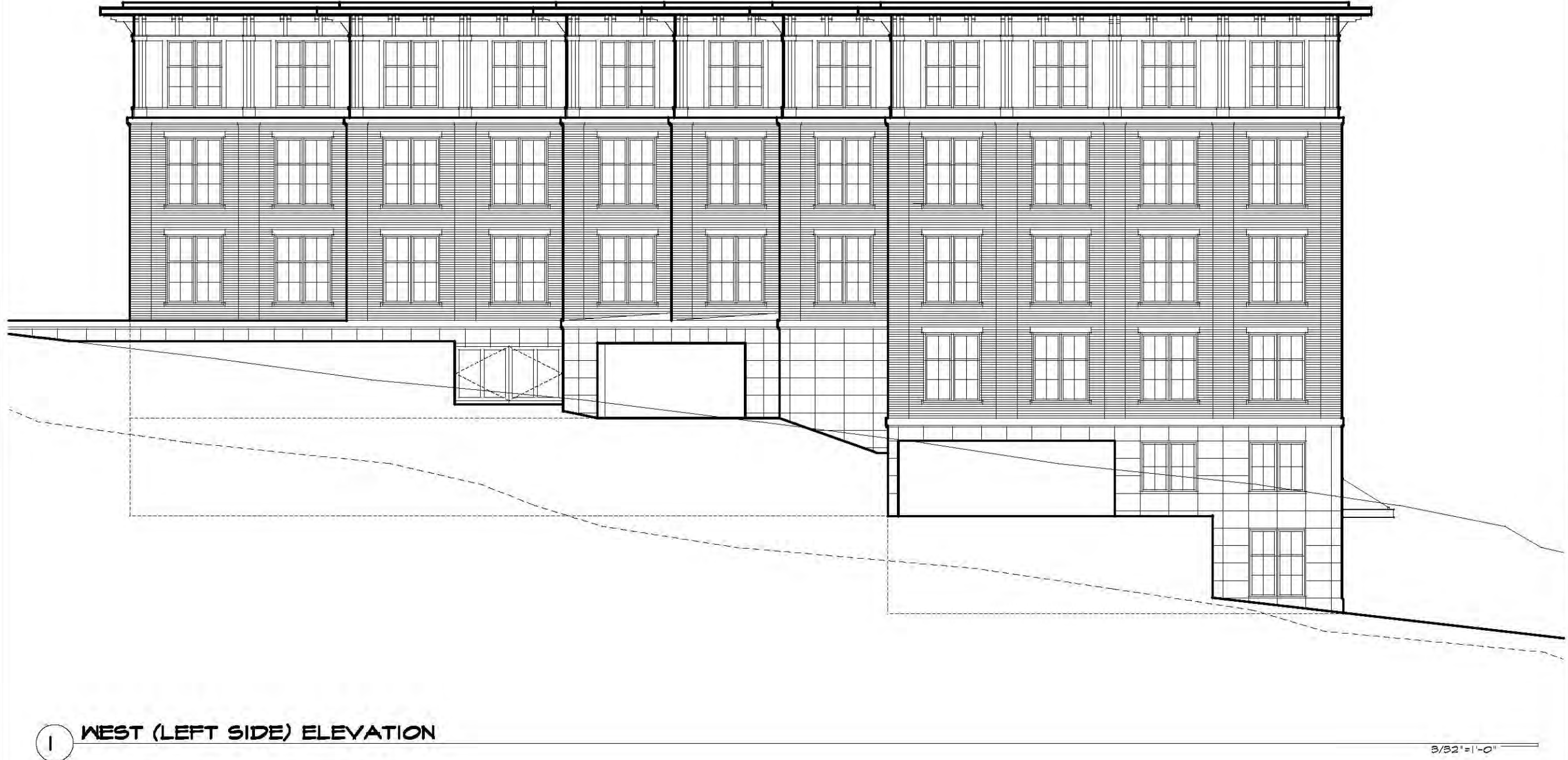

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 BUILDING ELEVATION
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SUP.09

1 WEST (LEFT SIDE) ELEVATION



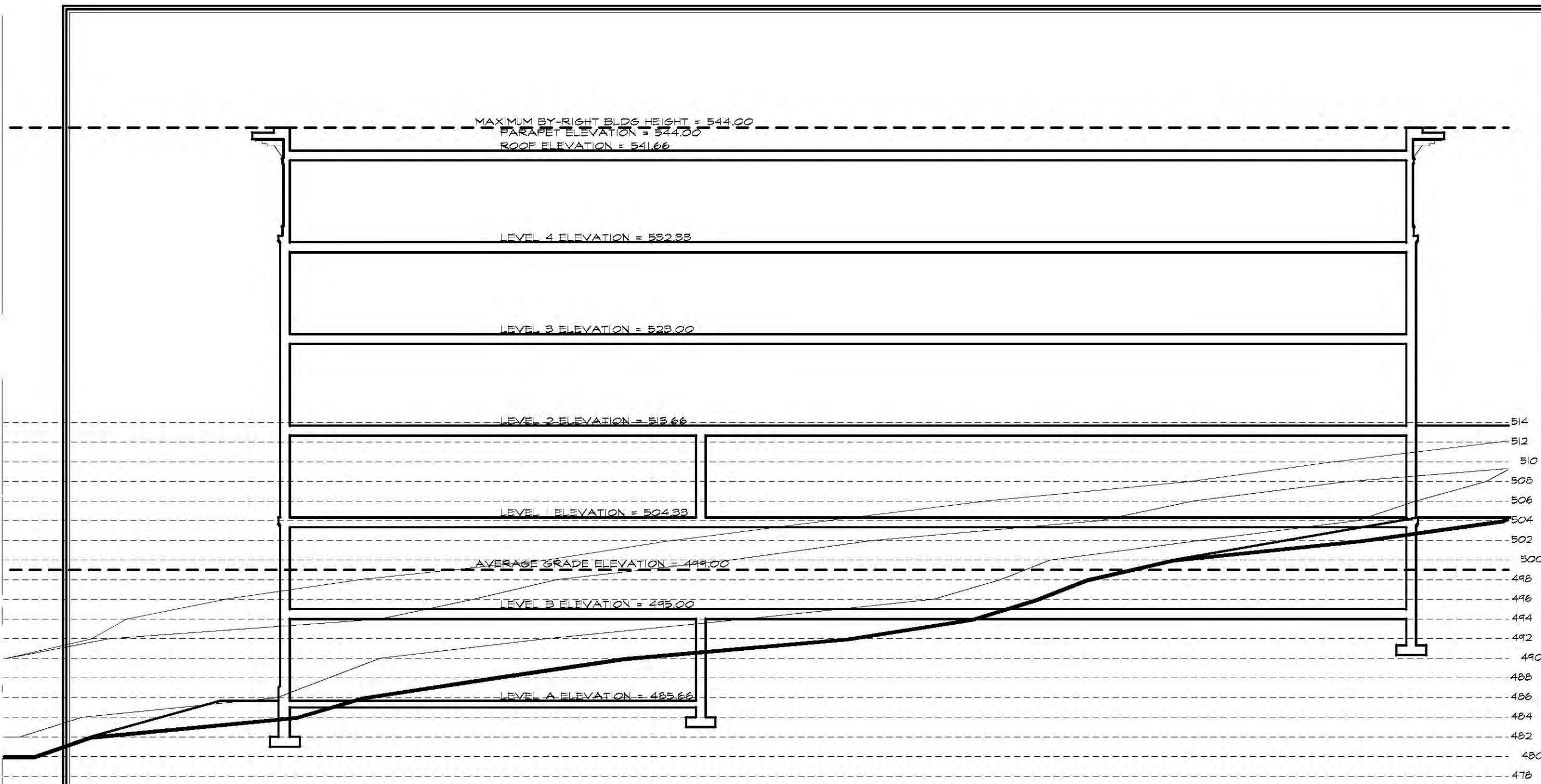
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1725 JEFFERSON PARK AVENUE
 SPECIAL USE PERMIT
 APPLICATION PACKAGE
 BUILDING ELEVATION

JOB NUMBER 1409 FILE NO. 1409-SUP-WORKFILE

SUP.10



○ SITE / BUILDING SECTION

3/32" = 1'-0"

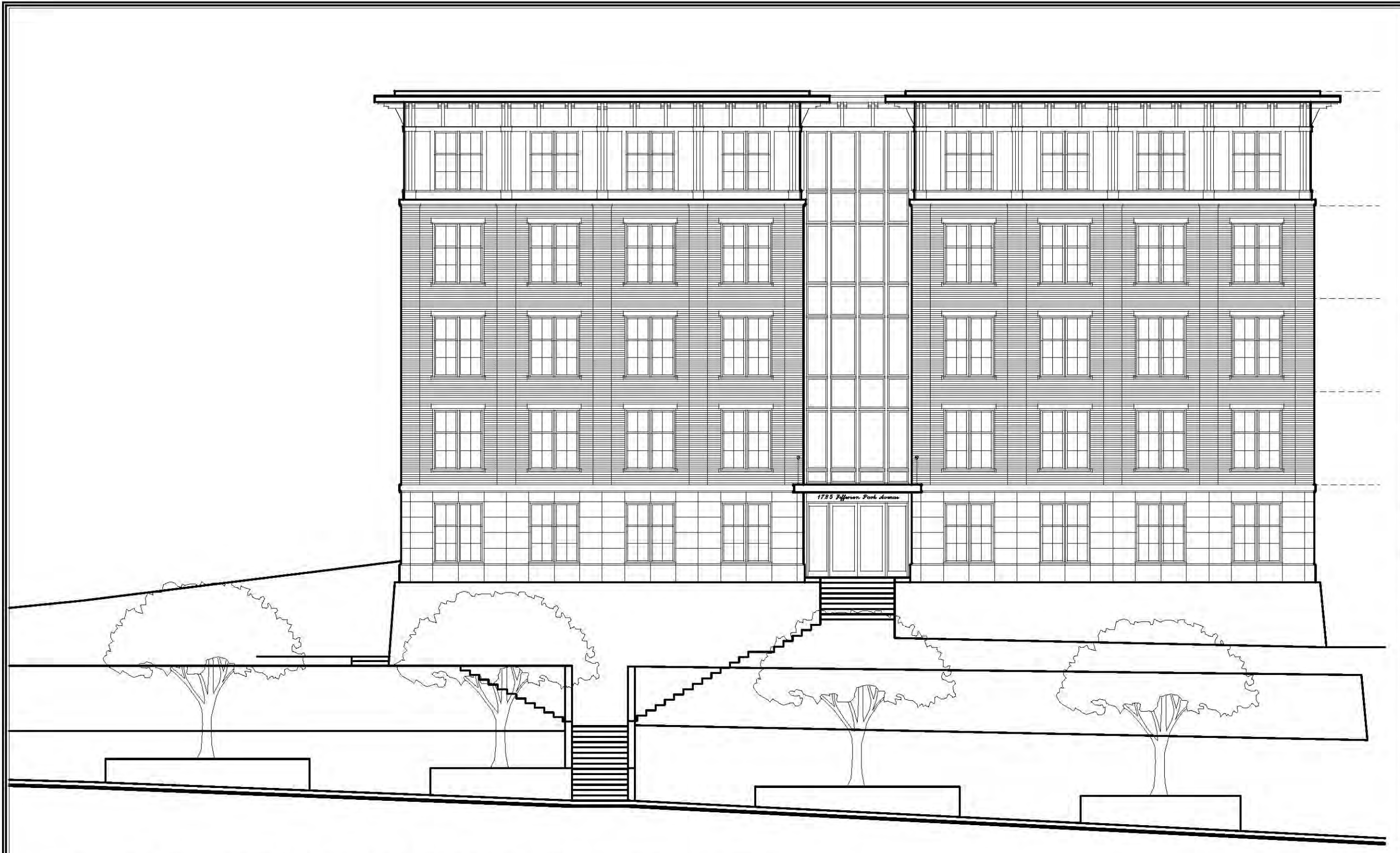
▲▲
ATWOOD HENNINGSEN KESTNER
ARCHITECTS
INC.
 1108 EAST HIGH STREET
 CHARLOTTESVILLE, VA 22902
 PHONE (434) 971-7202 FAX (434) 295-2413

| DRAWING RELEASE | | REVISION | |
|-----------------|-----------------|----------|------|
| NO. | DATE | NO. | DATE |
| 1 | 4-21-15 | | |
| | SUP. SUBMISSION | | |
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1725 JEFFERSON PARK AVENUE
 SPECIAL USE PERMIT
 APPLICATION PACKAGE
 SITE / BUILDING SECTION


JOB NUMBER 1409 FILE NO. 1409-SUP-NORFILE

SUP.11



○ SOUTH (FRONT) ELEVATION OF PREVIOUSLY SUBMITTED SCHEME

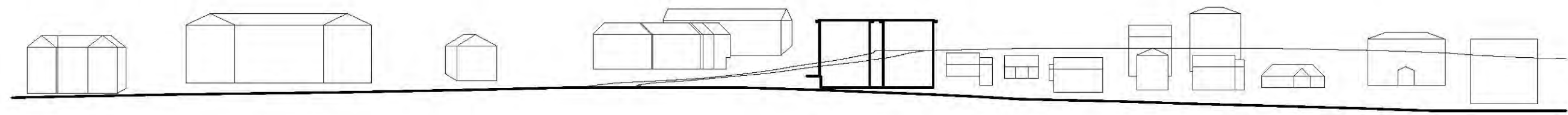
3/32" = 1'-0"


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 1108 EAST HIGH STREET
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 PHONE (434) 971-7202 FAX (434) 295-2413

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| 1 | 4-21-15 | SUP. SUBMISSION |
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1725 JEFFERSON PARK AVENUE
 SPECIAL USE PERMIT
 APPLICATION PACKAGE
 PREVIOUS ELEVATION
 JOB NUMBER 1409 FILE NO. 1409-SUP-NOR&FILE

SUP.12



● SITE & CONTEXT SECTION / ELEVATION (CUT THRU JPA)

3/32" = 1'-0"

▲ ▲
ATWOOD HENNINGSEN KESTNER
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INC.
 1108 EAST HIGH STREET
 CHARLOTTESVILLE, VA 22902
 PHONE (434) 971-7202 FAX (434) 295-2413

| NO. | DATE | DRAWING RELEASE |
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| 1 | 4-21-15 | SUP SUBMISSION |
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| NO. | DATE | REVISION |
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1725 JEFFERSON PARK AVENUE
 SPECIAL USE PERMIT
 APPLICATION PACKAGE
 SITE & CONTEXT SECTION / ELEVATION
 JOB NUMBER 1409 FILE NO. 1409-SUP-WORKFILE

SUP.13



**ATWOOD HENNINGSEN KESTNER
ARCHITECTS
INC.**

28 April 2015

MEMORANDUM

Neighborhood Development Services
610 East Market Street
Charlottesville, VA 22902
Attn: Matt Alfele, City Planner

Re: 1725 JPA – Special Use Permit

Dear Mr. Alfele,

Thank you for taking time to review our submission and to help see our project through the appropriate processes. Based on comments from the commissioners and the neighbors along with an internal review of the project, have made a significant number of adjustments and concessions to the project in response. We offer the following points to accompany the images that we have submitted in hopes that we have successfully satisfied any and all concerns.

1. Reduced overall height of building by.
2. Lowered placement of building relative to context.
3. No longer asking for a height modification.
4. Reduced possible view concerns from neighbors.
5. Eliminated terraced retaining walls along JPA.
6. Lowered pedestrian entrance to street level.
7. Provided at grade sidewalk entrance to building.
8. Provided residential units at street level.
9. Adjusted design to provide street level residences on JPA.
10. Provided more separation between off street parking entrances.
11. Provided improvement and uniformity to Montebello Circle along the site.
12. Provided a pedestrian sidewalk on Montebello Circle along site. None currently exists.
13. Reduced proposed density/number of dwelling units from 22 to 19.
14. Adjusted structured parking to accommodate required number of spaces.

15. Eliminated neighbors concern of additional possible demands on the street parking.
16. Provided lawn and patios along JPA for recreation use.
17. Increased landscaping for more pleasant JPA pedestrian experience.
18. Provided lawn in rear for recreation use.
19. Intend to comply with Section 34-12.

I would be glad to discuss the project further with you and the board members at your convenience. Please do not hesitate to contact my office should you have any questions.

Sincerely,



Mark A. Kestner, AIA
Principal

April 26, 2015

City of Charlottesville
Dept. of Neighborhood Development Services
P.O. Box 911
Charlottesville, VA 22902
Attn: Missy Creasy, Interim Director

Dear Ms. Creasy:

Re: SP15-00001 – 1725 JPA Apartments

As an adjacent property owner, I will be unable to attend the May 12 Planning Commission meeting at which the above-referenced application for Special Use Permit will be considered, so I would like to take this opportunity to express my concerns on this matter.

Approval of this application would more than triple the residential density of this property, already at 21 DUA. In addition, it would exceed current setback requirements, crowding up against neighboring properties, sidewalks, and streets. These regulations were put in place after careful consideration by the city, and exist for good reasons. Those of us who own property in the area were made aware of these zoning rules, and purchased our properties with an understanding that we would have to abide by them.

While I acknowledge the need for adequate student housing in our community, hundreds, if not thousands, of student housing units have been created in the area over the last several years, and no shortage of such housing appears to exist at this time. The property in question lies within a city Entrance Corridor Overlay, and attempts should be made to protect the character and diversity of the area. The building currently on the site, while not technically historical, is a classic example of mid-twentieth century architecture and design, and part of the history of the University and our city. I assume that it would be demolished for this project, and replaced by another soulless, featureless box into which as many students as possible would be packed, with little or no concern for aesthetics or the character of the neighborhood.

Thank you for considering my comments. Please keep me apprised of further developments in this matter. Thank you.



Karen Grecus
210 Roberts Ridge Lane
Nellysford VA 22958

Owner, 1800 JPA #803 & 1800 JPA #910

CITY OF CHARLOTTESVILLE
DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES
MEMORANDUM



To: Charlottesville Planning Commission
From: Matt Alfele, City Planner
Read Brodhead, Zoning Administrator
Meeting Date: May 12, 2015
Re: Proposed Zoning Text Amendment
Transient Lodging (Short Term Lodging in Residential Dwellings)

Background:

Attached is a copy of a Resolution enacted by City Council on February 17, 2015, asking the Planning Commission to study and make recommendations as to whether the City’s zoning regulations should be amended to allow the use of residential dwelling units, or portions thereof, as temporary lodging for tourists or other temporary stays. One of the implications of such uses is that they are subject to a City tax called the “transient occupancy tax”. Therefore, for purposes of this report, and for any City code amendments, we refer to the uses as “transient lodging” (TL).

Transient Lodging (TL), such as the accommodations offered through website clearinghouses “airbnb”, “HomeAway”, and “TurnKey”, are popping up in localities all over the country. This model of travel/ temporary lodging is creating more options for travelers and new revenue opportunities for individuals and small businesses, but could be disruptive to some traditional neighborhoods. Many localities are underprepared for such a rapid growth in the number of TL within their communities. Other locations have enacted regulations only to find they are insufficient or unaffordable. As of the date of this report, three (3) of the most popular TL websites; Stay Charlottesville, airbnb, and HomeAway listed a combined two hundred and five (205) available units in the Charlottesville area. The last report prepared for the Planning Commission (dated December 9, 2014) listed a combined three hundred eighteen (318) available units. This highlights how fluid TL are and how they can fluctuate dramatically over short periods of time. The “shared economy” or more aptly the “micro economy” is developing rapidly, and an ordinance, or modifications to existing ordinances, is needed to balance the needs of the community and foster economic innovation. The City of Charlottesville is not alone in facing this changing landscape as other cities grapple with keeping their regulations relevant.

To date, the Zoning Administrator has received complaints about five (5) properties at which this type of lodging was offered. The main complaints stem from noise, safety, and excessive vehicles utilizing already limited on-street parking. Two (2) properties located on University Circle were cited for exceeding the maximum occupancy of three (3) unrelated persons, but it was difficult to document and prove that there was in fact a violation, and the City Attorney’s office has advised that “residential occupancy” is not the correct standard to be applied to this type of use (under our current zoning regulations, this use falls within the definition of a “Hotel”¹ which is prohibited entirely within residential zoning districts of the City). There is also a concern that the neighborhood dynamic could greatly change if TL are permitted in traditional residential zoning districts.

It is estimated that one hundred (100) to one hundred and fifty (150) property owners are currently operating TLs in the City and staff is only aware of five (5) properties which are causing problems in the community. Updating the Home Occupations Code or creating a new Code with a strong revocation clause, business license requirement, and an annual permit are all steps that staff believes are options to prevent abuses and ensure responsible operations of this type of use in the City.

In researching the impact TLs are having on communities staff examined codes and ordinances in Austin, Texas; Madison, Wisconsin; Portland, Oregon; and Nashville, Tennessee. Staff also looked at TLs in Virginia Beach and Williamsburg, Virginia.

| City | Population | Square Miles | People Per Square Mile |
|----------------------------|---------------|--------------|------------------------|
| Charlottesville, VA | 45,593 | 10.3 | 4,426 |
| Austin, Texas | 885,400 | 251.5 | 3,520 |
| Madison, Wisconsin | 243,344 | 68.7 | 3,542 |
| Portland, Oregon | 609,456 | 134.3 | 4,538 |
| Nashville, Tennessee | 634,464 | 473.3 | 1,340 |
| Virginia Beach, VA | 450,980 | 248.3 | 1,816 |
| Williamsburg, VA | 14,691 | 8.54 | 1,720 |

Data source: United States Census Office. (2014)

Staff’s findings revealed that although TLs are prevalent in locations such as Virginia Beach and Williamsburg, the scale and regulatory measures in place are not comparable to Charlottesville. The regulations are focused more on fostering tourism than protecting traditional

¹ Zoning Ordinance Sec. 34-1200 defines “hotel/ motel” as a building or portion thereof... containing (or) providing guest rooms used, rented or hired out to be occupied for sleeping purposes on a transient basis (i.e., by the day or week)...

neighborhoods. Madison, Wisconsin's ordinances, while less restrictive, limits TLs to be no closer than five hundred (500) feet of other TLs. This might not be problematic for a city covering sixty-eight point seven (68.7) square miles, but would be very limiting, and might not be legally enforceable, for a city our size. Austin, Texas' regulations are more robust, but again limit location through capping the amount per census blocks. It is staff's understanding that limiting the number allowed in parts of the City would not be legal in Virginia. The City has the authority to say a use is allowed or not allowed in specific zoning districts, but cannot cap the amount. The parallel would be allowing coffee shops in the Cherry Avenue Mixed Use District, but only allowing three (3). Portland, Oregon's ordinance is the most comprehensive, but has had the most problems. Portland created a division within the government just to focus on TLs, but even a city of their size has had problems with enforcement. Although the regulations passed in Nashville Tennessee are the newest out of all the ordinances staff examined, they provide the clearest outline for how Charlottesville could facilitate some level of TLs in the City.

In addition to researching other cities and regulations staff participated in numerous outreach meetings and work sessions. Below is a timeline of events.

July 21, 2014 – City Council initiated a study of Zoning Ordinance Provisions for Short Term Rentals (TL)

September 5, 2014 – Staff met with citizens that run TLs to collect feedback and capture their input.

October 14, 2014 – Staff met with additional citizens that run TLs and the Charlottesville Albemarle Convention and Visitor Bureau to collect feedback.

October 24, 2014 – Staff met with members of the hotel industry. They expressed concern with the safety of TLs, taxation, and providing a level playing field for all.

November 12, 2014 – Staff met with residents of University Circle. Concerns were voiced that allowing TLs would alter the character of their neighborhood. They believe that the neighborhoods abutting the University are constantly striving for balance and by allowing TLs it would create an unwelcome stressor.

December 9, 2014 – Planning Commission considered a study on TLs and a Zoning Text Amendment. After consideration, the Planning Commission referred the matter to City Council for additional study. Many citizens spoke in favor of and in opposition to the proliferation of TLs. Many in favor stated that TLs help home owners keep their homes and provide a secondary source of income. Citizens that spoke in opposition voiced concern that neighborhoods could become transient and full of investment properties.

January 20, 2015 – The TL Planning Commission Report was presented to City Council. No action was taken as a request for a resolution for a Zoning Text Amendment would be requested at a later date.

February 17, 2015 – City Council passed a resolution for initiation of a Zoning Text Amendment for TL. City Council directed that the minutes from this meeting be included in the Planning Commissions discussions.

February 24, 2015 – Planning Commission held a work session to address questions raised by City Council. The public was offered an opportunity to speak. Several members of the public spoke in favor of allowing TLs.

February 26, 2015 – A public Open House on TLs was held at the Water Street Center. Twenty six (26) members of the public attended the event. The vast majority expressed favorable attitudes toward allowing TLs in the City.

March 24, 2015 – The Planning Commission held a work session to address more detailed questions about the effect of allowing TLs in the City and what type of dwelling structures they should or should not be allowed in.

March 26, 2015 – Staff meet with the Virginia Short Term Lodging Association (VSTLA) to discuss zoning text amendments and the needs of the VSTLA community.

April 15, 2015 – Staff meet with the Greater Charlottesville Lodging Council at Hyatt Place to update the hotel industry on TL and get feedback on their concerns.

Discussion:

Years ago, anticipating the trend, the City amended its zoning ordinance to allow for a category of use called “Bed and Breakfast (Homestay)”. The Homestay B&B must be owner occupied and managed, and have no more than three (3) guest rooms. More and more frequently, however, owners of residential dwelling units, including single-family residential dwellings (SFDs), wish to offer their entire dwelling unit for-hire as a “vacation” type rental – typically for a weekend, or possibly for a week at a time – without being required to live within the premises themselves, and often with the lodging being managed by a third party. (Internet companies like “airbnb” and “HomeAway” offer the convenience of managing the rental and fee-payment process, but may not typically offer property management or oversight)

Attached are two (2) discussion-draft languages; one (1) is a modification of the existing “Home Occupation” code, and one (1) is a new ordinance addressing TLs. Both proposals would successfully regulate TLs in the City, but the former would be more restrictive in nature. For clarification the discussion-drafts will be referred henceforth as:

Proposal (A): Modification to “Bed and Breakfast” (Homestay) within Home Occupation.

Proposal (B): New City Code Sec. 34-1176 Transient Lodging. This draft is based off an ordinance prepared by the Virginia Short Term Lodging Association (VSTLA) and the city of

Nashville's short term rental regulations. VSTLA's unedited ordinance is available as an attachment to this report.

Proposal (A)

This discussion-draft would amend City Code 34-1200 creating and/or amend definitions for "Homestay," "Home Occupation," "Guest Room," "Transient Lodging," and "Lodging." It would also amend Sec. 34-1172 Home Occupation by amending certain text and adding content to facilitate TL under "Home Occupation." With TL falling under "Home Occupation," it would be allowed in all zoning districts that allow "Home Occupation."

Proposal (B)

This discussion-draft would amend City Code 34-1200 creating definitions for "Responsible Party" and "Transient Lodging." It would also create Sec. 34-1176 Transient Lodging and allow for its use under a Provisional Use Permit. Amendments to Sec. 34-420 Residential Zoning Districts, Sec. 34-480 Commercial Zoning District, and Sec. 34-796 Mixed Use Corridor Districts are components of this discussion-draft.

The two (2) main distinctions in (A) and (B) are as follows. (A) would incorporate TL into the existing "Home Occupation" Code (with modifications) and be enforced through regulations and revocations established by that section of code. This would also mean that the "owner" of a TL would NEED TO BE PRESENT during time of service. (B) would create a new code section with its own regulations and revocations. TLs would be created through the issuing of Provisional Use Permit. Under (B) the "owner" or "Responsible Party" would NOT NEED TO BE PRESENT, but the "local contact" would need to be available during time of service.

In reviewing Proposed Code 34-1176 the City Attorney's office provided the following comments for consideration.

1. The TLs category has shared issues related to the City's "Home Occupation" regulations and a parallel set of regulations worded slightly differently may be problematic. If the Commission likes this ordinance, it is recommended that the wording be revised to conform to the existing "Home Occupation" regulations.
2. Requiring registration and a permit may be repetitive steps. Without a Provisional Use Permit, TLs could not be operated and would therefore be a zoning violation regardless if they were registered or not.

| | A | B |
|--|---|--|
| | NEW Homestay within Home Occupation | Under Proposed Sec. 34-1176 |
| Allowed through issuance of a Provisional Use Permit | YES | YES |
| Zoning Districts | Allowed in all zoning districts that allow Home Occupations (Only ES -Emmet Street Commercial and IC – Industrial Corridor prohibit Home Occupations) | Allowed in all zoning districts that allow residential use (Only ES – Emmet Street Commercial prohibits residential use) |
| Revocations | Permits can be revoked if misused | Permits can be revoked if misused |
| Notification of adjacent properties | YES | YES |
| Lengths of Provisional Use Permit | One (1) Year | One (1) Year |
| Owner must be onsite during time of service | YES | NO |

Standard of Review:

As outlined in Section 34-42 of the Zoning Ordinance, the Planning Commission shall review and study each proposed amendment to determine:

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

Staff Analysis:

Conformity to the Comprehensive Plan

These proposed changes (A) or (B) are in conformity with the Comprehensive Plan in the following areas:

Land Use

- 1.1:** When considering changes to land use regulations, respect nearby residential areas.
- 2.2:** Encourage small businesses that enhance existing neighborhoods and employment centers.
- 5.5:** Revise the Future Land Use Map so that it represents the desired vision for the City's future. Pay special attention to increasing the supply of affordable housing, increasing employment opportunities for all citizens, and encourage the development of mixed income neighborhoods throughout the City.
- 5.8:** Be aware of and learn from applicable experiences, policies, procedures, ordinances, and plans of other municipalities in Virginia and the United States.

Economic Sustainability

- 3.6:** Align zoning ordinances to facilitate economic activity in new areas of commercial opportunity identified in the updated future land use map.
- 3.7:** Work to ensure that newly aligned City ordinances and regulations balance the need to promote development opportunities and competing interests.

Intent of the Zoning Ordinance and General Welfare of the Community

Proposal A: This change will permit TLs (under the term "Homestay") to operate by Provisional Use Permit in all zoning districts that permit "Home Occupation."

Proposal B: This change will permit TLs to operate by Provisional Use Permit in all zoning districts that permit residential dwelling units.

Need and Justification for Ordinance Change

The City of Charlottesville cannot accommodate TLs in dwelling units as a permitted use unless an existing City Code is amended or a new City Code approved. Allowing the use of dwelling units as TLs will offer diversity for tourists and visitors and also create small business opportunities. The impact of this use, when managed correctly, should be similar to other uses already permitted in the City's residential zoning districts.

Effect on Property, Public Services and Facilities

These changes do not affect public services and facilities within the City.

Staff Recommendations

The Planning Commission should recommend one of the following to City Council:

- 1) The amendment of Zoning ordinance Sections 34-1200 (to provide a definition of “Transient Lodging” and “Lodging”; and to amend the existing definitions of “Homestay,” “Home Occupation,” and “Guest Room”) and amend Zoning ordinance Section 34-1172 (Home Occupation) to establish regulations that would apply to any Transient Lodging (under the term “Homestay”) authorized by a Provisional Use Permit. (Proposal A)
- 2) The amendment of Zoning ordinance Section 34-1200 (to provide a definition of “Responsible Party” and “Transient Lodging”), amendment of Zoning Ordinance Use Matrices for every district in which a residential dwelling unit is allow to allow Transient Lodging, and 34-1176 et seq. to establish regulations that would apply to any Transient Lodging authorized by a Provisional Use Permit. (Proposal B)

Suggested Motion:

1. Based on a finding that the proposed zoning text amendments will serve the public necessity, convenience, general welfare, or good zoning practice. I move to recommend approval of a zoning text amendment as proposed to Section 34-1200 and 34-1172 of the Zoning Ordinance, to allow Transient Lodging (under the term “Homestay”) with a Provisional Use Permit in every zoning district where Home Occupation is allowed. (Proposal A)

Or

2. Based on a finding that the proposed zoning text amendments will serve the public necessity, convenience, general welfare or good zoning practice. I move to recommend approval of a zoning text amendment as proposed to Section 34-1200 and 34-420, 34-480, and 34-796 of the Zoning Ordinance, to allow Transient Lodging with a Provisional Use Permit in all zoning districts that allow residential dwelling units. (Proposal B)

Alternative Motions:

3. I move to recommend to City Council that “Transient Lodging” should not be allowed within dwelling units, and that the text of the zoning ordinance should not be amended to allow such use within any of the City’s zoning districts.

Attachments:

- February 17, 2015 City Council resolution initiation of a Zoning Text Amendment
- Transient Lodging Structure Matrix
- Proposal (A) NEW Homestay within Home Occupation
- Proposal (B) New Sec. 34-1176
- Letter from the Virginia Short Term Lodging Association (VSTLA)
- Model Ordinance from the VSTLA
- Link to City Council July 21, 2014 minutes
 - <http://www.charlottesville.org/index.aspx?page=3540>
- Link to Planning Commission December 9, 2014 minutes
 - <http://www.charlottesville.org/index.aspx?page=3549>
- Link to City Council January 20, 2015 minutes
 - <http://www.charlottesville.org/Index.aspx?page=3662>
- Link to City Council February 17, 2015 minutes
 - <http://www.charlottesville.org/Index.aspx?page=3662>
- Link to Planning Commission February 24, 2015 minutes
 - <http://www.charlottesville.org/Index.aspx?page=3680>

**RESOLUTION
TO INITIATE A PUBLIC PROCESS FOR CONSIDERATION OF
ZONING ORDINANCE TEXT AMENDMENTS
TO PERMIT TRANSIENT LODGING USE OF RESIDENTIAL DWELLING UNITS**

WHEREAS, upon consideration of the matters set forth within a Report received from the City's Planning Commission on the proliferation of the use of residential dwelling units as for-hire transient occupancy/ accommodations, the Charlottesville City Council does hereby find and determine that the public necessity, convenience, general welfare or good zoning practice requires public consideration of the advisability of amendments to the City's zoning regulations to allow "transient lodging" uses within residential dwelling units, within certain specified zoning districts, subject to certain conditions and limitations; and

WHEREAS, taking into account the various options, regulations and impacts referenced within the Planning Commission Report on this matter, this Council believes that initiation of zoning text amendments, for further debate and consideration within a public hearing process, is advisable; **NOW, THEREFORE**,

BE IT RESOLVED THAT this City Council hereby initiates amendments of the Charlottesville City Code, Chapter 34 (Zoning), as follows: **to Sec. 34-1200**, add a definition of "transient lodging facility"; **to Sec. 34-1176**, add provisions to establish the conditions and regulations under which "transient lodging facilities" would be authorized through issuance of a provisional use permit; and **to Secs. 34-420, 34-480, and 34-796**, add annotations to the use matrices for the City's residential, commercial and/or mixed use corridor districts, to indicate the zoning district classifications in which "transient lodging facilities" will be authorized; and

BE IT FURTHER RESOLVED THAT this matter is hereby referred to the Planning Commission for its recommendations, and for an advertised joint public hearing with Council. In the interest of expediting the public hearing process by which these zoning text amendments may be considered, that the Planning Commission is requested to utilize the attached Discussion Draft Ordinance, dated January 21, 2015, as a starting point for their discussions; **HOWEVER**, the Commission's consideration of the zoning text amendments need not be limited to the specific provisions within the Discussion Draft. Based on input received during the public hearing process, and the Planning Commission's own deliberations, the Planning Commission should report back to Council, its specific recommendations:

(1) as to whether or not amendments of the City's zoning and subdivision ordinances, allowing the use of residential dwelling units as transient lodging facilities, are necessary or advisable, and

(2) if the Commission determines that amendments are necessary or advisable, then the Commission shall return to this Council its recommendations as to final language proposed for the referenced zoning text amendments, including a list of the specific zoning district classification(s) in which the Planning Commission recommends that transient lodging facilities should be permitted.

| Transient Lodging Structure Matrix | | | | |
|---|--|------------------------|--|-----------------------------|
| Use / Structure Type | | Under current Homestay | A | B |
| | | | Under Proposed NEW Homestay within Home Occupation | Under Proposed Sec. 34-1176 |
| Single Family Detached (SFD) | Owner is present at time of service | YES | YES | YES |
| | Owner is NOT present at time of service | NO | NO | YES |
| Accessory Apartment, Internal (SFD) | Owner is present at time of service | YES | YES | YES* |
| | Owner is NOT present at time of service | NO | NO | YES* |
| Accessory Apartment, External (SFD) | Owner is present at time of service | YES | YES | YES* |
| | Owner is NOT present at time of service | NO | NO | YES* |
| Townhouse Dwelling (SFA) | Owner is present at time of service | YES | YES | YES |
| | Owner is NOT present at time of service | NO | NO | YES |
| Duplex (aka two-family dwelling on 1 parcel of land) | Owner is present at time of service | YES | YES | YES* |
| | Owner is NOT present at time of service | NO | NO | YES* |
| Duplex (aka two-family dwelling where the property line runs through the shared wall) | Owner is present at time of service | YES | YES | YES |
| | Owner is NOT present at time of service | NO | NO | YES |
| Multi-Family Dwelling (Apartment) | Owner is present at time of service | NO* | NO* | NO* |
| | Owner is NOT present at time of service | NO | NO | NO |
| Multi-Family Dwelling (Condominium) | Owner is present at time of service | YES | YES | YES |
| | Owner is NOT present at time of service | NO | NO | YES |

YES * Allowed provided only one (1) dwelling units is being used as a TL.

NO * Technically YES if the owner of the apartment is also living in one (1) of the units.

AMEND City Code 34-1200 Definitions, to read as follows:

Bed and breakfast Homestay means **a home occupation temporary lodging facility in which an individual who owns and resides** ~~operated within a residential dwelling which is owner occupied and managed~~ **hires out: (i) up to having no more than three (3) guest rooms within such dwelling, or (ii) a lawful accessory dwelling, as transient lodging.** ~~And wherein food service shall be limited to Breakfast and light fare~~ **may be provided for guests only, as part of the home occupation.** ¹

Home occupation means any occupation or activity which is clearly incidental and secondary to **the lawful residential** use of ~~the premises as a dwelling~~ **property** and which is carried on **by an individual who resides within a dwelling on such property. The activities of a home occupation may be conducted,** wholly or in part, within ~~a the main dwelling building,~~ or **within an** accessory building **located on the same property.**

Guest room means **a room used for transient lodging in which no kitchen is provided.** ~~A room which is designed or intended for occupancy by one (1) or more persons, but in which no provision is made for cooking~~ **A guest room does not include dormitory rooms located on a college or university campus or owned or operated by a college or university.**

Transient lodging means **lodging hired out to any individual(s) for a period of not more than 30 consecutive days, in return for a fee or charge.**

Lodging means **a building or portion thereof (such as a guest room) which is used or occupied by any individual as a temporary overnight accommodation, and not as such individual's residence.**

AMEND Sec. 34-1172. Home occupations, to read as follows:

A home occupation authorized by a provisional use permit shall be subject to the following regulations:

- (1) A home occupation shall be permitted only where the character of such use is such that it is clearly subordinate and incidental to the principal residential use of a dwelling.
- (2) In addition to the resident of the dwelling ~~unit,~~ not more than one (1) other **individual person** may be engaged in the activities of the **home occupation** ~~home business~~ on the **property premises** at any given time. There must be off-street parking available for this ~~staff person~~ other individual. ²
- (3) No more than three (3) customers or clients of the home occupation shall be present on the property at the same time. No customers, clients or employees shall be allowed to visit the property earlier than 8:00 a.m. or later than 9:00 p.m. **The restrictions of this paragraph shall not apply to homestays.**

¹ Re-defining "homestay" to make it a special category of "home occupation" eliminates the need for the provisions of 34-935(1), which simply repeat the requirement that the use must be subordinate/ incidental to a residential use.

² Re-defining "homestay" to make it a special category of "home occupation" will also eliminate the need for the provisions of 34-935(2), which are the same as set forth in this paragraph.

- (4) Deliveries of supplies associated with the home occupation business shall occur only between the hours of 8:00 a.m. and 9:00 p.m.
- (5) No mechanical or electrical equipment shall be employed within or on the property premises, other than machinery or equipment customarily found in a home.
- (6) No outside display of goods, and no outside storage of any equipment or materials used in the home occupation shall be permitted.
- (7) There shall be no audible noise, or any detectable vibration or odor from activities or equipment of the home occupation beyond the confines of the dwelling, or an accessory building, including transmittal through vertical or horizontal party walls.
- (8) The storage of hazardous waste or materials not otherwise and customarily associated with residential use of a dwelling is prohibited.
- (9) There shall be no sales of any goods, other than goods that are accessory to a service delivered on-premises to a customer or client of the business.
- (10) The home occupation business must be conducted entirely within the dwelling or an accessory building structure, or both; however, **with the exception of homestays**, not more than twenty-five (25) percent of the total floor area of the dwelling shall be used in the conduct of the home occupation business, including storage of stock-in-trade or supplies.
- (11) For pet grooming services, all animals must be kept inside during the provision of services and no animals may be boarded or kept overnight.
- (12) All parking in connection with the home occupation business (including, without limitation, parking of vehicles marked with advertising or signage for the home business) must be in driveway and garage areas on the property premises, or in available on-street parking areas.
- (13) One (1) exterior sign, of dimensions no greater than two (2) square feet, may be placed on the exterior of the dwelling or an accessory structure to indicate the presence or conduct of the home occupation business. This sign may not be lighted. In all other respects the property from which the home occupation is to be conducted must be in compliance with the sign regulations set forth within Division 4, sections 34-1020, et seq.
- (14) Except for the sign authorized by subparagraph (13) above, there shall be no evidence or indication visible from the exterior of the dwelling that the dwelling **or any accessory building** is being utilized in whole or in part for any purpose other than as **part of** a residential use dwelling.
- (15) Applicants for a provisional use permit authorizing a home occupation shall provide evidence of a city business license (or a statement from the commissioner of revenue that no city business license is required), **proof of payment of taxes required by City Code, Chapter 30, if any**, and a certificate of occupancy or other written indication from the city's building code official that use of the dwelling or accessory building structure for the home occupation business is in compliance with all applicable building code regulations.

(16) The following regulations shall apply to homestays:

- a. No person other than a property owner shall be eligible for a provisional use permit authorizing operation of a homestay.**
- b. An applicant for a permit authorizing operation of a homestay shall provide a written evacuation plan for the homestay, in a format suitable for posting at each exit from the homestay, and a written certification that the fire evacuation plan will be and remain posted at each exit inside the homestay for the duration of the provisional use permit.**
- c. An applicant shall also provide evidence that all adjacent property owners have been given written notice by the applicant that the property will be utilized as a homestay.**
- d. A provisional use permit for a homestay will be valid for a period of one (1) year from the date of issuance.**
- e. A provisional use permit for a homestay may be revoked by the zoning administrator, (i) in the event that four (4) or more calls for police service are received by the city within any two (2) month period, or (ii) for failure to maintain compliance with any of the regulations set forth within this section. A property owner whose provisional use permit has been revoked shall not be eligible to receive any a new homestay provisional use permit, for a period of one year from the date of revocation.**

(17) The following are specifically prohibited, and shall not be deemed or construed as activities constituting a home occupation:

- a. Auto detailing, where more than two (2) vehicles being serviced are present on the property at any given time.
- b. Barber shops or beauty salons having more than two (2) chairs.
- c. Funeral home with or without chapel.
- d. Medical or dental clinic (other than psychiatric or psychological counseling services).
- e. Motor vehicle sales, repair, equipment installation, and similar activities.
- f. Nursing homes and adult care facilities.
- g. Offices or staging facilities for any non-professional service-oriented businesses (for example, maid services, landscaping and lawn maintenance services, construction services, etc.), except where the sole activity on the premises would be telephone order/dispatching functions and there would be no vehicles, equipment, workers, or customers on the premises at any time.
- h. Repair or testing of machinery, including internal combustion engines.
- i. Restaurants.
- j. Retail or wholesale sales, where any goods or merchandise are (i) displayed or otherwise offered or available on-site for sale or purchase, or (ii) delivered to or picked-up by purchasers on-site, including, without limitation: antique shops, sales of firearms, computer sales, and similar activities.
- k. Schools, nursery schools, and day care facilities.
- l. Veterinary clinics and animal kennels.

Proposal B

DISCUSSION DRAFT ORDINANCE

May 2, 2015

City Code Sec. 34-1200 Definitions:

Add the following definitions:

“Responsible Party” – an individual or business designated by the Owner of a Transient Lodging as that individual/entity who will be available 24 hours a day, 7 days a week during rental periods to address issues that may arise during such rental. The Responsible Party must be local (local is defined as being no more than (30) miles distance from a TL at the time said TL is in operation) such that a reasonably prompt, personal response at the TL can be made when necessary.

“Transient Lodging (TL)” – means lodging hired out to an individual(s) for a period of not more than (30) consecutive days, in return for a fee or charge.

“Lodging” – means a building or portion thereof (such as a guest room) which is used or occupied by any individual as a temporary overnight accommodation, and not as such individual’s residence.

City Code Sec. 34-420 (Residential Zoning Districts):

Allow “TL” in every residential zoning district (Provisional Use Permit).

City Code Sec. 34-480 (Commercial Zoning Districts):

Allow “TL” in the B-1, B-2, B-3, and IC zoning districts (Provisional Use Permit), but NOT in the Emmet Street Corridor (ES) district, because residential dwelling units are not allowed within ES.

City Code Sec. 34-796 (Mixed Use Corridor Districts):

Allow “TL” in ALL of the zoning districts (Provisional Use Permit).

Add: New City Code Sec. 34-1176. Transient Lodging

1. Registration Requirements. Every TL must be registered with the City of Charlottesville Department of Neighborhood Development Services. Upon registration, a permit to operate an TL or renewal of the same shall be granted for the registered property provided the following requirements are met:
 - a. the applicable registration/renewal fee is paid in full;
 - b. the name of the Owner and a mailing address is provided;
 - c. the Owner provides contact information for the “Responsible Party” as defined and required herein, including proof that notice of such contact information was disseminated as required. Both the Owner and the Responsible Party, if different, must sign the registration form;
 - d. if the TL unit shares a common wall or a common driveway with another property owner, the Owner provides proof that written notification was given to such property owner prior to filing the application;
 - e. the Owner and the Responsible Party, if different, shall execute and submit a “good neighbor policy” which acknowledges that in the conduct of their TL they will comply with all applicable City Codes and Ordinances.

2. Responsible Party. Each TL must have a Responsible Party registered with the City. Multiple Responsible Parties may be designated provided that each meets the terms set forth herein. Contact information for the Responsible Party must include name, phone number, address and email address. Such contact information shall be provided to the City per Section 1.b. above and by mail to each abutting property owner and any governing homeowners association prior to registration. Any change in the Responsible Party or his/her contact information must be provided to the same individuals and entities prior to the next hire after such change.
3. Signs. Signs, advertising, or any other display on the property indicating that the dwelling unit is being utilized, in whole or in part, as a TL is prohibited.
4. Safety. The TL must meet all applicable requirements of the Virginia Uniform Statewide Building Code for single family residential structures. A City Property Maintenance Inspector may inspect the TL if deemed necessary by the Zoning Administrator.
5. Food Service. No food shall be prepared for or served by the Owner or his/her agents.
6. Occupants. The maximum number of overnight occupants permitted on a TL property at any one time shall not exceed more than twice the number of sleeping rooms within the leased premises. Such occupancy limit shall be conspicuously posted within the TL unit and made a part of the hire agreement with the Owner. Simultaneous use of a TL to more than one party under separate contracts shall not be allowed. The principal renter must be at least 21 years of age.
7. Taxes. Evidence of a City business license, as may be required, and proof of payment of the transient occupancy taxes required by City Code 30-251 et seq.
8. Permit Duration/Renewal. Each TL permit shall be granted for a period of 1 year and shall automatically renew for successive one year periods provided that the Registration Requirements herein remain satisfied and the renewal fee is paid.
9. Non-transferable. A TL permit may not be transferred to another address, and shall only be valid upon the transfer of title to the TL at such time as the new Owner satisfies the Registration Requirements of Section 1, above.
10. Location. TL permits will be limited to 1 dwelling unit per property
11. Denial or Revocation of Permit. In the event three or more substantiated complaints (i.e., complaints received by the City which the City, upon investigations, has deemed to be warranted) are submitted to the Department of Neighborhood Development Services within a calendar year, and remain unresolved for a reasonable period of time following notice of the same by the City to the Owner, the Zoning Administrator shall evaluate whether such permit shall continue. In making such evaluation, the Zoning Administrator shall consider the response of the Owner after receiving notice, any actions taken by Owner to alleviate the concerns, the nature of the complaints, the number of different individuals submitting complaints and the number of different incidents involved. The Owner shall be notified such evaluation is occurring and be permitted to provide any additional material to the Zoning Administrator that Owner feels is relevant to the evaluation. Following such evaluation, the Zoning Administrator may choose to continue, suspend or revoke the TL permit for the affected property. Said decision may be appealed to the Board of Zoning Appeals who will hear testimony from the Owner and any other interested individuals prior to

making a final ruling to uphold or reverse the decision of the Zoning Administrator. A Permit may also be revoked by the Zoning Administrator if he/she determines the TL is in violation of one or more of the Registration Requirements herein, and Owner and Responsible Party have failed to correct the violation within a reasonable period of time following written notice of the same from the City. Once a permit has been revoked, no new permit shall be issued for the same property for a period of at least one year.

To: Charlottesville Neighborhood Development Staff / Planning Commission
From: Virginia Short Term Lodging Association
Re: Proposed Zoning Regulations for Short Term Lodging
Date: April 23, 2015

The Virginia Short Term Lodging Association (VSTLA) thanks the City of Charlottesville for the opportunity to submit proposed regulations to address Short Term Lodging in the City. The attached document contains proposed language we are recommending for inclusion in the City's Zoning Ordinance. The proposal is derived from similar ordinances in Nashville, TN and Austin, TX, as well as some other jurisdictions who have addressed these issues.

As you embark on this process, we think it is important to acknowledge the following factors in the discussion:

- Short term lodging is presently occurring in the City and has been for decades with very isolated complaints, generally limited to one particular property. The issues complained about can and are addressed in the attached proposal.
- Short term rental of homes provides flexible lodging options which are beneficial to tourists and contribute to the local economy via the direct impact of added tourism and via lodging and sales tax derived from each rental.
- Short term rental of homes can provide homeowners an opportunity to hold property and/or afford its proper upkeep in difficult economic circumstances or as an investment. These rentals presently exist in harmony with existing neighborhoods throughout the City.

VSTLA understands that Neighborhood Development Staff, while being generally supportive of the short term rental use, has identified certain "possible drawbacks" to short term rentals as outlined in Matt Alfele's February 18, 2015 memorandum to the Planning Commission. The proposed ordinance addresses those items as set forth below:

1. *Unforeseen changes to the character and integrity of Charlottesville neighborhoods.*

There has been no evidence of such changes to date in the City. To the contrary, some depressed neighborhoods have been improved by investment into and improvement of dilapidated structures for this use. Those investments did not change the character of the neighborhood, except to make it look better, be safer and help to preserve the property values of those living around it. The proposed ordinance allows for additional scrutiny in the permitting process if the STR uses in a particular geographic area reach a certain threshold of prevalence, and this check will allow the City to monitor and address any issue that may actually arise.

2. *Unintended loss of affordable homes and long term rental units.*

Again, this is not something that has been seen to date. Owners of short term rentals, particular as required by the proposed regulations, engage in a great deal more effort and hands-on management than those who rent their properties long term. Experience in other localities has not shown any indication that those interested in long term rentals would desire to switch over to the short term rental model in large numbers for those reasons. The regulations in the attached proposal are designed to ensure that only those owners serious about conducting short term rentals responsibly and those who are willing to make the efforts necessary to do so will be able to conduct such a use. Accordingly, we anticipate the regulations, among other benefits, will aid in managing the proliferation of short term rentals.

Taxes and fees generated by short term rentals pursuant to the attached proposed ordinance could be allocated by the City toward affordable housing, as has been done fruitfully in other localities. Other localities have seen that the funds derived from such a system allow for even greater benefit and flexibility for the City in establishing the maintaining the types of affordable housing stock it desires. In addition, the proposed ordinance provides for geographic review which could prohibit areas of important affordable housing stock from theoretically being converted *en masse* into short term rental communities.

3. *An increase in ancillary problems such as noise, parking and trash.*

Experience in Charlottesville and in other localities across the nation shows that complaints about these types of issues are lower for short term rentals than for common residential use. Short term rentals are subject to the same ordinances regarding such issues as other residences, and the owner of the short term rental would have the added incentive of compliance for fear of losing his/her permit to conduct short term rentals under the attached, proposed ordinance.

4. The possible loss of community in neighborhoods by having a continuous turnover of new and unknown people.

The experience of other localities dealing with this issue provides no reason to believe short term lodging uses in Charlottesville will be clustered. Unlike a beach town where you may find clustering along the oceanfront, the tourism landscape in Charlottesville, like other non-oceanfront communities, does not lend itself to clustering. Furthermore, the attached proposed ordinance provides for additional scrutiny of registrations in the event that clustering presents an actual concern. Neighbors of VSTLA residents have indicated that they enjoy the diverse group of people they are able to meet through their neighbor's short term rental, and enjoy that the properties are well maintained and beautify the neighborhood.

* * *

In summary, the attached, proposed ordinance language provides for the following benefits:

- Registration and Permitting of all Short Term Rental Properties (STRPs) within the City and penalties for failure to comply.
- Designation for each STRP of a responsible, local person or business, available 24/7 during rental periods to address any maintenance, safety or compliance issues.
- Requirement for all STRP Owners to pay proper lodging and sales tax, and for all STRPs to be properly insured and safely maintained.
- Provision for additional review if clustering is occurring to protect the character of neighborhoods and affordable housing stock.

The preservation of the character of the City of Charlottesville is paramount to the Owners seeking to conduct short term lodging, as it is the draw of our community that sustains such uses. VSTLA is confident the attached proposed ordinance will limit those engaging in this use to responsible individuals who share that desire, want to pay appropriate taxes, and properly maintain their properties. These uses have existed for centuries and should be allowed to continue per the reasonable regulations we have proposed. We look forward to participating in discussion with the City Staff, Planning Commission and City Council which leads to the adoption of such regulations.

**PROPOSED SHORT TERM LODGING REGULATIONS
FOR INCORPORATION INTO THE ZONING ORDINANCE**

CITY OF CHARLOTTESVILLE, VIRGINIA

“Responsible Party” – an individual or business designated by the Owner of a Short Term Rental Property as that individual/entity who will be available 24 hours a day, 7 days a week during rental periods to address issues that may arise during such rental. The Responsible Party must be local such that a reasonably prompt, personal response at the STRP can be made when necessary.

“Short Term Rental Property (STRP)” – a residential dwelling unit that is rented in its entirety for occupancy by paying guests for a period of less than 30 consecutive days. Specifically excluded from this definition are rentals to the same occupant(s) for 30 days or more, bed and breakfasts, boarding houses, hotels and motels.

STRPs shall be a permitted use in all zoning districts that permit residential uses, subject to the following requirements and limitations:

1. Registration Requirements. Every STRP must be registered with the City of Charlottesville Department of Neighborhood Development Services. Upon registration, a permit to operate an STRP or renewal of the same shall be granted for the registered property provided the following requirements are met:

- a. the applicable registration/renewal fee is paid in full;
- b. the name of the Owner and a mailing address is provided;
- c. the Owner provides contact information for the “Responsible Party” as defined and required herein, including proof that notice of such contact information was disseminated as required. Both the Owner and the Responsible Party, if different, must sign the registration form;
- d. the Owner provides proof of insurance evidencing homeowner’s fire, hazard, and liability insurance with limits of not less than \$1,000,000 per occurrence must be provided, and said insurance must specifically cover rentals for less than 30 days;
- e. if the STRP unit shares a common wall or a common driveway with another property owner, the Owner provides proof that written notification was given to such property owner prior to filing the application;
- f. the Owner and the Responsible Party, if different, shall execute and submit a “good neighbor policy” which acknowledges that in the conduct of their rental they will comply with all noise, parking, garbage and other ordinances generally applicable to behavior on residential properties in the City and will notify their renters of those specific obligations.

2. Responsible Party. Each STRP must have a Responsible Party registered with the City. Multiple Responsible Parties may be designated provided that each meets the terms set forth herein. Contact information for the Responsible Party must include name, phone number, address and email address. Such contact information shall be provided to the City per Section 1.b. above and by mail to each abutting property owner and any governing homeowners association prior to registration and licensure. Any change in the Responsible Party or his/her contact information must be provided to the same individuals and entities prior to the next short term rental after such change.
3. Signs. Signs, advertising, or any other display on the property indicating that the dwelling unit is being utilized, in whole or in part, as a STRP is prohibited.
4. Safety. The STRP must meet all applicable requirements of the Virginia Uniform Statewide Building Code for single family residential structures.
5. Food Service. No food shall be prepared for or served to the renters by the Owner or his/her agents.
6. Occupants. The maximum number of overnight occupants permitted on a STRP property at any one time shall not exceed more than twice the number of sleeping rooms within the leased premises plus four. Such occupancy limit shall be conspicuously posted within the STRP unit and made a part of the rental agreement with the Owner. Simultaneous rental of an STRP to more than one party under separate contracts shall not be allowed. The principal renter must be at least 21 years of age.
7. No Hourly Rental. The STRP Owner shall not receive any compensation or remuneration to permit occupancy of a STRP property for a period of less than 24 hours.
8. Taxes. All applicable lodging and sales taxes required by state and local law in connection with short term rentals shall be paid for all permitted STRPs.
9. Permit Duration/Renewal. Each STRP permit shall be granted for a period of 1 year and shall automatically renew for successive one year periods provided that the Registration Requirements herein remain satisfied and the renewal fee is paid. Renewals shall not be subject to Geographic Review as provided herein.
10. Non-transferable. A STRP permit may not be transferred to another address, and shall only be valid upon the transfer of title to the STRP at such time as the new Owner satisfies the Registration Requirements of Section 1, above.
11. Geographic Review. In the event more than five (5) non-owner-occupied single family or detached two-family dwellings are permitted as STRPs within 1/8 mile radius of the property seeking registration, such registration shall be subject to further review by the Zoning Administrator, prior to the issuance of any permit, for the purpose of ensuring that issuance of the requested permit will not unduly and negatively impact the neighborhood.

For purposes of this section, the term non-owner-occupied shall mean that the Owner does not regularly reside on the subject property. A STRP permit shall be granted for the subject property unless the Zoning Administrator determines that registration of such property as a STRP shall create a significant adverse effect on the surrounding neighborhood uncommon to the STRPs already permitted within the applicable geographic radius.

12. Denial or Revocation of Permit. In the event three or more substantiated complaints (i.e., complaints received by the City which the City, upon investigations, has deemed to be warranted) are submitted to the Department of Neighborhood Development Services within a calendar year, and remain unresolved for a reasonable period of time following notice of the same by the City to the Owner, the Zoning Administrator shall evaluate whether such permit shall continue. In making such evaluation, the Zoning Administrator shall consider the response of the Owner after receiving notice, any actions taken by Owner to alleviate the concerns, the nature of the complaints, the number of different individuals submitting complaints and the number of different incidents involved. The Owner shall be notified such evaluation is occurring and be permitted to provide any additional material to the Zoning Administrator that Owner feels is relevant to the evaluation. Following such evaluation, the Zoning Administrator may choose to continue, suspend or revoke the STRP permit for the affected property. Said decision may be appealed to the Board of Zoning Appeals who will hear testimony from the Owner and any other interested individuals prior to making a final ruling to uphold or reverse the decision of the Zoning Administrator. A Permit may also be revoked by the Zoning Administrator if he/she determines the STRP is in violation of one or more of the Registration Requirements herein, and Owner and Responsible Party have failed to correct the violation within a reasonable period of time following written notice of the same from the City. Once a permit has been revoked, no new permit shall be issued for the same property for a period of at least one year.

13. Penalty. The penalty for operating a STRP without a permit shall be a \$50 fine for each day such property was used as a STRP without a permit. Such payment shall be due and payable 30 days from the date of a notice of violation issued by the City. A second notice of violation of this ordinance shall result in the violating STRP being subject to a one year waiting period from the date of such notice before any new permit may be granted. The amount of the daily fine shall double with each successive notice of violation; however, a notice of violation must include all days within the same rental period.

CITY OF CHARLOTTESVILLE
DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES
STAFF REPORT



REQUEST FOR A ZONING TEXT AMENDMENT

ZT15-00001: FLOOD PLAIN ORDINANCE AMENDMENT

PLANNING COMMISSION REGULAR MEETING
DATE OF PLANNING COMMISSION MEETING: May 12, 2015

Author of Staff Report: Tony Edwards

Date of Staff Report: May 4, 2015

Applicable City Code Provisions: §34-41 (Amendments to the Zoning Ordinance), §34-240 through §34-270 (Flood Hazard Protection Overlay District)

Executive Summary

This is a proposed zoning text amendment which would amend the Flood Hazard Protection Overlay District.

Background

The Federal Emergency Management Agency (FEMA) has notified the City's Department of Neighborhood Services that the City's current floodplain ordinance is outdated, and should be revised and replaced with new regulations mirroring the regulations set forth in FEMA's Model Floodplain Ordinance.

Standard of Review

As per state law and §34-42 of the City Code, the planning commission is required to review this proposed amendment to determine:

- (1) Whether the proposed amendment conforms to the general guidelines and policies contained in the comprehensive plan;
- (2) Whether the proposed amendment will further the purposes of this chapter and the general welfare of the entire community;
- (3) Whether there is a need and justification for the change; and
- (4) Whether the amendment is required by the public necessity, convenience, general welfare or good zoning practice.

Discussion of the Proposed Draft Ordinance

The full text of the proposed draft ordinance is attached to this report. The proposed ordinance is in the format prescribed by the Model Ordinance given to us by FEMA. Following below is a discussion of the purposes of the City's floodplain regulations, noting some changes in the substantive regulations:

1. The floodplain regulations regulate uses, activities and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities and frequencies;

The draft ordinance would allow the locality to expand those Floodplain Districts regulated currently, as Special Flood Hazard Areas (SFHA), to a Local Flood Hazard Map (LFHM) areas adjacent to SFHA's, through zoning map amendment process. Analysis methodologies similar to FEMA's would support that a flood hazard exists and would be regulated by the same standards.

2. The floodplain regulations restrict or prohibit certain uses, activities, and development from locating within districts subject to flooding;

The draft ordinance would allow the city more enforcement flexibility by the declaration of any non-compliant structure a public nuisance and abate as such. In some cases, flood insurance may be withheld from structures constructed in violation of this ordinance, by their insurance provider.

Proposed fill areas must satisfy specific construction standards before approvals are obtained.

It is more clearly stated that the locality will coordinate with new development to ensure that all appropriate adjacent communities, federal, and state agencies are notified of any proposed water course alterations.

3. The floodplain regulations require uses, activities, and developments that do occur in flood-prone districts to be protected and / or floodproofed against and flooding and flood damage;

The new ordinance would require those currently non permitted improvements such as the installation of above ground tanks to be monitored more closely to ensure that proper anchoring requirements are applied.

Any existing structures within the SFHA, that are modified to more than 50% of their Market Value, the entire structure shall comply with the USBC, whereas only the addition is currently required to meet these requirements.

4. The floodplain regulations protect individuals from buying land and structures which are unsuited for intended purposes because of flood hazards;

The ordinance encourages localities to provide additional information on Floodplain related issues to the general public in a variety of forms. The city could evaluate the expansion of the current information resources, like individual meetings with property owners and developers, floodplain boundary signage, city web site notifications, and FEMA web links.

5. If the City’s floodplain regulations meet the requirements of the national flood insurance program, lands within the city will continue to qualify for flood insurance availability.

FEMA/ DCR has initially reviewed the proposed ordinance, and their comments have been incorporated. With the approval of these agencies through the use of their Model Ordinance, the updated regulations will meet the requirements of the National Flood Insurance Program.

Staff Analysis

1. Does the proposed amendment conform to the general guidelines and policies contained in the comprehensive plan?

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

- “Value the Rivanna River as a major asset in the life of our City and Region and restore it to a healthy condition within our ecosystem in order to improve habitat, watershed health and water quality.”
- “Improve public and private stormwater infrastructure while protecting and restoring stream ecosystems.”

2. Does the proposed amendment further the purposes of the Zoning Ordinance (Chapter 34, City Code) and the general welfare of the entire community?

The city has had a flood hazard protection overlay zoning district in place for many years. The provisions of our current regulations have not been substantively reviewed or updated since 2008. The purpose of this overlay district is to promote the public health, safety and general welfare and also to minimize public losses due to flood conditions in specific areas. The proposed amendment, which has been prepared in the format of the Model Ordinance provided to staff by FEMA, reinforces this public purpose by adding clarity to the roles and responsibilities of the city staff and the applicant who request changes within these Special Flood Hazard Areas (SFHA)

3. Is there a need and justification for the change?

The Federal Emergency Management Agency FEMA, with the assistance of the Department of Conservation and Recreation (DCR) has required that the ordinance changes meet the current minimum compliance standards. FEMA reviewed the City’s draft and provided edits which have all been included in the document included in this package.

Public Comment

These changes are being driven by a FEMA/ DCR directive that our ordinance needed updating, and the provisions of the proposed ordinance are from a Model Ordinance provided by FEMA/

DCR for this purpose. Public input was received during and after the initial public hearing process. City responses to those concerns and the Planning Commission's request for a side by side comparison of the changes have been included in the packet. If any substantial changes are recommended by the planning commission, those changes would need to be sent to FEMA/ DCR for their approval prior to being adopted.

Recommendation

Staff recommends approval of the zoning text amendment.

Possible Motions

1. "I move to recommend to City Council that it should amend Chapter 34, Article 2, Division1 of the zoning ordinance, to update the Flood Hazard Protection Overlay District regulations in conformity with FEMA's Model Ordinance, as presented in the draft ordinance provided by staff, because I find that this amendment is required by the public necessity, convenience, general welfare or good zoning practice.

2. I move to recommend to City Council that it should amend Chapter 34, Article 2, Division1 of the zoning ordinance, to update the Flood Hazard Protection Overlay District regulations in conformity with FEMA's Model Ordinance, with the following changes:
 - a. _____
 - b. _____

I find that the draft ordinance presented by staff, with these changes, is required by the public necessity, convenience, general welfare or good zoning practice.

3. "I move to recommend to City Council that it should not amend Chapter 34, Article 2, Division1 of the zoning ordinance, to update the Flood Hazard Protection Overlay District regulations in conformity with FEMA's Model Ordinance, because I find that the amendment is not required by the public necessity, convenience, general welfare or good zoning practice.

Attachments

DCR e-mail requiring the city ordinance revision.

Applicable city code section 34 -240 link: <https://www.municode.com>

Proposed Floodplain Ordinance per FEMA requirements

Virginia Model Floodplain Ordinance, dated March 20, 2014

From: Ghalayini, Nabil (DCR)
Sent: Thursday, April 24, 2014 3:44 PM
To: Edwards, Tony; Brodhead, Read
Subject: NFIP Community Assistance Visit (CAV)

Tony /Read:

A copy of the NFIP CAV report is attached for you records.

As indicated in the report, the City must continue to pursue a remedy to the violation at 1150 River Road as indicated in the attached March 20, 2014 letter.

The City must also revise its floodplain regulations consistent with the current Virginia Model Floodplain Ordinance (copy of March 2014 version attached.)

Please provide a polished draft of the revised floodplain regulations for DCR review by July 25, 2014, prior to adoption. If this timeline is not feasible, please let me know ASAP.

Thanks

Nabil

Nabil Ghalayini, P.E., PMP, D.WRE, CFM
Floodplain Program Engineer
Dam Safety and Floodplain Management
Department of Conservation and Recreation
600 East Main Street, 24th Floor
Richmond, VA 23219
804-514-3884 (M)



CITY OF CHARLOTTESVILLE
DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES
STAFF REPORT



REQUEST FOR A ZONING TEXT AMENDMENT

ZT15-00001: FLOOD PLAIN ORDINANCE AMENDMENT

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Author of Staff Report: Tony Edwards

Date of Staff Report: May 4, 2015

Applicable City Code Provisions: §34-41 (Amendments to the Zoning Ordinance), §34-240 through §34-270 (Flood Hazard Protection Overlay District)

Executive Summary

This is a proposed zoning text amendment which would amend the Flood Hazard Protection Overlay District.

Background

The Federal Emergency Management Agency (FEMA) has notified the City's Department of Neighborhood Services that the City's current floodplain ordinance is outdated, and should be revised and replaced with new regulations mirroring the regulations set forth in FEMA's Model Floodplain Ordinance.

Standard of Review

As per state law and §34-42 of the City Code, the planning commission is required to review this proposed amendment to determine:

- (1) Whether the proposed amendment conforms to the general guidelines and policies contained in the comprehensive plan;
- (2) Whether the proposed amendment will further the purposes of this chapter and the general welfare of the entire community;
- (3) Whether there is a need and justification for the change; and
- (4) Whether the amendment is required by the public necessity, convenience, general welfare or good zoning practice.

Discussion of the Proposed Draft Ordinance

The full text of the proposed draft ordinance is attached to this report. The proposed ordinance is in the format prescribed by the Model Ordinance given to us by FEMA. Following below is a discussion of the purposes of the City's floodplain regulations, noting some changes in the substantive regulations:

1. The floodplain regulations regulate uses, activities and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities and frequencies;

The draft ordinance would allow the locality to expand those Floodplain Districts regulated currently, as Special Flood Hazard Areas (SFHA), to a Local Flood Hazard Map (LFHM) areas adjacent to SFHA's, through zoning map amendment process. Analysis methodologies similar to FEMAs would support that a flood hazard exists and would be regulated by the same standards.

2. The floodplain regulations restrict or prohibit certain uses, activities, and development from locating within districts subject to flooding;

The draft ordinance would allow the city more enforcement flexibility by the declaration of any non-compliant structure a public nuisance and abate as such. In some cases, flood insurance may be withheld from structures constructed in violation of this ordinance, by their insurance provider.

Proposed fill areas must satisfy specific construction standards before approvals are obtained.

It is more clearly stated that the locality will coordinate with new development to ensure that all appropriate adjacent communities, federal, and state agencies are notified of any proposed water course alterations.

3. The floodplain regulations require uses, activities, and developments that do occur in flood-prone districts to be protected and / or floodproofed against and flooding and flood damage;

The new ordinance would require those currently non permitted improvements such as the installation of above ground tanks to be monitored more closely to ensure that proper anchoring requirements are applied.

Any existing structures within the SFHA, that are modified to more than 50% of their Market Value, the entire structure shall comply with the USBC, whereas only the addition is currently required to meet these requirements.

4. The floodplain regulations protect individuals from buying land and structures which are unsuited for intended purposes because of flood hazards;

The ordinance encourages localities to provide additional information on Floodplain related issues to the general public in a variety of forms. The city could evaluate the expansion of the current information resources, like individual meetings with property owners and developers, floodplain boundary signage, city web site notifications, and FEMA web links.

5. If the City’s floodplain regulations meet the requirements of the national flood insurance program, lands within the city will continue to qualify for flood insurance availability.

FEMA/ DCR has initially reviewed the proposed ordinance, and their comments have been incorporated. With the approval of these agencies through the use of their Model Ordinance, the updated regulations will meet the requirements of the National Flood Insurance Program.

Staff Analysis

1. Does the proposed amendment conform to the general guidelines and policies contained in the comprehensive plan?

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

- “Value the Rivanna River as a major asset in the life of our City and Region and restore it to a healthy condition within our ecosystem in order to improve habitat, watershed health and water quality.”
- “Improve public and private stormwater infrastructure while protecting and restoring stream ecosystems.”

2. Does the proposed amendment further the purposes of the Zoning Ordinance (Chapter 34, City Code) and the general welfare of the entire community?

The city has had a flood hazard protection overlay zoning district in place for many years. The provisions of our current regulations have not been substantively reviewed or updated since 2008. The purpose of this overlay district is to promote the public health, safety and general welfare and also to minimize public losses due to flood conditions in specific areas. The proposed amendment, which has been prepared in the format of the Model Ordinance provided to staff by FEMA, reinforces this public purpose by adding clarity to the roles and responsibilities of the city staff and the applicant who request changes within these Special Flood Hazard Areas (SFHA)

3. Is there a need and justification for the change?

The Federal Emergency Management Agency FEMA, with the assistance of the Department of Conservation and Recreation (DCR) has required that the ordinance changes meet the current minimum compliance standards. FEMA reviewed the City’s draft and provided edits which have all been included in the document included in this package.

Public Comment

These changes are being driven by a FEMA/ DCR directive that our ordinance needed updating, and the provisions of the proposed ordinance are from a Model Ordinance provided by FEMA/

DCR for this purpose. Public input was received during and after the initial public hearing process. City responses to those concerns and the Planning Commission's request for a side by side comparison of the changes have been included in the packet. If any substantial changes are recommended by the planning commission, those changes would need to be sent to FEMA/ DCR for their approval prior to being adopted.

Recommendation

Staff recommends approval of the zoning text amendment.

Possible Motions

1. "I move to recommend to City Council that it should amend Chapter 34, Article 2, Division1 of the zoning ordinance, to update the Flood Hazard Protection Overlay District regulations in conformity with FEMA's Model Ordinance, as presented in the draft ordinance provided by staff, because I find that this amendment is required by the public necessity, convenience, general welfare or good zoning practice.

2. I move to recommend to City Council that it should amend Chapter 34, Article 2, Division1 of the zoning ordinance, to update the Flood Hazard Protection Overlay District regulations in conformity with FEMA's Model Ordinance, with the following changes:
 - a. _____
 - b. _____

I find that the draft ordinance presented by staff, with these changes, is required by the public necessity, convenience, general welfare or good zoning practice.

3. "I move to recommend to City Council that it should not amend Chapter 34, Article 2, Division1 of the zoning ordinance, to update the Flood Hazard Protection Overlay District regulations in conformity with FEMA's Model Ordinance, because I find that the amendment is not required by the public necessity, convenience, general welfare or good zoning practice.

Attachments

DCR e-mail requiring the city ordinance revision.

Applicable city code section 34 -240 link: <https://www.municode.com>

Proposed Floodplain Ordinance per FEMA requirements

Virginia Model Floodplain Ordinance, dated March 20, 2014

From: Ghalayini, Nabil (DCR)
Sent: Thursday, April 24, 2014 3:44 PM
To: Edwards, Tony; Brodhead, Read
Subject: NFIP Community Assistance Visit (CAV)

Tony /Read:

A copy of the NFIP CAV report is attached for you records.

As indicated in the report, the City must continue to pursue a remedy to the violation at 1150 River Road as indicated in the attached March 20, 2014 letter.

The City must also revise its floodplain regulations consistent with the current Virginia Model Floodplain Ordinance (copy of March 2014 version attached.)

Please provide a polished draft of the revised floodplain regulations for DCR review by July 25, 2014, prior to adoption. If this timeline is not feasible, please let me know ASAP.

Thanks

Nabil

Nabil Ghalayini, P.E., PMP, D.WRE, CFM
Floodplain Program Engineer
Dam Safety and Floodplain Management
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804-514-3884 (M)



- 1. The provisions of Chapter 34 (Zoning), Article II (Overlay Districts), Division 1 (Flood Hazard Protection Overlay District) are hereby proposed to be amended and re-ordained to read as follows:**

ARTICLE II – OVERLAY DISTRICTS

DIVISION 1. FLOOD HAZARD PROTECTION OVERLAY DISTRICT

Sec. 34-240. Authorization; purpose

(a) This ordinance is adopted pursuant to the authority granted to localities by Code of Virginia §15.2 – 2280. This division may be referred to as the city’s floodplain ordinance, or as the city’s floodplain regulations.

(b) The purpose of the regulations set forth within this division is to prevent loss of life and property; deter the creation of health and safety hazards; prevent disruption of commerce and governmental services; avoid extraordinary and unnecessary expenditure of public funds for flood protection and relief; and prevent erosion of the city’s tax base, by:

- regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies;
- restricting or prohibiting certain uses, activities, and development within areas ~~districts~~ subject to flooding;
- requiring all those uses, activities, and developments that do occur in flood-prone areas ~~districts~~ to be protected and/or flood-proofed against flooding and flood damage; and,
- protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards; and
- meeting the requirements of the national flood insurance program, so that lands within the city may qualify for flood insurance availability.

Sec. 34-241. Applicability

(a) The provisions set forth within this division shall constitute the floodplain regulations for the City of Charlottesville, and they ~~within this division~~ shall apply to the use and development of all privately and publicly owned lands within the jurisdictional boundaries ~~jurisdiction~~ of the City of Charlottesville, which have been identified as areas of special flood hazard according to the flood insurance rate map dated February 4, 2005, as amended (FIRM) provided by the Federal Emergency Management Agency (FEMA) to the City.

(b) Nothing within this division shall prohibit or preclude the City or other public body from establishing or conducting environmental restoration or flood control projects which are (i) designed or directed by the City or by a public body authorized to carry out environmental restoration or flood control measures, (ii) reviewed by the Floodplain Administrator, the City's VESCP and VSMP Administrators, and Director of Public Works for compliance with the requirements of Chapter 10 of the City Code (Water Protection). All such projects shall be exempt from the requirements of this division.

Sec. 34-242. Compliance and Liability

(a) All uses, activities and development occurring within any special flood hazard area (SFHA), including placement of manufactured homes and other structures, shall be undertaken only upon the issuance of a permit by the City's Floodplain Administrator. Such permitted uses, activities and development shall be undertaken, conducted and established only ~~No land shall be developed, and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered, except in full strict compliance with the provisions of this ordinance regulations set forth within this division and with all other applicable codes and ordinances, such as the Virginia USBC, chapter 10 of the city code (Water Protection) and City of Charlottesville development ordinances other federal, state or local statutes, regulations or ordinances that apply to lands within the jurisdiction of this ordinance.~~

(b) The degree of flood protection sought by this division is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study, but does not imply total flood protection. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. The applicability of this division to certain lands does not warrant or imply that areas ~~districts~~ outside the floodplain ~~district~~, or land uses permitted within the floodplain ~~such district~~, will be free from flooding or flood damages.

(c) This enactment of this division shall not create liability on the part of the City of Charlottesville, or any officer or employee thereof, for any flood damages that result from reliance on the regulations set forth herein, or any administrative decision lawfully made hereunder.

Sec. 34-243. Records

Records of actions associated with administering this ordinance shall be maintained by the Floodplain Administrator in accordance with the applicable requirements of federal and state law and regulations.

Sec. 34-244. Abrogation; greater restrictions

The regulations set forth within this division supersede any regulations ~~currently~~ in effect in floodplain flood-prone areas ~~districts~~ on the date of the adoption of this floodplain ordinance. Notwithstanding the foregoing, any ordinance regulations ~~currently in effect~~ shall be and remain

in full force and effect, to the extent that the provisions of such ordinance regulations are more restrictive.

Sec. 34-245. Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this division shall be declared invalid for any reason, such decision shall not affect the remaining provisions of this division. The remaining provisions shall be and remain in full force and effect, and for this purpose the provisions of this division are hereby declared to be severable.

Sec. 34-246. Penalty for Violations

(a) Any person who fails to comply with any of the regulations set forth within this division shall be subject to the enforcement provisions set forth within City Code Sec. 34-81 through 34-89.

(b) ~~Separately, and in addition to the enforcement provisions of this chapter,~~ Any person who fails to comply with floodproofing or other requirements of the Virginia USBC, or with the requirements of the City's VESCP or VSMP programs, may be subject to the enforcement provisions set forth within the USBC, or Chapters 5 or 10 of the City Code, as applicable therein.

(c) In addition to the above-referenced enforcement provisions, all other enforcement actions are hereby reserved to the city, including, without limitation, any action seeking injunctive relief. The imposition of a fine or penalty for any violation of, or noncompliance with, this article shall not excuse the violation or noncompliance or permit it to continue, and any person upon whom such a fine or penalty has been imposed shall be required to correct, remedy or abate such violations. Any structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with this article may be declared by the city to be a public nuisance and abated as such.

(d) Flood insurance may be withheld from property owners by insurance companies, for structures constructed in violation of this division.

Sec. 34-247. Designation of floodplain administrator

The director of neighborhood development services is hereby designated by city council as the city official responsible for administration ~~to administer and implement~~ of the regulations set forth within this division, and the director is referred to throughout this division as the Floodplain Administrator. The Floodplain Administrator is authorized and directed to administer the provisions of this division, and in doing so the Floodplain Administrator may:

- (1) Perform the duties and responsibilities set forth herein;
- (2) Delegate duties and responsibilities set forth herein to qualified technical personnel, plan examiners, inspectors, and other city officials, employees, or agents;

(3) Enter into a written agreement or written contract with another locality or independent contractor, to engage such locality or contractor to serve as the city's agent for administration of the provisions of this division, or specific provisions set forth herein; however, administration of any part of these regulations by an agent shall not relieve the city of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program, ~~as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.~~

The Floodplain Administrator, and any person(s) acting pursuant to Sec. 34-247(2) or (3), above, shall have authority to render interpretations of the provisions of this division and to establish policies and procedures in order to clarify the application of these provisions. Such interpretations, policies and procedures shall be consistent with the intent and purpose of these regulations and the flood provisions of the building code. Interpretations shall be made by means of written determinations. The administrator's determinations may be appealed to the city's board of zoning appeals, in accordance with the procedures provided within sections 34-126 through 34-139 of the City Code. Any person who appeals an interpretation of the boundaries of the city's SFHA as applied to specific land may submit independent technical evidence to the board.

Sec. 34-248. Duties and responsibilities of floodplain administrator

The duties and responsibilities of the Floodplain Administrator shall include, but are not limited to:

- (1) Review applications for permits to determine whether proposed uses, activities and development activities will be located in a SFHA;
- (2) Interpret floodplain boundaries, and provide ~~available~~ BFE and flood hazard information available from the FIRM or other sources;
- (3) Coordinate with the City's Building Official, to administer and enforce the flood provisions of the USBC and to review applications to determine whether proposed activities will be reasonably safe from flooding and require new construction and substantial improvements to meet the requirements of these regulations;
- (4) Review applications to determine whether all necessary permits have been obtained from the federal, state or local agencies from which approval is required, including, without limitation: permits from state agencies for any construction, reconstruction, repair, or alteration of a dam, reservoir, or waterway obstruction (including bridges, culverts, structures); any alteration of a watercourse; any change of the course, current, or cross section of a stream or body of water, including any change to any BFE 100-year frequency floodplain of free-flowing non-tidal waters of the State;

- (5) Verify that applicants proposing an alteration of a watercourse have notified adjacent communities, the Virginia Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), and other appropriate agencies as may have authority over such alteration (e.g., the Virginia Department of Environmental Quality, United States Army Corps of Engineers) and have submitted copies of such notifications to FEMA;
- (7) Approve applications and issue permits authorizing development in SFHA areas if the provisions of these regulations have been met, or disapprove applications if the provisions of these regulations have not been met;
- (8) Inspect or cause to be inspected, buildings, structures, and other development for which permits have been issued to determine compliance with these regulations, or to determine if non-compliance has occurred or violations have been committed;
- (9) Review elevation certificates and require incomplete or deficient certificates to be corrected;
- (10) Submit to FEMA, or require applicants to submit to FEMA, data and information necessary to maintain FIRMs, including hydrologic and hydraulic engineering ~~analysis~~ analyses prepared by or for the City of Charlottesville, within six months after such data and information becomes available if the analyses indicate changes in BFEs;
- (11) Maintain and permanently keep records that are necessary for the administration of these regulations, including:
 - (i) the city's FIS, FIRM (including historic studies and maps and current effective studies and maps) and Letters of Map Change; and
 - (ii) Documentation supporting issuance and denial of permits, elevation certificates, documentation of the elevation to which structures have been floodproofed, other required design certifications, variances, and records of enforcement actions taken to correct violations of these regulations;
- (12) Enforce the provisions of these regulations, investigate violations, issue notices of violations or stop work orders, and require permit holders to take corrective action;
- (13) Advise the board of zoning appeals regarding the intent of these regulations and, for each application for a variance, prepare a staff report and provide a recommendation;
- (14) Administer the requirements related to proposed work on existing buildings:
 - (i) Make determinations as to whether buildings and structures that are located in SFHAs and that are damaged by any cause have been substantially damaged; and

(ii) Make reasonable efforts to notify owners of substantially damaged structures of the need to obtain a permit to repair, rehabilitate, or reconstruct, and prohibit the non-compliant repair of substantially damaged buildings except for temporary emergency protective measures necessary to secure a property or stabilize a building or structure to prevent additional damage;

(15) Undertake other actions, as determined appropriate by the Floodplain Administrator due to the circumstances, including, but not limited to: issuing press releases, public service announcements, and other public information materials related to permit requests and repair of damaged structures; coordinating with federal, state, and other local agencies to assist with substantial damage determinations; providing owners of damaged structures information related to the proper repair of damaged structures in special flood hazard areas; and rendering determinations as to whether specific properties have been substantially or repetitively damaged by flooding.

(16) Notify FEMA when the corporate boundaries of the city of Charlottesville have been modified and:

(i) Provide a map that clearly delineates the new corporate boundaries or the new area for which the authority to regulate pursuant to these regulations has either been assumed or relinquished through annexation; and

(ii) If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA;

(17) Upon the request of FEMA, complete and submit a report concerning participation in the NFIP which may request information regarding the number of buildings in the SFHA, number of permits issued for development in the SFHA, and number of variances issued for development in the SFHA;

(18) Take into account actual flood, mudslide and flood-related erosion hazards, to the extent that they are known, in all official actions relating to land use, development and management throughout the entire jurisdictional area of the city, whether or not those hazards have been specifically delineated geographically via mapping, surveying, or otherwise.

Sec. 34-249. Use and interpretation of FIRMs

(a) The Floodplain Administrator shall make interpretations, where needed, as to the exact location of SFHAs on specific lot(s) or parcel(s) of land, using data and information from the

FIRM and FIS, or other data and information permitted by the city's floodplain regulations special flood hazard areas, floodplain boundaries, and floodway boundaries. Whenever reference is made within this division to delineation of SFHAs, the reference to a delineation shall include, without limitation, interpretations of the Floodplain Administrator boundaries.

(b) The following shall apply to the use and interpretation of the FIRMs and data by the Floodplain Administrator:

~~(1) Where field surveyed topography indicates that adjacent ground elevations:~~

~~(1) (i) Where field surveyed topography indicates that adjacent ground elevations contiguous to the flood hazard boundary are below the BFE, even in areas not delineated as a SFHA on the FIRM, the area shall be considered as a SFHA and shall be subject to the requirements of these regulations;~~

~~(2) (ii) Where field surveyed topography indicates that adjacent ground elevations are above the BFE, the area shall be regulated as a SFHA unless the applicant obtains a letter of map revision, pursuant to Sec. 34-254, removing the area from the SFHA.~~

(3) In SFHAs identified on the FIRM, where BFE and floodway data have not been identified, and in areas where FEMA has not identified SFHAs, any other flood hazard data available from a federal, state, or other source shall be reviewed and reasonably used;

(4) BFEs and designated floodway boundaries on the FIRM or FIS shall take precedence over BFEs and floodway boundaries by any other sources, if such sources show reduced floodway widths and/or lower BFE;

(5) Other sources of data shall be reasonably used if such sources show increased BFEs and/or larger floodway areas than are shown on FIRMs and in FIS;

(6) If a Preliminary FIRM and/or a Preliminary FIS has been provided by FEMA:

(i) Upon the issuance of a letter of final determination by FEMA, the preliminary flood hazard data shall be used and shall replace the flood hazard data previously provided from FEMA for the purposes of administering these regulations;

(ii) Prior to the issuance of a letter of final determination by FEMA, the use of preliminary flood hazard data shall be deemed the best available data and shall be used where no BFEs and/or floodway areas are provided on the effective FIRM;

(iii) Prior to issuance of a letter of final determination by FEMA, the use of preliminary flood hazard data is permitted where the preliminary BFEs or floodway areas exceed the BFEs and/or designated floodway widths in existing

flood hazard data provided by FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.

Sec. 34-250. Jurisdictional Boundary Changes

(a) In the event that, following the adoption of this ordinance, the jurisdictional boundaries of the city are modified by annexation, then the Albemarle County floodplain ordinance in effect on the date of annexation shall remain in effect within the annexed areas, and shall be enforced by the city, until such time as the city adopts a resolution acknowledging and accepting responsibility for enforcing floodplain ordinance standards prior to annexation of any area containing identified flood hazards. If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, the city will adopt amendments to these regulations to adopt the FIRM and appropriate requirements for such area, and such adoption shall take place at the same time as, or prior to, the date of annexation and a copy of the amended regulations shall be provided to the Virginia Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and to FEMA.

(b) ~~In accordance with 44 C.F.R. Sec. 59.22(a)(9)(v),~~ The city will notify the Federal Insurance Administration (FIA) and its Virginia State Coordinating Office in writing, whenever the boundaries of the city have been modified by annexation, or the city has otherwise either assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that all FIRMs accurately represent the community's boundaries, a copy of a map of the city suitable for reproduction, clearly delineating the new corporate limits or new area for which the city has assumed or relinquished floodplain management regulatory authority must be included with the notification.

Sec. 34-251. SFHA Boundary Changes

The delineation of any ~~SFHA of the Floodplain Districts~~ may be revised by the city when natural or man-made changes have occurred; when more detailed studies have been conducted or undertaken by the USACE or other qualified agency; or when an individual documents the need for such change. However, prior to any such change, approval must be obtained from FEMA.

Sec. 34-252. Interpretation of District boundaries [moved up, to Sec. 34-247]

~~Interpretations of the boundaries of the city's floodplain districts shall be made by the city's zoning administrator, by means of written determinations. The zoning administrator's determinations may be appealed to the city's board of zoning appeals, provided within sections 34-126 through 34-139 of the City Code. Any person who appeals an interpretation of the boundaries of the city's floodplain districts as applied to specific land may submit his own independent technical evidence to the board.~~

Sec. 34-253. Submitting technical data

A community's BFEs may increase or decrease as a result of physical land changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, the city shall notify FEMA of such changes by submitting technical or scientific data. Such a submission is necessary so that, upon confirmation of those physical changes affecting flooding conditions, risk premium rates and flood plain management requirements will be based upon current data.

Sec. 34-254. Letters of map revision

When development in the floodplain causes, or will cause, a change in any BFE, the landowner, including any state or federal agency, must notify FEMA by applying for a conditional letter of map revision and then subsequently, followed by a letter of map revision. Examples of circumstances requiring action in accordance with this section include, but are not limited to, the following:

- (1) Any development that causes a rise in the BFE within a floodway;
- (2) Any development occurring in Zones A and AE without a designated floodway, which will cause a rise of more than one foot in the BFE; and
- (3) Any alteration or relocation of a stream, including but not limited to installation of culverts, bridges and crossings.

Sec. 34-255. ~~Description of SFHAs and requirements~~

(a) ~~The basis for the delineation of the city's special flood hazard areas (SFHA) shall be the City's FIS and the accompanying FIRM flood insurance rate map prepared by FEMA dated February 4, 2005, and any subsequent revisions or amendments thereto ("FIRM"), and other data and information provided in accordance with this section.~~

- (1) ~~The city may also identify and regulate local flood hazard or ponding areas (LFHAs) in addition to the SFHAs delineated on the FIRM. These LFHAs may be delineated on a local flood hazard map (LFHM) using best available topographic data and locally derived information such as flood of record, historic high water marks or approximate study methodologies.~~
- (2) ~~Upon approval of a LFHM by city council in accordance with the procedures for amendment of the city's zoning district map, the LFHM shall become part of this ordinance and the zoning district map identified within City Code Sec. 34-1.~~

(b) ~~The city's SFHA shall consist of AE Zones and A Zones, as defined within Sec. 34-1200 and identified within the FIRM. the following areas and zones:~~

- (1) ~~The AE Zone requirements, on the FIRM, which shall be delineated by applying the~~

~~following criterion: those areas for which one per cent (1%) annual chance flood elevations have been provided and a floodway has not been delineated.~~ The following provisions shall apply within the area of an AE zone:

- (i) Until a regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within the areas of special flood hazard, designated as AE Zones on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the city.

Development activities in AE Zones ~~AE on the city's FIRM~~, which increase the water surface elevation of the flood by more than one (1) foot, may be permitted ~~allowed~~, provided that the applicant first applies – with the endorsement of the Floodplain Administrator – on a community acknowledgement form – for a conditional letter of map revision in accordance with Sec. 34-254 and receives the approval of FEMA.

- (ii) All new construction and substantial improvements shall comply with all applicable elevation and flood hazard reduction regulations set forth within this division, including, without limitation, Sections 34-257 to 34-261.

- (2) **A Zone Requirements.** ~~The approximated floodplain shall be those areas shown as “A-Zones” on the FIRM, which shall be delineated by applying the following criterion: those areas for which no detailed flood profiles or elevations are provided, but the one percent annual chance floodplain boundary has been approximated. Within the approximated floodplain,~~ The following provisions shall apply within the area of an A Zone:

- (i) The Floodplain Administrator shall obtain, review and reasonably utilize any ~~For these areas, the~~ BFEs and floodway information from federal, state, and other acceptable sources ~~shall be used~~, when available. Where the specific BFE cannot be determined within this area using other sources of data, such as the U. S. Army Corps of Engineers Floodplain Information Reports, U. S. Geological Survey Floodprone Quadrangles, etc., then the applicant for a proposed use, activity or development ~~and owner~~ shall determine the BFE. The applicant shall use federal, state and other sources of information acceptable to the Administrator, and shall use technical methods in accordance with subparagraph (ii), below, for ~~using detailed methodologies comparable to those contained in a FIS. The requirement for detailed methodologies shall apply to any development that involves 5 acres or 50 lots. However the Administrator may require the use of technical detailed methodologies for other uses, activities or developments, as appropriate to achieve the purposes of this division~~ ~~these regulations.~~

- (ii) For development proposed in the approximate floodplain, ~~technical methods must be utilized that~~ Technical methods shall correctly reflect currently accepted non-detailed technical concepts, consistent with methods used in the FIS, such as flood hazard analyses, point on boundary, known high water marks from past floods, or detailed methodologies including hydrologic and hydraulic engineering analysis analyses. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Floodplain Administrator.
 - (iii) The Floodplain Administrator shall have the ~~authority right~~ to require a hydrologic and hydraulic engineering analysis for any development and to determine the BFE. When such BFE data is utilized, the lowest floor shall be elevated to or above a point that is one (1) foot above the BFE. During the permitting process the Floodplain Administrator shall obtain the elevation of the lowest floor (including the basement) of all new and substantially improved structures; and, if the structure has been flood-proofed in accordance with the requirements of this division, documentation of the elevation to which the structure has been flood-proofed. ~~This provision shall not affect any separate elevation required by the USBC for electrical equipment or facilities.~~
 - (iv) Upon establishment of a BFE and floodway in accordance with this section, development within an approximated floodplain shall be subject to the requirements of paragraphs (b)(1) and (b)(3) of this section, as applicable. Prior to granting any permit authorizing development within an approximated floodplain district, the Floodplain Administrator shall obtain the elevation of the lowest floor (including the basement) of All new and substantially improved structures; and, if the structure has been flood-proofed in accordance with the applicable requirements of this division, the elevation (in relation to mean sea level) to which the structure has been flood-proofed.
- (3) **Floodway requirements.** ~~The floodway shall consist of certain areas, located within an AE Zone, delineated by applying the following criterion: areas within the floodplain that are capable of carrying the waters of the one percent annual chance flood without increasing the water surface elevation of that flood more than one (1) foot at any point (“floodway area”). The floodway areas included in this district are specifically defined in the FIS and shown on the accompanying FIRM. The following regulations shall apply within the floodway of an AE zone: The following regulations and restrictions shall apply within a floodway:~~
- (i) Until a regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within any A Zone, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated

development, will not increase the water surface elevation of the base flood more than one foot at any point within the city.

- (ii) Within any floodway ~~area~~, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic engineering analysis performed in accordance with standard engineering practice that the proposed encroachment will not result in increased flood levels within the community, affect normal flood flow, increase erosion within or adjoining to the floodway, cause the diversion of flood waters during the occurrence of the base flood discharge, increase peak flows or velocities in a manner likely to lead to added property damage or hazards to life, or increase the amounts of damaging materials that might be transported in floods during the occurrence of the base flood discharge. Hydrologic and hydraulic engineering analysis analyses shall include an engineer's certification ~~be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify~~ that the technical methods used correctly reflect currently-accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Floodplain Administrator.
- (iii) Development activities which increase the water surface elevation of the base flood may be allowed, provided that the applicant first applies, with the Floodplain Administrator's endorsement, for a letter of conditional map revision in accordance with Sec. 34-254 and receives the approval of FEMA.
- (iv) All new construction and substantial improvements shall comply with all applicable flood hazard reduction ~~provisions~~ regulations and requirements referenced within this division, including, without limitation, **Sections 34-257 to 34-261.**
- (v) The placement of manufactured homes is prohibited, except that, in an existing manufactured home park or subdivision, ~~A~~ a replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the ~~anchoring, elevation, and~~ encroachment standards of section (ii), above, are met and provided further that the requirements of Sec. 34-258(2) are satisfied.
- (vi) Notwithstanding subsection (ii), above, the following uses may be permitted within a floodway, if otherwise allowed within the underlying zoning district classification, so long as they do not require any new structure(s), fill, dumping of materials or waste, storage of materials or equipment; so long as the requirements of subsection (i), above are satisfied; and so long as such use will not increase the amount of potentially damaging materials that might be transported in floods: (A) agricultural uses and (B) outdoor recreational uses; (C) open uses, such private alleys and driveways, off-street parking, and

loading areas related to uses outside the floodway; and (D) public facilities, including public streets and alleys, railroads, bridges, and facilities of public service corporations.

- (vii) Notwithstanding subsection (ii), above, the following uses may be permitted within a floodway, if otherwise allowed within the underlying zoning district classification, upon the approval of a special exception granted by the board of zoning appeals: (A) accessory uses; (B) uses which may be authorized by a temporary use permit; (C) lots for the sale of new and used cars, trucks, farm equipment, campers, mobile homes; boats; (D) marinas, boat rentals, docks, piers, wharves; and (E) storage yards for non-floatable and readily transportable equipment or machinery. Prior to granting any such special exception, in addition to any other standards to be applied by the board of zoning appeals, the board of zoning appeals must find that the proposed use will not increase the amount of potentially damaging materials that might be transported in floods and that the requirements of subsection (i), above are satisfied.

Sec. 34-256. Zoning regulations

(a) The basis for delineation of the SFHAs described above within Sec. 34-255 shall be the FIRM and FIS constitute zoning overlay districts. For purposes of this division, the boundaries of the city's SFHA overlay zoning districts are hereby established as shown on the FIRM, and the FIRM is declared to be a part of this ordinance and of the zoning district map identified within City Code Sec. 34-1. The FIRM shall be kept on file at the city's department of neighborhood development services.

(b) The requirements of these floodplain regulations shall govern the use and development of land within the city, and shall apply in addition to the regulations of any other district(s) enumerated in city code Sec. 34-216. If there is any conflict between the regulations or requirements of this division for development within an SFHA district and the requirements those of any other ordinance, law, or regulation, the provisions of Sec. 34-6(b) shall govern the interpretation of the conflicting provisions underlying zoning district, the more restrictive provisions shall apply.

Sec. 34-257. Permit and Application Requirements

(a) Permit required--No use, activity or development shall be established or conducted within any SFHA district, except upon the approval of a permit by the Floodplain Administrator. Every permit approved by the Floodplain Administrator shall be subject to the conditions set forth within Sec. 34-258 of this division.

- (1) Every permit issued by the Floodplain Administrator shall be conditioned upon the permittee's strict compliance with the provisions of Sec. 34 this division and other applicable federal and state laws, regulations, and city ordinances.

~~(2) No permit shall be approved by the Floodplain Administrator in circumstances when any use, activity, or development will adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.~~

~~(b) Applications Land use and development permit applications—Every application seeking a permit from the Floodplain Administrator, and all other applications seeking an approval from the or other authorization of the city allowing the use or development of land, or authorizing any land disturbing activity, within any SFHA district shall include the following information:~~

- ~~(1) The BFE of the base flood at the site, obtained from the FIRM or, if not established on the FIRM, established in accordance with Sec. 34-255(b)(2);~~
- ~~(2) The elevation of the lowest floor (including basement);~~
- ~~(3) For structures to be flood-proofed (non-residential only), the elevation to which the structure will be flood-proofed;~~
- ~~(4) Information from a topographic survey, showing existing and proposed ground elevations.~~

Sec. 34-258. General permit conditions

The following provisions shall each apply as a condition of the validity of every permit approved by the Floodplain Administrator:

- (1) New construction and substantial improvements shall be performed in accordance with the requirements of this division and the USBC, and shall be anchored as necessary to prevent flotation, collapse or lateral movement of the structure;
- (2) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement shall be in addition to and consistent with applicable state anchoring requirements for resisting wind forces;
- (3) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- (4) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (5) Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

- (6) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- (8) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding and approved by the local health department;
- (9) In all SFHAs, the following requirements shall apply:
 - (i) Prior to any proposed alteration or relocation of any wet channels or of any watercourse, stream, etc., within this jurisdiction a permit shall be obtained from the USACE, VADEQ, and the VAMRC (a joint permit application is available from any of these organizations). Furthermore, in riverine areas, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the VADCR (Division of Dam Safety and Floodplain Management), other required agencies, and FEMA.
 - (ii) The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

Sec. 34-259. Elevation and construction standards

In all SFHAs where BFEs have been provided in the FIRM, ~~FIS~~ or established ~~generated by a certified professional~~ in accordance with Sec. 34-255, above, the following provisions ~~regulations~~ shall apply:

- (1) *Residential construction*--new construction or substantial improvement of any residential structure (including manufactured homes) in Zones AE and A with detailed base flood elevations shall have the lowest floor, including basement, elevated to or above a point that is one (1) foot above the BFE.
- (2) *Non-Residential Construction*--New construction or substantial improvement of any commercial, industrial, or other non-residential building (including manufactured homes) shall have the lowest floor, including basement, elevated to or above a point that is one (1) foot above the BFE. Non-residential buildings may be flood-proofed in lieu of being elevated, provided that all areas of the building components below the elevation corresponding to the BFE, plus one foot freeboard, are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A professional engineer or architect ~~or surveyor~~ licensed by the

Commonwealth of Virginia shall certify that the standards of this subsection are satisfied. Such certification, including the specific elevation (~~in relation to mean sea level~~) to which such structures are floodproofed, shall be provided at the time the finished floor is completed. An Elevation Certificate shall be provided and maintained by the ~~Floodplain~~ Administrator within the records required by this division.

- (3) *Space Below the Lowest Floor*—in zones A and AE, AH, AO, ~~and~~ A1-A30, fully enclosed areas of new construction or of substantially improved structures, which are below the BFE:
- (i) Shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator); and
 - (ii) Shall be constructed entirely of flood resistant materials below the BFE, and shall include measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings shall ~~through openings—~~ ~~all such openings must~~ either be certified by a professional engineer or architect licensed by the Commonwealth of Virginia, or must meet or exceed the minimum design ~~all of the~~ criteria referenced in subparagraphs (iii) – (viii) below.
 - (iii) There must be provided a minimum of two openings on different sides of each enclosed area subject to flooding.
 - (iv) The total net area of all openings must be at least one (1) square inch for each square foot of enclosed floor area subject to flooding.
 - (v) If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.
 - (vi) The bottom of all required openings shall be no higher than one (1) foot above the adjacent grade.
 - (vii) Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.
 - (viii) Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.

(4) ~~Standards for~~ *Manufactured homes and recreational vehicles*—all manufactured homes placed, or substantially improved, on individual lots or parcels, must meet all the requirements for new construction, including, without limitation, the elevation and anchoring requirements in **Sections 34-258 and 34-259**. All recreational vehicles must either:

- (i) be on the site for fewer than 180 consecutive days; or
- (ii) be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions); or
- (iii) meet all the requirements set forth within this division for manufactured homes.

(5) ~~Standards for~~ *New above-ground storage tanks* - all above-ground propane storage tanks, including new tanks installed to replace an existing tank, must meet the following requirements:

- (i) Tanks that are associated with new or existing utility service or that are attached to or located under a building, tank inlets, fill openings, outlets, and vents, shall be elevated above the elevation specified in ASCE / SEI 24.05 or most current standard.
- (ii) Tanks shall be designed, constructed, installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank during design flood conditions.

(6) *Placement of fill materials*—in addition to applicable requirements set forth within Sec. 34-255 and Sec. 34-257 through 34-260, all proposed development that involves or includes the use of fill shall meet the following requirements:

- i. Fill shall be of a material that does not pollute surface water or groundwater;
- ii. Fill shall be the minimum amount necessary to achieve the intended purpose. The application for a permit shall include a statement of the intended purpose of the proposed fill; provided, however, that if the purpose of the fill is to achieve elevation requirements of this division, the permit application shall include a geotechnical engineer's certified analysis of alternative elevation methods;
- iii. The application for a permit shall include the compaction specifications to be utilized in the placement of the fill, along with the location and dimensions of the proposed fill area(s); the amount, type and source of fill material; and the certification of a geotechnical and/or structural engineer that the quantity of proposed fill is the minimum necessary to achieve the intended purpose of the fill; and

- iv. The area(s) proposed for fill shall be effectively protected against erosion, by measures described within an erosion and sediment control plan approved pursuant to Chapter 10 of the City Code. For a development that is not subject to the requirement for an erosion and sediment control plan, the fill area(s) shall be protected by vegetative cover, riprap, gabions, bulkhead or other method(s) deemed necessary by the Administrator that the proposed development will be reasonably safe from flooding and does not create any health or safety hazards.

Sec. 34-260. Standards for subdivision development

- (a) All proposed subdivision developments shall be designed in a manner consistent with the need to minimize flood damage;
- (b) All proposed subdivision developments shall have public utilities and facilities such as sewer, gas, electrical and water systems located and designed for construction in a manner that will minimize flood damage;
- (c) All proposed subdivision developments shall provide drainage adequate to reduce exposure to flood hazards, and
- (d) All final development plans for a commercial, industrial, or residential development shall include BFE data shall be obtained from the most recent FIRM, or established using detailed technical methods referenced within Sec. 34-257. other sources or developed using detailed methodologies, hydraulic and hydrologic analysis comparable to those contained in a Flood Insurance Study for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty lots or five acres (whichever is less).

Sec. 34-261. Existing structures

- (a) A structure or use of a structure or premises which lawfully existed before the enactment of this division, but which is not in conformity with the regulations of this division, may be continued subject to the following conditions:
 - (1) Existing structures in the Floodway Area shall not be expanded or enlarged unless it has been demonstrated through hydrologic and hydraulic engineering analysis analyses performed in accordance with standard engineering practices that the proposed expansion would not result in any increase in the BFE.
 - (2) Any modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use located in any floodplain areas to an extent or amount of less than fifty percent (50%) of its market value shall conform to the USBC and the appropriate provisions of this division.
 - (3) The modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use, regardless of its location within a SFHA ~~district~~, to an extent or

amount of fifty percent (50%) or more of its market value, shall be undertaken only in full compliance with this ordinance and shall require the entire structure to conform to the USBC.

(b) For any application seeking a permit for work referenced within (a)(2) or (a)(3), above, the Floodplain Administrator, in coordination with the Building Official, shall:

- (1) Estimate market value, or require the applicant to obtain a professional appraisal, prepared by a qualified independent appraiser, of the fair market value of the building or structure before the start of construction of the proposed work. In the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
- (2) Compare the cost to perform the improvement, the cost to repair the damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
- (3) Determine and document whether the proposed work constitutes substantial improvement, or repair of substantial damage; and
- (4) If the Floodplain Administrator determines that the work constitutes substantial improvement or repair of substantial damage, he or she shall notify the applicant that compliance with the flood resistant construction requirements of this division and of the USBC is required.

Sec. 34-262. Variances

(a) Variances shall be granted by the BZA only upon a determination (i) that a failure to grant the variance would result in exceptional hardship to the applicant; (ii) that the granting of such variance will not result in unacceptable or prohibited increases in flood heights, additional threats to public safety, extraordinary public expense, any nuisances, any fraud or victimization of the public, or any conflict with federal, state or city laws, regulations or ordinances. Variances shall be issued only after the Board of Zoning Appeals has determined that the variance will be the minimum required to provide relief.

(b) Generally, the granting of variances will be limited to lots having a size of less than one-half acre; however, circumstances may require the BZA to deviate from this general provision. However, as the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases. Variances may be issued by the BZA for new construction or substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the BFE, in conformance with the provisions of this section.

(c) Variances may be granted by the BZA for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided

that the criteria of this section are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(d) In considering applications for variances, the BZA shall consider relevant factors and procedures specified by state statutes and city ordinances, and the BZA shall also consider the following additional factors:

- (1) The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity within any floodway ~~Floodway District~~ that will the one percent (1%) chance flood elevation.
- (2) The danger that materials may be swept on to other lands or downstream to the injury of others.
- (3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- (4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
- (5) The importance of the services provided by the proposed facility to the community.
- (6) The requirements of the facility for a waterfront location.
- (7) The availability of alternative locations not subject to flooding for the proposed use.
- (8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- (9) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
- (10) The safety of access by ordinary and emergency vehicles to the property in time of flood.
- (11) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
- (12) The historic nature of a structure. Variances for repair or rehabilitation of historic structures may be granted upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(13) Such other factors which are relevant to the purposes of this ordinance.

(e) The BZA may refer any application and accompanying documentation pertaining to any request for a variance to a professional engineer licensed by the Commonwealth of Virginia, or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters.

(f) The Board of Zoning Appeals shall notify the applicant for a variance, in writing, that the approval of a variance to construct a structure below the one percent (1%) chance flood elevation increases the risks to life and property and will result in increased premium rates for flood insurance. A record shall be maintained by the Floodplain Administrator of this notification as well as all actions of the BZA pursuant to this section, including justification for the issuance of the variances. Any variances approved by the BZA shall be noted in the annual or biennial report submitted by the Floodplain Administrator to the Federal Insurance Administrator.

34-1200 263. Definitions

To Sec. 34-1200 of the Zoning Ordinance, replace/ add the following definitions:

~~As used within this division, the following terms shall have the meanings set forth below:~~

A Zone – The areas shown on the FIRM as areas for which no detailed flood profiles or elevations (BFEs) are provided, but the boundary of the one (1) percent annual chance flood (base flood) has been approximated. May also be referred to as the “approximated floodplain.”

AE Zone – The areas shown on the FIRM as being an area for which one (1) percent annual chance flood elevations (BFEs) have been provided and the floodway has been delineated.

Adjacent grade—When used within the City’s floodplain regulations, (see Article II, Division 1), the term shall refer to the elevation of the ground surface next to the walls of a structure. The lowest adjacent grade refers to the lowest natural elevation of the ground surface next to the walls of a structure. The highest adjacent grade refers to the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Base flood - The flood having a one percent chance of being equalled or exceeded in any given year; also referred to as the 100-year flood or the one percent annual chance flood.

BFE, or Base flood elevation - The water surface elevations of the base flood, in relation to the datum specified on the City’s Flood Insurance Rate Map; that is: the flood level that has a one percent or greater chance of occurrence in any given year. ~~The water surface elevation of the base flood in relation to the datum specified on the community’s Flood Insurance Rate Map. For the purposes of this ordinance, the base flood is the 1% annual chance flood.~~

Basement - Any area of the building having its floor sub-grade (below ground level) on all sides.

BZA, or Board of Zoning Appeals - The board referred to within City Code 34-126 et seq.

Development – ~~When used within for the purposes of~~ the City’s floodplain regulations (see Article II, Division 1), the term “development” means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Elevated building - A non-basement building built to have the lowest floor elevated above the ground level by means of solid foundation perimeter walls, pilings, or columns (posts and piers).

Encroachment – When used within the City’s floodplain regulations (see Article II, Division 1), the term shall mean the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Existing structure ~~construction~~ - structures for which the “start of construction” commenced before June 15, 1979. ~~“Existing construction” may also be referred to as “existing structures.”~~

FEMA – the Federal Emergency Management Agency

Flood or flooding – a general or temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source. Mudflows which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

FIRM, or Flood Insurance Rate Map - an official map of the city established by of a community, on which the Federal Emergency Management Agency on February 4, 2005, as revised and amended from time to time thereafter, and on which FEMA has delineated both the special flood hazard areas and the risk premium zones applicable to the land within the jurisdictional boundaries of the City of Charlottesville, dated community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM). Whenever reference is made to the city’s FIRM, such reference shall include information included within the FIS.

FIS, or Flood Insurance Study – a report by FEMA that examines, evaluates and determines flood hazards and, if appropriate, corresponding water surface elevations, for the City of Charlottesville’s FIRM. The FIS is commonly referred to as being accompanied by the FIRM.

Floodplain or flood-prone area - Any land area susceptible to being inundated by water from any source.

Flood proofing - any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. Whenever documentation of the elevation to which structures have been floodproofed is required, such documentation shall show such elevation in relation to the datum specified on the city's FIRM.

Floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without ~~cumulatively~~ increasing the water surface elevation more than one foot at any point. The area within a floodway shall be either (a) areas defined in the FIS and shown on the accompanying FIRM, or (b) established in accordance with methods and procedures specified in Sec. 34-255.

Freeboard - A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. For the purpose of the city's floodplain regulations (see Article II, Division 1) the term shall refer to a factor of one (1) foot. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed.

Historic structure – When used within the City's floodplain regulations (see Article II, Division 1), the term shall mean any structure that is:

- a. listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
- d. individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either
 - i. by an approved state program as determined by the Secretary of the Interior; or,
 - ii. directly by the Secretary of the Interior in states without approved programs.

Hydrologic and Hydraulic Engineering Analysis – Analyses performed by a professional engineer licensed by the Commonwealth of Virginia, in accordance with standard engineering practices that are accepted by the Virginia Department of Conservation and Recreation and

FEMA, used to determine the base flood, other frequency floods, BFEs, floodway information and boundaries, and flood profiles.

Letter of Map Change (LOMC) - A Letter of Map Change is an official FEMA determination, by letter, that amends or revises an effective *Flood Insurance Rate Map* or *Flood Insurance Study*. Letters of Map Change include:

Letter of Map Amendment (LOMA)-- An amendment based on technical data showing that a property was incorrectly included in a designated *special flood hazard area*. A LOMA amends the current effective *Flood Insurance Rate Map* and establishes that a Land as defined by meets and bounds or *structure* is not located in a *special flood hazard area*.

Letter of Map Revision (LOMR)-- A revision based on technical data that may show changes to *flood zones*, *flood elevations*, *floodplain* and *floodway* delineations, and planimetric features. A Letter of Map Revision Based on Fill (LOMR-F), is a determination that a *structure* or parcel of land has been elevated by fill above the BFE and is, therefore, no longer exposed to *flooding* associated with the *base flood*. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the City's ~~community's~~ floodplain management regulations. A Conditional Letter of Map Revision (CLOMR) is a formal review and comment as to whether a proposed *flood* protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of *special flood hazard areas*. A CLOMR does not revise the effective *Flood Insurance Rate Map* or *Flood Insurance Study*.

Lowest floor - The lowest floor of the lowest enclosed area (including basement) of a building or structure. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of ~~the applicable non-elevation design requirements of Federal Code 44CFR §60.3.~~

Manufactured home - When used within the City's floodplain regulations (see Article II, Division 1), the term shall mean a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

Manufactured home park or subdivision - When used within the City's floodplain regulations (see Article II, Division 1), the term shall mean a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MSL or Mean Sea Level - is an elevation point that represents the average height of the ocean's surface (such as the halfway point between the mean high tide and the mean low tide) which is used as a standard in reckoning land elevation.

New construction - When used within the City’s floodplain regulations (see Article II, Division 1), and for the purposes of determining insurance rates, the term shall mean structures for which the “start of construction” commenced on or after June 15, 1979, and includes any subsequent improvements to such structures. For floodplain management purposes, *new construction* means structures for which the *start of construction* commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

NFIP - the National Flood Insurance Program.

~~***Post-FIRM structures***~~—A structure for which construction or substantial improvement occurred on or after June 15, 1979 or later.

~~***Pre-FIRM structures***~~—A structure for which construction or substantial improvement occurred before June 15, 1979.

~~***Primary frontal dune***~~—a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

Recreational vehicle - When used within the City’s floodplain regulations (see Article II, Division 1), the term shall mean a vehicle which is:

- e. built on a single chassis;
- f. 400 square feet or less when measured at the largest horizontal projection;
- g. designed to be self-propelled or permanently towable by a light duty truck; and,
- h. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.

Repetitive Loss Structure – A building covered by a contract for flood insurance that has incurred flood-related damages on two occasions in a 10-year period, in which the cost of the repair, on the average, equalled or exceeded 25 percent of the market value of the structure at the time of each such flood event; and at the time of the second incidence of flood-related damage, the contract for flood insurance contains increased cost of compliance coverage.

Severe repetitive loss structure - a structure that: (a) Is covered under a contract for flood insurance made available under the NFIP; and (b) Has incurred flood related damage – (i) For which 4 or more separate claims payments have been made under flood insurance coverage with the amount of each such claim exceeding \$5,000, and with the cumulative amount of such claims payments exceeding \$20,000; or (ii) For which at least 2 separate claims payments have been made under such coverage, with the cumulative amount of such claims exceeding the market value of the insured structure.

~~***Shallow flooding area***~~—A special flood hazard area with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by

~~ponding or sheet flow.~~

SFHA, or Special Flood Hazard Area – ~~Land~~ The land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year ~~as determined in the FIRM.~~

Start of construction – When used within the City’s floodplain regulations (see Article II, Division 1), the term shall mean ~~start of construction includes substantial improvement, and~~ means the date ~~a~~ the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. This definition will be used to determine whether proposed construction must meet new requirements when National Flood Insurance Program (NFIP) maps are issued or revised and BFEs increase or zones change.

The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Structure – when used within the City’s floodplain regulations (see Article II, Division 1), for floodplain management purposes, the term shall mean a walled and roofed building, or other structure, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Substantial damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement - When used within the City’s floodplain regulations (see Article II, Division 1), the term shall mean any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the *start of construction* of the improvement. This term includes structures which have incurred *repetitive loss* or *substantial damage* regardless of the actual repair work performed. The term does not, however, include either:

- i. any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to

- assure safe living conditions, or
- j. any alteration of a *historic structure*, provided that the alteration will not preclude the structure's continued designation as a *historic structure*.
 - k. Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined above, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

USACE – the United States Army Corps of Engineers

USBC – The version of the Virginia Uniform Statewide Building Code applicable to a specific development activity ~~Violation – the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this Division is presumed to be in violation until such time as that documentation is provided.~~

VADEQ – the Virginia Department of Environmental Quality

VAMRC – the Virginia Marine Resources Council

Watercourse - A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

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| Current Floodplain Regulations | Proposed Updated Floodplain Regulations | State (DCR) Model Floodplain Ordinance (March 2014) |
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| Chapter 34, Article II (Overlay Zoning Districts) Division 1 (Flood Hazard Overlay District) | §34-256 Zoning Overlay | Model Ordinance § 3.2 Overlay Concept |
| §34-240 Findings of Fact | Omitted | No counterpart in Model Ordinance |
| §34-241 Purpose | §34-240 Authorization; purpose | Model Ordinance 1.1(A)-(D) 44 CFR 59.22(a)(2) Proposed §34-240(E) (carried forward from current §34-241(13)) |
| §34-242 Applicability | §34-241 Applicability | Model Ordinance § 1.2 Applicability Current Z.O. §34-242(b) and (c) |
| §34-242(b) Incorporates by reference into the Z.O. the floodplain areas identified by the FIRM maps dated February 4, 2005, as amended, with accompanying maps and other supporting data, and any revisions thereto. | <p>§34-255 (a): the basis for delineation of SFHAs shall be the FIRM dated Feb. 4, 2005, and subsequent revisions</p> <p>§34-255(a)(2) if City Council adopts a local flood hazard map (LFHM) in accordance with procedures for zoning map amendments, then the LFHM becomes part of the Z.O. (text and map)</p> <p>§34-241: establishes the floodplain regulations as being applicable to development of all property within the City (like site plan regulations), instead of having the FIRM be incorporated as part of the official zoning map and regulations. ¹</p> | <p>Model Ordinance 3.1.A 44 CFR 59.1, 60.3</p> <p>LFHMs-Model Ordinance § 3.1.A. 44 CFR 59.1, 60.3</p> <p>Model Ordinance § 3.1.A.</p> |
| §34-243 Disclaimer of liability | §34-242(c) | Model Ordinance §1.3.C |
| §34-242(a) development must comply with floodplain regulations | §34-242 (a) Same | Model Ordinance §1.3.A |
| §34-244(a) designation of administrator | §34-247 | Model Ordinance §2.1 44 CFR 59.22(b) New language clarifies how the administrator may accomplish tasks (self, or through designees or contractors) |
| §34-244(b) Duties of the administrator | §34-248 | Model Ordinance §2.2 44 CFR 60.3 Same basic duties; however, the proposed list of duties is more detailed, consistent with 44 CFR 60.3 |
| §34-245 Responsibilities of other city officials (city engineer, building | See §34-247(1)-(2) (administrator has authority to delegate duties and | Model Ordinance §2.1.B 44 CFR 59.22(b) |

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| code official, zoning administrator) ² Deleted | responsibilities to qualified technical personnel, inspectors and other city employees or agents, but remains ultimately responsible for decisions) | |
| Z.O. §34-6(b)(1) and (2) | § 34-256(b) (in a zoning overlay district if there is a conflict between overlay regulations and those of the underlying zoning district, the more restrictive provisions apply) ³ | Model ordinance § 3.2 |
| §34-246 Permits required | §34-257(a)(1) | Model Ordinance §4.1.A 44 CFR 59.22, 60.2, 60.3 |
| §34-247 (a)(1), (2), (4) Permit application requirements, relating to elevations | §34-257(b)(1)-(4) | Model Ordinance §4.1.B (1)-(4) 44 CFR 59.22, 60.2, 60.3 |
| §34-247(a)(3) permit application must include description of extent to which any watercourse will be altered, and a professional engineering report of the effects of the alteration on the flood carrying capacity of the watercourse | See §34-248(4)-(5); §34-258(9) compliance with state and federal permit requirements for alteration of watercourses is required; flood carrying capacity within an altered or relocated portion must be maintained §34-257(a)(2) no permit may be issued by the administrator if an activity will adversely affect the capacity of any watercourse | Model Ordinance 4.2.(I) and (J) 44 CFR 59.22, 60.2, 60.3 Model Ordinance 4.1.A |
| | §34-255 “Description of Special Flood Hazard Areas” ⁴ | Model Ordinance § 3.1 44 CFR 59.1, 60.3 |
| §34-247(a)(5) ⁵ permit application must include location of proposed fill areas, amount, type and source of fill; compaction specifications, etc. SEE ALSO §34-251(a), discussed below. | §34-255(b)(1)-(3). Proposed fill must satisfy specific standards, depending on what Zone it’s in: see 34-255(b)(1), (2). Administrator cannot approve a permit unless satisfied that the standards are met. Hydrologic and hydraulic analysis and computations may be required from permit applicants. Applications for permits under the floodplain ordinance will be required to include information about the fill, sufficient to allow the Administrator to determine compliance with applicable standards—see §34-257 | Model Ordinance 3.1 44 CFR 59.1, 60.3 Model Ordinance Article IV 44 CFR 59.22, 60.2, 60.3 |
| §34-247(b) NDS director will ask engineer to establish minimum allowable elevation for buildings | §§34-255(b)(2)(iii) and (b)(3)(iv) §34-259 Administrator must be able to determine, based on application materials, that minimum required | Model Ordinance § 2.2-(G)-(I) |

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| | elevations have been complied with | |
| §34-247(c) permits must be issued if application meets requirements of the ordinance | §34-248(7) | Model Ordinance § 2.2.G 44 CFR 60.3 |
| §34-247(d) requirement for certification of the lowest floor elevation, or a flood-proofing certificate, notice/certification due from permit holder w/21 days from establishment of the lowest floor elevation or flood-proofing | §34-257(b) and 34-258 application [construction plans] for new construction must demonstrate lowest floor elevations. §34-248(8) administrator is responsible, through inspection process, to determine compliance with lowest floor elevation/ flood-proofing §34-259(2) for non-residential construction, engineer’s certification of lowest floor or flood-proofing is required | Model Ordinance § 2.2.H; §4.3 44 C.F.R. 60.3 |
| §34-247(e) city engineer required to advise applicants of regulatory requirements required in addition to local requirements | §34-248(3) administrator is required to determine whether all necessary permits have been obtained | Model Ordinance § 2.2-D44 CFR 60.3 |
| §34-248(a) BZA is authorized to hear and decide appeals from administrative decisions made by the administrator. <i>See also</i> existing City Code (Z.O.) §34-129(1) (appeals from administrative officers making decisions under Chapter 34 go to the BZA) | § 34-252 (interpretation of district boundaries) Appeals from other decisions of the administrator would still go to BZA, per existing Z.O. §34-129(1). | Model Ordinance Article VI |
| No corresponding provision exists within the current Floodplain Ordinance | §34-262 Procedures and Standards applicable to BZA consideration of variances | Model Ordinance Article VI <i>See also</i> Va. Code §§15.2-2309 to 15.2-2312 |
| §34-248(b) City Council has authorized the BZA to approve “special exceptions” (a/k/a “special use permits”) for accessory uses located in the FLOODWAY (if the use is allowed within the underlying zoning district): temporary amusements/outdoor assemblies/outdoor sales; outdoor sales lots for cars, tractors, mobile homes; railroads, streets, utility pipelines; marinas, docks, piers; storage yards; SFDs/ manif. Homes on pre-1975 lots | §34-255(b)(2): ALL “ <i>encroachments, fill, new construction, substantial improvements or other development</i> ” must meet specific performance/ technical standards. There are no special provisions/allowances for particular uses. Whether or not specific uses are allowed would be determined by the Use Matrix for the underlying zoning district; any special exceptions would be reviewed through the normal zoning process (PC/ Council action) | Model Ordinance § 3.1.A.1.a 44 CFR 59.1, 60.3 See notes re existing §34-258 (last page of this chart) |
| §34-249 Special exceptions— standards for review | No counterpart—see preceding row | No counterpart |

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| <p>§34-250 General standards for flood hazard reduction</p> | <p>§§ 34-257 through 260</p> <p>Deleted: §34-250(5) (requirement for electrical, heating, ventilation, plumbing, AC and other service facilities be located 3 feet above BFE) ⁶ and 34-250(7) (requirement that any alteration, repair, reconstruction or improvements meet “new construction” requirement—incorporated -250(7) as a component of proposed §34-261(2) and (3))</p> | <p>Model Ordinance Article IV 44 CFR 59.22, 60.2, 60.3</p> |
| <p>§34-251 Flood hazard reduction—specific standards</p> <p>(a) Placement of fill (no use of material that will pollute water); amount of fill must be minimum necessary to achieve intended purpose; fill must be protected against erosion</p> | <p>§ 34-257 Fill is regulated as a “development” activity, consistent with Model Ordinance and federal regulations (see §34-263(6), definition of development includes filling)</p> <p><i>See proposed insertion--§34-259(6)</i></p> | <p>Model Ordinance § 3.1 44 CFR 59.1, 60.3</p> |
| <p>§34-251(a) Residential construction</p> | <p>§34-259(1)</p> | <p>Model Ordinance § 4.3.A</p> |
| <p>§34-251(a) Non-residential construction</p> | <p>§34-259(2)</p> | <p>Model Ordinance § 4.3.B</p> |
| <p>§34-251(a) Elevated buildings (5) (new construction or substantial improvements of elevated buildings usable solely for parking of vehicles, building access or storage</p> | <p>§34-259(2) and (3) ⁷</p> | <p>Model Ordinance §4.3.C</p> |
| <p>§ 34-251(b) Accessory structure allows sheds, garages, etc. with a value of <\$3,000 to be placed in the floodplain; must be firmly anchored; cannot be used as a residence; must have low flood damage potential/ offer minimum resistance to the flow of floodwater</p> | <p>§§ 34-257(2), 34-258 and 34-259; regardless of value, non-residential structures (including accessory structures) can be placed within the floodplain if they are anchored; made of materials resistant to flood damage; and would not impact the channels or floodways of any watercourses ⁸</p> | <p>Model Ordinance §§ 4.1 and 4.2</p> |
| <p>§34-251(c) Manufactured homes and recreational vehicles</p> <p>§ 34-251(c)(2) Special standards are provided, allowing manufactured homes to be placed or substantially improved within the area of an established mobile home park, without complying with new construction standards, if they are elevated to 3 feet above the base flood level, OR the chassis is supported by a strong foundation.</p> | <p>§34-259(4)-same as existing §34-251, for manufactured homes placed, or substantially improved on individual lots or parcels, and for recreational vehicles</p> <p>No counterpart to § 34-251(C)(2) ⁹</p> | <p>Model Ordinance § 4.3.D</p> <p>Model Ordinance has no counterpart to §34-251(C)(2)</p> |

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| <p>§34-252 Restrictions governing development in the floodway</p> <p>§34-252(c) Allows BZA to grant “special exceptions” (a/k/a “SUP”) allowing particular uses to be placed within the floodway</p> | <p>§34-255(b), 34-257(a)(2), 34-258 and 34-259¹⁰</p> <p>The proposed ordinance eliminates the SUP procedure, by allowing any use that is permitted within the underlying zoning district, so long as it meets the floodplain development standards.</p> | <p>Model Ordinance §§ 3.1.A, 4.1, 4.2, 4.3</p> <p>Model ordinance does not contemplate a BZA special review of uses otherwise permitted within the underlying zoning district. It just requires all uses to comply with the applicable development standards.</p> |
| <p>§34-253 “Restrictions” on proposed developments within the floodplain—requires proposed developments with more than 50 lots or 5 acres, located within a floodplain, to include base flood elevation data</p> | <p>§34-260 All subdivision proposals need to provide base flood elevation data, and must be designed and laid out to minimize flood damage</p> | <p>Model Ordinance § 4.4</p> |
| <p>§ 34-254 Standards for streams without established BFEs or floodways</p> | <p>§ 34-255(b)</p> | <p>Model Ordinance § 3.1.A.</p> |
| <p>§ 34-255 Standards for areas of non-stream-related flooding (“A Zones”)</p> | <p>§ 34-255(b)(3)</p> | <p>Model Ordinance § 3.1.A.3</p> |
| <p>§ 34-256 Minimum flood-proofing requirements</p> <p>§34-256(a)(5) requires sewer system vents to extent 3 feet above “RFE”</p> <p>§34-256(b) Requires construction plans for a structure proposed to be flood-proofed to be reviewed by the engineer in accordance with a 1972 ACOE publication titled “Flood-proofing Regulations, GPO 19730-505-026”</p> | <p>§ 34-258(5), (6), (7), (8) § 34-259(2)—substantially the same.</p> <p>Reference to specific standard for sewer vents (3 feet above RFE) is eliminated, but new standard requires that sanitary sewage systems (including, without limitation, vents) must be designed to minimize or eliminate infiltration of flood waters. SEE ENDNOTE #6.</p> <p>No reference to the ACOE publication, BUT:</p> <p>§34-248: Administrator’s duties include verification of whether proposed development activities will meet specific construction standards. Applicant must provide all necessary plans, data, etc. to allow administrator to make the necessary determination</p> | <p>Model Ordinance § 4.2, 4.3.B</p> <p>Model Ordinance § 2.2 (Administrator’s duties)</p> <p>44 CRF 60.3</p> |
| <p>§ 34-257 Non-conforming floodway uses.</p> <p>Note: Other regulations re nonconformities: see §34-252</p> <p>Prohibits “substantial improvements” of structures in the floodway, unless it’s being</p> | <p>§ 34-261 Existing structures</p> <p>Brings regulations relating to lawful nonconforming [existing] structures into one section:</p> <p>Allows “nonconforming” status to <u>all</u> currently-lawful structures, in floodway AND floodplain areas</p> | <p>Model Ordinance, Article V</p> |

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| <p>floodproofed; prohibits rebuilding of non-residential buildings in the floodway; removes lawful nonconforming status if a use in the floodway is discontinued/ abandoned for 24 months;</p> <p>ALLOWS replacement of SFDs within the floodway, if they are substantially damaged or destroyed by disaster (including flood);</p> <p>§34-257(b) refers to “floodway fringe”—allows reconstruction of floodway fringe use that is substantially damaged or destroyed by disaster (including flood)</p> | <p>Doesn’t allow rebuilding of <u>any</u> structures within the floodway, unless professional engineering analysis shows that expansion would not > BFE</p> <p>Allows modification/ reconstruction of structures/ uses in a floodplain, up to a value of 50% of the building’s FMV, if the new improvements conform with USBC and applicable floodplain regulations</p> <p>Allows modification/ reconstruction of structures/ uses in a floodplain, up to a value of MORE THAN 50% of the building’s FMV, if the improvements are in full compliance with floodplain regulations and the ENTIRE STRUCTURE complies with USBC requirements</p> <p>No reference(s) to areas as “floodway fringe”</p> | |
| <p>§ 34-258 Exception for environmental restoration and flood control—allows NDS Director to approve “exceptions” to the floodplain regulations for projects undertaken by a public body for environmental restoration or flood control</p> | <p>SEE proposed insertion to § 34-241 (Applicability)</p> <p>City Council must make decisions on exceptions to the requirements of the ordinance, so it would be better to re-draft this provision as an exemption within the text of the ordinance § 15.2-2286(A)(3); § 15.2-2309(6)</p> | |
| <p>Definitions specific to the floodplain regulations are not set forth in Article II, Division 1. Instead, to the extent that such definitions are provided, they are in §34-1200 along with all of the general definitions of the zoning ordinance</p> | <p>§34-263 Definitions</p> | <p>Model Ordinance “GLOSSARY” 44 CFR 59.1</p> |
| | | |

More Detailed Comments and Responses to Issues Raised by Ms. Rebecca Quinn

Comment: “Contains lots of requirements that are covered in the Uniform State Building Code – but a few are different. FEMA deems the flood provisions of the USBC to meet/exceed the NFIP – why have duplication? It can cause confusion and puts more burden on the public and the building official to figure out differences. FEMA recently published model code-coordinated ordinances (I’m the author). If the City isn’t under a deadline to demonstrate compliance, then I recommend consideration of the code-coordinated model (use Version 3) – see link below. I would very much like to meet with staff to review this option and I volunteer to help tailor it to the City.”

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Response: While it is acknowledged that there are “model” ordinances that are different than the one promulgated by DCR, it is a reasonable approach for the City to utilize the DCR Model Ordinance—AND DCR has already given preliminary approval to the draft that is before the Commission for review. The Building Official routinely assists applicants with a review of plans that must comply not only with the USBC but also with related (but possibly different) regulatory requirements (zoning setbacks, utility installations, etc.). Any conflicts are to be resolved in accordance with §§34-242(a) and §34-256(b)—just as with review of other zoning compliance issues. Staff recommends that we not start this process over with a different model ordinance.

Comment: [The proposed ordinance] defines “repetitive loss structure” and “severe repetitive loss structure;” neither is used [in the body of the ordinance]. However, the definition of “Substantial improvement” sneaks one of them in, although in different form. The underlined words in this sentence are not basic NFIP and are not mandatory: “*This term includes structures which have incurred repetitive loss or substantial damage regardless of the actual work performed.*” DCR should have pointed out the implications; failure to do so, and to make sure the City understands the implications and agrees to adopt and enforce this higher standard, in my opinion, leaves the City open to challenge, if not liability. To understand the implication, please read Section 5.3.7 in the document linked below (<http://www.fema.gov/media-library/assets/documents/96634>). As written, I believe the definition for “Substantial improvement” could be read to require a structure that meets the definition of “repetitive loss structure” to be brought into compliance simply because of meeting the definition, and not because of a triggering next flood. I recommend deletion of the words “repetitive loss or” and deletion of the two definitions.

Response: There appear to be at least two valid approaches to dealing with when, and the extent to which, structures that have repeatedly been damaged by flooding need to be brought up to current standards. Staff has presented the Model Ordinance approach within the proposed update; the CAO is fine with either approach.

The **City of Virginia Beach** uses the Model Ordinance approach: this means that any renovation or improvement of a “repetitive loss structure” or “severe repetitive loss structure”, regardless of value, would constitute a substantial improvement and therefore would be required to meet current elevation/ floodproofing requirements when performed. The **City of Alexandria** takes an alternative approach (similar to that recommended by Ms. Quinn). Alexandria does not distinguish between “repetitive loss structures” or “severe repetitive loss structures” and other existing structures—all existing structures, regardless of category, would need to be brought up to current elevation/ floodproofing standards based on whether the dollar value of the proposed work falls within the limits described in proposed §34-261(2) or (3).

ENDNOTES

¹ City Attorney’s Office (CAO) agrees with Ms. Quinn’s comments on this issue and has modified the proposed ordinance. We are of the opinion that it’s fine to establish that the current FIRM is the basis for delineation of the SFHAs (so we recommend leaving § 34-255(a) as written) but the FIRM really doesn’t need to be specifically incorporated as part of the ordinance. (See, e.g., Alexandria City Code § 6-302(A) and §6-303(I)(definition of FIRM). This way, the FIRM is a resource to be used by the Administrator in interpreting the Z.O. (We have other, similar, zoning ordinance provisions--see, e.g., §34-1081(a) (“*all [telecommunication facility] support structures shall be constructed to comply with the EIA current standards (EIA222-D, “Structural Standards for Steel Antenna Towers and Antenna Supporting Structures,” published by EIA, effective June 1, 1987, as from time to time amended or revised.*”). Currently, the boundaries of the SFHAs as shown on the FIRM are not shown on the City’s Official Zoning Map.

² Ms. Quinn expressed concern that the proposed ordinance eliminated duties of the city engineer and building official. All of those duties and functions remain requirements of the ordinance. Those duties, by Model Ordinance and federal standards, are centralized in an Administrator who is accountable for ensuring that all duties are covered. The proposed provisions place responsibility on the Floodplain Administrator to designate specific city employees

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and officials to perform functions, whether it's the city engineer, employees in the city engineer's office, the building official, or third party contractors. This is similar to how the state requires us to structure our local VESCP and VSMP Programs.

³ We have an identical provision in §34-6 of the City's zoning ordinance, applicable to all of the various articles of the Z.O. It's a general standard for interpretation of any conflicting provisions. Since we have it in § 34-6, it's OK to delete it from the floodplain section if you would like, but even if removed it will remain the "rule" of interpretation of the ordinance.

⁴ CAO agrees with Ms. Quinn that the structure of § 34-255 (b) (which was based on the Model Ordinance text) is very unwieldy. We struggled with this in the drafting process; however, because the federal regulations and the Model Ordinance provisions are slightly different for each category of SFHA, the basic organization is actually the simplest way to identify the SFHA categories and their corresponding regulations. CAO doesn't foresee enforceability issues relating to this organization; also, descriptive section headings (i.e., "description of special flood hazard areas") aren't generally interpreted by courts as being part of the substantive provisions of the ordinance text. HOWEVER, substantial editing has been done (see attached revised ordinance)

⁵ See Endote following below

⁶ *See also* §34-256(a)(1)-(4), which was also deleted. **The requirement for certain water/ sewer facilities to be elevated to 3 feet above BFE was intentionally omitted.** The Building Code Official advises that this special requirement is very confusing for property owners, and difficult to administer/ enforce, because the finished floor elevation standard is only 1 foot above BFE. So, for example, under the existing 3-foot elevation requirement, a shower drain (right on the floor, normally) has to be at least 3' above BFE but the finished floor only has to be 1' above BFE. Toilets, electrical outlets, ductwork, etc. are also problems—under the existing ordinance they need to be 3 feet above BFE, but the floor only has to be 1 foot above. With the proposed updated ordinance, staff recommends deletion of the 3-foot elevation requirements.

⁷ Ms. Quinn expressed concern that the provisions of current § 34-251(a) for elevated buildings used for parking of vehicles, building access or storage had been deleted. CAO believes that the updated regulations, consistent with the Model Ordinance, are consistent with, but a refinement of, the provisions of existing § 34-251 (elevated buildings), as follows: Under the updated regulations, all newly constructed/ substantially improved non-residential buildings, regardless of specific use, would need to be elevated or flood proofed.

If floodproofed, areas below (1) foot above the BFE, need to be constructed of water tight materials and have structural components capable of resisting hydrostatic/hydrodynamic loads and the effect of buoyancy. In certain zones, fully enclosed areas of new construction/ substantially improved structures, which are BELOW regulatory flood protection elevation, can only be used for parking of vehicles, building access or limited storage of maintenance equipment, and they must be (a) constructed of specific materials below the regulatory flood protection elevation, include measures to equalize hydrostatic flood forces, etc. Also, under proposed §34-261(2) and (3), existing buildings that are modified to be used for parking, building access, or storage, could be required to meet pertinent flood-proofing requirements, depending on the extent of the proposed renovations.

Ms. Quinn recommends that all references to "floodproofing" should be modified to specifically require "dry" flood-proofing. She says that, although limited, the VUSBC allows for some use of "wet" flood-proofing. The Model Ordinance approach is to establish the following standard, where flood-proofing is allowed it must meet the requirements described in the paragraph preceding above. CAO prefers the Model Ordinance approach, which allows the Floodplain Administrator, advised by the city engineer as well as the building code official, to determine in specific cases what type of flood proofing will achieve the required performance standard.

⁸ CAO believes the proposed regulations are consistent with, but an appropriate update of, existing §34-251(b) (accessory structures). As Ms. Quinn points out in her comments, there will also be USBC provisions that can be applied in relation to proposed new construction of these types of structures.

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⁹ As Ms. Quinn points out, the proposed ordinance update eliminates the (less restrictive) special standard for new manufactured homes placed within the area of an existing manufactured home park. Staff's proposal, consistent with the Model Ordinance (which references 44 CFR 60.3) is to require all new or substantially improved manufactured homes located within a SFHA, regardless of whether they're in a new or existing manufactured home park, to be in accordance with the updated standards.

¹⁰ Ms. Quinn correctly notes that the proposed ordinance replaces existing provisions relating to development within the floodway, in favor of conformance with current federal regulations. Existing §34-852(a)(1) prohibits all "encroachments" into the floodway; the Model Ordinance/ federal regulations allow "encroachments" if professional engineering analysis is submitted to establish that the encroachment won't result in any increase in flood levels during occurrence of the base flood discharge. Existing § 34-852(a)(2) prohibits new manufactured homes in the floodway, but would allow the establishment of a new manufactured home within the floodway in an existing manufactured home park; that's the same standard as in the proposed §34-255(b)(2)(iv). Finally, existing § 34-852(b)(1) and (2) prohibits uses that would result in an increase in the regulatory flood elevation, BUT states that uses that "normally" have low flood damage potential are allowed so long as they do not require fill, dumping of materials or waste, or storage of materials. Staff has proposed that the Model Ordinance standard (i.e., looking at every proposed use and its potential effect on flood levels during occurrence of the base flood discharge), is the better way to go.

CITY OF CHARLOTTESVILLE
DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES
STAFF REPORT



REQUEST FOR A ZONING TEXT AMENDMENT

ZT15-00002: APPLICATION REVIEW PROCESS

JOINT PUBLIC HEARING

DATE OF PLANNING COMMISSION MEETING: MAY 12, 2015

Author of Staff Report: Brian Haluska

Date of Staff Report: April 29, 2015

Applicable City Code Provisions: §34-8 (Disclosure of real parties in interest), §34-41 (Amendments to the Zoning Ordinance), §34-42 (Zoning Amendments – Commission study and action), §34-158 (Special use permits – Applications generally), §34-160 (Special use permits – Review and action on application), §34-515 (Planned unit developments – Pre-application review), §34-804 (Site plans – Pre-application conference), and §29-59 (Subdivision of land – Review and approval)

Executive Summary

This is a proposed amendment to the zoning and subdivision ordinance to modify the process by which applications for development in the City are reviewed.

Background

At their meeting on February 2, 2015; City Council initiated a zoning text amendment to modify the way in which the City reviews development applications. Specifically, the proposed changes would not immediately refer complete applications for development (rezoning requests, special use permits, site plans and subdivision plats) to the Planning Commission upon receipt, but would rather give the Director of Neighborhood Development Services and City Council the ability to hold off on referring the item to the Commission. The additional time in the process would be used for potential work sessions on the project with the Planning Commission, a mandatory community meeting arranged by the applicant, and staff review that could result in a request for additional information from the applicant in order to better explain their request.

The proposed changes are modeled on the current procedures in Albemarle County.

Standard of Review

As per state law and §34-42 of the City Code, the planning commission is required to review this proposed amendment to determine:

- (1) Whether the proposed amendment conforms to the general guidelines and policies contained in the comprehensive plan;

- (2) Whether the proposed amendment will further the purposes of this chapter and the general welfare of the entire community;
- (3) Whether there is a need and justification for the change; and
- (4) Whether the amendment is required by the public necessity, convenience, general welfare or good zoning practice.

Discussion of the Proposed Draft Ordinance

The full text of the proposed draft ordinance is attached to this report. Following below is a summary of the changes in each section of the code:

§34-8 (Disclosure of real parties in interest)

The proposal would move a section of 34-41 to this section of the code. The code section in question requires a notarized statement from the applicant noting any personal interest in the project by a Planning Commissioner or City Councilor.

§34-41 (Amendments to the Zoning Ordinance)

The proposed text amendment would draft a new process for the review of zoning text amendments. Upon receipt of a complete application, staff would review the application and work with the applicant to refine the application and request additional information. The applicant would also be required to coordinate a neighborhood meeting for nearby citizens to learn about the request and ask questions. Staff would also be permitted to refer the item to a work session of the Planning Commission if need be.

§34-42 (Zoning Amendments – Commission study and action)

The proposed change would amend the code so that the current “100 day clock” that starts upon receipt of a complete application would not start until the application had been referred to the Planning Commission by City Council or the Director of NDS.

§34-158 (Special use permits – Applications generally)

The proposed amendment would refer to Section 34-41 for the review process for special use permits.

§34-160 (Special use permits – Review and action on application)

The proposed amendment would refer to Section 34-41 for the procedure to review an application for a special use permit.

§34-515 (Planned unit developments – Pre-application review)

The proposed amendment would change the name of the section to “Application review process” and refer to Section 34-41 for that process.

§34-804 (Site plans – Pre-application conference)

The proposed ordinance would amend the section’s name to “Pre-application requirements” and would refer to Section 34-41 for those requirements.

§29-59 (Subdivision of land – Review and approval)

The proposed amendment would refer to section 34-41 for the review process for all major subdivisions (6 lots or more).

Staff Analysis

1. Does the proposed amendment conform to the general guidelines and policies contained in the comprehensive plan?

The City’s Comprehensive Plan does not directly address application procedures. Goal 2.1 of the Land Use chapter of the plan, however, singles out respect for residential areas that should be considered when evaluating changes to land use regulations.

2. Does the proposed amendment further the purposes of the Zoning Ordinance (Chapter 34, City Code) and the general welfare of the entire community?

The proposed amendment would give staff and applicants more time in making presentations to the Planning Commission and City Council that contain all the detail that the Commission frequently requests.

3. Is there a need and justification for the change?

The justification for the change is to address the concerns from citizens regarding their ability to engage with the development process and review proposals, as well as concerns raised by the Planning Commission and City Council about the accuracy of materials presented to them during reviews.

Public Comment

At the time of the drafting of the staff report, staff had not received any public comment in support or opposition to the proposed changes. Staff has received inquiry about the state enabling legislation that permits the City to adopt the changes.

The zoning text initiation was preceded by several citizen groups raising concerns about the lack of public involvement in the development review process, as well as the insufficient amount of time for members of the public to review proposed projects.

At their March 24, 2015 work session, the Planning Commission expressed support for the revisions, however, also raised concern about the impacts on the cost of developing in the City. Additionally, the Commission suggested another manner in which the City could improve public

engagement was to end the practice of joint public hearings, and hold a public hearing at both the Planning Commission meeting, and at the City Council meeting with the outcome of the Planning Commission's consideration known.

Recommendation

In reviewing the proposed amendments to the ordinance, staff has identified several points for the Commission to consider:

- The proposed changes would create the opportunity for a more robust public engagement process for major developments of all types.
- The increased public engagement may lead to increased confusion with ministerial reviews where the by-right option must be approved by the City, in spite of any public concern regarding the development.
- As noted in the memo that accompanied the zoning text initiation to City Council in February, the change in the code would require a re-allocation of staff priorities. The amount of staff time necessary to complete review on a new development application would increase as a result of the changes proposed.
- The proposed changes empower staff to work with applicants to refine materials before they are presented to the Commission and Council, so that the submission package is a complete picture of the development, and the staff report is as in depth as necessary.
- The additional time in the process as well as the potential for multiple revisions of submissions adds time to the review process for applicants, as well as additional cost to develop in the City.

Staff has concern that mandatory neighborhood meetings on by-right site plans and subdivisions might create an expectation of dialogue that the process could ultimately fail to provide. In light of this concern, staff recommends that the proposed changes to Sections 34-804 and 29-59 be denied.

Staff has a similar concern with the mandatory public meeting and the clarity of proposals being presented at those meetings. The proposed code changes, and the discussion surrounding these changes, acknowledge a need for more time between the submission of applications and the review by the Planning Commission to permit staff to work with applicants to refine their proposals, as well as bring better quality submission materials to the Commission. If the mandatory public meeting is held at some point during this process, then it is likely that the public will be seeing a different version of the proposal than the one that the Commission and Council may ultimately vote on. Staff is concerned that this would lead to more confusion surrounding development proposals. Staff recommends that the draft ordinance be modified to make the public meeting a voluntary provision that may be required by the Director of NDS during the review of a rezoning or special use permit application.

Staff finds the modification with regards to when an application is referred to the Planning Commission as a welcome change that could aid applicants in producing higher quality submissions, and ideally decrease the number of applications being deferred by the Commission or the applicant. A concern raised by several Commissioners has been the "rushed" nature of the

review of rezonings and special use permits in part because of the relatively quick turnaround required in the code now. The change to the automatic referral to the Planning Commission would bring special use permit and rezoning requests in line with how site plans are currently referred to the Commission. Staff supports this change, and recommends that Sections 34-42, 34-158, 34-160, and 34-515 be approved as drafted.

Finally, staff recommends that the modification to Section 34-8 be approved with the corresponding deletion of the language from 34-41(c). Staff finds this to be an amendment that serves to place a current regulation in a more appropriate location in the code.

Possible Motions

Staff Recommendation

1. I move to recommend to City Council that it should amend sections 34-8, 34-41, 34-42, 34-158, 34-160, and 34-515 of the zoning ordinance, to amend the procedures for application submission, review, and referral to the Planning Commission, with the following changes:
 - a. The proposed language of 34-41(c)(2) in the draft proposal that states “The applicant shall hold a community meeting for the application.” Be modified to read “Either the city council or the Director of NDS may request a community meeting for the application.”
 - b. The proposed language of 34-41(c)(2) stating “The director may waive the requirement for a public meeting, upon a determination that the meeting is not likely to achieve the public purposes intended to be served, after consideration of the following: (i) the nature of the approval requested, the acreage affected, the proposed density, the proposed scale, and potential impacts, (ii) any other factors deemed relevant upon applying sound zoning principles, (iii) whether other public work sessions or meetings have already been held regarding the application, so as to make a community meeting unreasonably duplicative. “ be deleted.

I find that the draft ordinance presented by staff, with these changes, is required by the public necessity, convenience, general welfare or good zoning practice.

2. “I move to recommend to City Council that it should amend sections 34-8, 34-41, 34-42, 34-158, 34-160, 34-515, 34-804 of the zoning ordinance, and section 29-59 of the subdivision ordinance, to amend the procedures for application submission, review, and referral to the Planning Commission, as presented in the draft ordinance provided by staff, because I find that this amendment is required by the public necessity, convenience, general welfare or good zoning practice.
3. I move to recommend to City Council that it should amend sections 34-8, 34-41, 34-42, 34-158, 34-160, 34-515, 34-804 of the zoning ordinance, and section 29-59 of the subdivision ordinance, to amend the procedures for application submission, review, and referral to the Planning Commission, with the following changes:
 - a. _____
 - b. _____

I find that the draft ordinance presented by staff, with these changes, is required by the public necessity, convenience, general welfare or good zoning practice.

4. "I move to recommend to City Council that it should not amend sections 34-8, 34-41, 34-42, 34-158, 34-160, 34-515, 34-804 of the zoning ordinance, and section 29-59 of the subdivision ordinance, to amend the procedures for application submission, review, and referral to the Planning Commission, because I find that the amendment is not required by the public necessity, convenience, general welfare or good zoning practice.

Attachments

Applicable city code sections

Proposed Ordinance

Sec. 34-8. - Disclosure of real parties in interest.

An applicant for a special exception, a special use permit, an amendment to the zoning ordinance or a variance shall make complete disclosure of the equitable ownership (i.e., the real parties in interest) of the real estate to be affected. The applicant shall provide the names and addresses of all of the real parties in interest, including, without limitation: each of the stockholders, officers and directors of a corporate entity (corporations, professional corporations, limited liability companies, professional limited liability companies, etc.). However, the requirement of listing names of stockholders shall not apply to a corporation whose stock is traded on a national or local stock exchange and which corporation has more than five hundred (500) shareholders.

(9-15-03(3))

Sec. 34-41. - Amendments to the zoning ordinance.

- (a) Whenever the public necessity, convenience, general welfare or good zoning practice require, the city council may, by ordinance, amend, supplement or change the city's zoning district regulations, district boundaries or zoning district classifications of property. Any such amendments may be initiated by:
 - (1) Resolution of the city council;
 - (2) Motion of the planning commission; or
 - (3) Petition of any person who is the owner, owner's agent, or contract purchaser (with the owner's written consent) of property, where such petition proposes a change of the zoning district classification of such property.
- (b) Petitions shall be made in writing, shall be addressed to the city council, and shall be submitted to the city's department of neighborhood development services at least forty-nine (49) days prior to a regular meeting of the planning commission. Each application shall be accompanied by the required application fee, as set forth within the most recent fee schedule adopted by city council. The director of neighborhood development services shall establish and maintain uniform documents and informational requirements for making such petition, as well as a list identifying all materials required to be submitted along with the petition, which shall include any information the director deems necessary for the planning commission and city council to adequately evaluate the request which is the subject of the petition.
- (c) All petitions initiated by property owners, contract purchasers, or the agents thereof, shall be sworn to under oath before a notary public, stating: (i) whether or not any member of the planning commission, or his immediate family member, has any personal interest in the property or transaction that is the subject of the application; and (ii) whether or not any member of the city council, or his immediate family member, has any such interest. A personal interest arises when a financial benefit or liability may accrue to a member of the planning commission or city council, or his immediate family member, as a result of an individual or business interest in the subject application. For the purposes of this section, the term "personal interest" shall have the meaning set forth within the State and Local Government Conflicts of Interests Act, Code of Virginia, § 2.2-3101, and may refer to an interest accruing to a person individually, as a result of business or professional relationships.
- (d) Once a proposed amendment has been initiated as set forth within this section, it shall be deemed referred by the city council to the planning commission for study and recommendation.

(9-15-03(3); 4-13-04(2), § 1; 1-17-06(3))

Sec. 34-42. - Commission study and action.

- (a) All proposed amendments shall be reviewed by the planning commission. The planning commission shall review and study each proposed amendment to determine:
 - (1) Whether the proposed amendment conforms to the general guidelines and policies contained in the comprehensive plan;
 - (2) Whether the proposed amendment will further the purposes of this chapter and the general welfare of the entire community;
 - (3) Whether there is a need and justification for the change; and
 - (4) When pertaining to a change in the zoning district classification of property, the effect of the proposed change, if any, on the property itself, on surrounding property, and on public services and facilities. In addition, the commission shall consider the appropriateness of the property for inclusion within the proposed zoning district, relating to the purposes set forth at the beginning of the proposed district classification.
- (b) Prior to making any recommendation to the city council, the planning commission shall advertise and hold at least one (1) public hearing on a proposed amendment. The planning commission may hold a joint public hearing with the city council.
- (c) The planning commission shall review the proposed amendment and shall report its findings and recommendations to the city council, along with any appropriate explanatory materials, within one hundred (100) days after the proposed amendment was referred to the commission for review. Petitions shall be deemed referred to the commission as of the date of the first planning commission meeting following the acceptance of the petition by the director of neighborhood development services. Failure of the commission to report to city council within the one hundred-day period shall be deemed a recommendation of approval, unless the petition is withdrawn. In the event of and upon such withdrawal, processing of the proposed amendment shall cease without further action.

(9-15-03(3))

Sec. 34-158. - Application generally.

- (a) The procedure for filing and consideration of an application for a special use permit is the same as that required for a rezoning petition, except that each application for a special use permit shall also include:
 - (1) A site plan when required by section 34-802 of the City Code;
 - (2) A written disclosure of the information required by section 34-8 of the City Code and, if the applicant is not the owner of the property, written evidence of his status as (i) the authorized agent of the property owner, or (ii) a contract purchaser of the property whose application is with the permission of the property owner;
 - (3) For developments including any non-residential uses, and developments proposing the construction of three (3) or more single- or two-family dwellings, the applicant shall provide a completed low-impact development ("LID") methods worksheet; and
 - (4) For applications proposing the alteration of the footprint or height of an existing building, or the construction of one (1) or more new buildings: (i) a building massing diagram and (ii) elevations;
 - (5) Information and data identifying how many, if any, existing dwelling units on the development site meet the city's definition of an "affordable dwelling unit" and whether any such existing units, or equivalent affordable units, will remain following the development; and
 - (6) Other supporting data sufficient to demonstrate compliance with the purposes and standards of this Zoning Ordinance, including, without limitation, graphic materials that illustrate the context

of the project as well as information and data addressing the factors set forth within section 34-157 above.

- (b) It shall be the responsibility of the applicant for a special use permit to provide information and data addressing the factors referenced in this section and in section 34-157, above.

(9-15-03(3); 2-21-06; 7-17-06; 9-18-06; 4-19-10)

Sec. 34-160. - Review and action on application.

- (a) The department of neighborhood development services shall review every application for a special use permit and shall make a report of its findings and recommendations to the planning commission and city council.
- (b) The planning commission shall review and make recommendations to city council in the same manner as for a rezoning application. The planning commission may concurrently approve a preliminary site plan, subject to city council's approval of a special use permit, and subject to any necessary amendments to the site plan as a result of the city council's action. Alternatively, the planning commission may choose to defer consideration of a site plan until after council has rendered a final decision on the application for a special use permit.

(9-15-03(3); 1-20-09)

Sec. 34-515. - Pre-application review.

- (a) Prior to the formal submission of an application seeking approval of a proposed PUD, the developer or his representative shall hold a conference with the director of neighborhood development services concerning the proposal, and shall provide the director with unofficial preliminary studies of his development concept and a sketch plan that specifies:
 - (1) The general location and amount of land proposed for residential, office, commercial, industrial, open space/recreation and vehicular and pedestrian access and circulation. This information shall be presented in a format that illustrates how the proposal meets the objectives of section 34-490
 - (2) The numerical range of dwelling units in terms of quantity, and the gross floor area and acreage of each use or land area shown on the sketch plan;
 - (3) A narrative explaining the development plan and if applicable, any proposed deviations or modifications from generally required provisions;
 - (4) Any preliminary proffers.
- (b) Upon confirmation by the director that all materials and information submitted by the applicant satisfy the requirements in this section, the pre-application will be scheduled for a preliminary discussion to be held at a regular planning commission meeting.
- (c) Each application shall be accompanied by the required fee, as set forth within the most recent fee schedule adopted by city council.

(9-15-03(3); 4-13-04(2), § 1; 9-16-13)

Sec. 34-804. - Pre-application conference.

The purpose of a pre-application conference is to discuss the required site plan, its contents, and the various city requirements pertaining to zoning, erosion and sedimentation control, building code regulations, and to consider preliminary features of a proposed site. Prior to submission of a preliminary

site plan, an applicant for site plan review should meet with the director to determine whether a site plan will be required and what information and materials must be provided in either case.

As part of the pre-application conference the developer shall confer with the director to determine if the site plan should include provision for the reservation and/or dedication of suitable areas for parks, open space and other public facilities, utilities and uses as recommended in the comprehensive plan. The developer shall also confer with the director and/or other appropriate public officials of the city, to ascertain if, and when, and in what manner, any such areas should be reserved for acquisition by the city. Nothing in this provision shall be construed to preclude the dedication of any property for public use which is not included in the comprehensive plan, provided such property is acceptable to the city for dedication and maintenance.

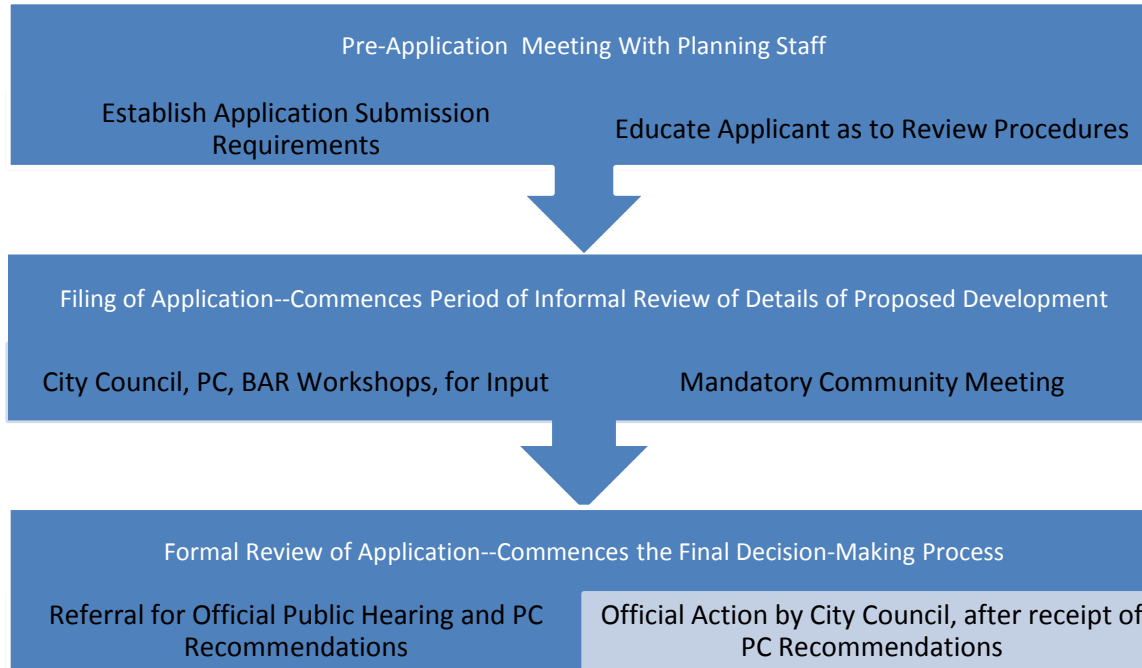
(9-15-03(3))

Sec. 29-59. - Review and approval.

- (a) Within fourteen (14) days of receipt of such plats the agent shall forward copies to the affected city departments for their review and comments.
- (b) Upon completion of this review, the agent shall notify the subdivider in writing of the plat's approval or disapproval and the reasons for disapproval or the conditions necessary for approval.
 - (1) In the event of approval, the director of neighborhood development services or their designee acting ex officio as secretary of the planning commission and the chairperson of the planning commission or their designee shall sign the reproducible original of the plat. The subdivider shall provide the agent with ten (10) copies of the signed final plat for city use.
 - (2) In the event of disapproval, the subdivider in its sole discretion may appeal to the commission at its next regularly scheduled meeting.
- (c) The agent, in its sole discretion, may submit a plat to the commission for review in place of the agent's review.

(4-21-08(1))

**SUMMARY OF PROPOSED PUBLIC INPUT PROCESS:
ZONING APPLICATIONS (REZONINGS, PUDs, SUPs)**



CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



| | |
|------------------|--|
| Agenda Date: | February 2, 2015 |
| Action Required: | Approval of Resolution to Initiate Text Amendments to the Zoning and Subdivision Ordinances |
| Presenter(s): | Lisa Robertson; Missy Creasy |
| Staff Contacts: | Lisa Robertson; Missy Creasy |
| Title: | INITIATION OF CHANGES TO THE PROCEDURES BY WHICH CERTAIN APPLICATIONS REZONING, SPECIAL USE PERMITS AND DEVELOPMENT PLANS ARE SUBMITTED AND PUBLICLY REVIEWED |

Background:

The City Manager and Director of Neighborhood Development Services have requested us to prepare zoning and subdivision text amendments, to provide for community meetings at which the public would have an opportunity to receive information, and to comment on development projects, before applications seeking approval of the projects move forward for formal approval by the planning commission and city council. The purpose of this community meeting would be to enhance and promote public information and participation in the review process.

Discussion:

Attached is a Resolution that would initiate the planning commission's consideration of ordinance amendments to accomplish the requested community meeting procedures. The changes set forth within the Resolution are modeled on procedures found within Section 33 of the Albemarle County Zoning Ordinance. They are lengthy; however, we strongly recommend that consideration of zoning and

subdivision text amendments should be commenced at a broad scope, and then, following a public hearing and receipt of recommendations from the planning commission, City Council could narrow the scope of amendments.

In our opinion, the elements of the Albemarle County ordinance which contribute to a flexible, meaningful public review process are:

(A) Timing—in Albemarle, community meetings take place after application materials are submitted, but before an application is officially referred to the planning commission for public hearing and recommendations. *(By law, a zoning ordinance amendment cannot be adopted by city council unless and until the proposed amendment has been referred to the planning commission for its recommendations. Currently, in sec. 34-41(d) of the City’s zoning ordinance, every application is automatically “deemed” to be referred by council to the planning commission. In Albemarle, the referral is not automatic, but occurs only after the application has been presented at a community meeting and the application is otherwise deemed ready by County officials for consideration in the formal public hearing process).*

(B) Flexibility to allow Council, the Commission and the BAR an opportunity to review the application materials in detail, in advance of being required to act on it-- the County’s ordinance allows its Planning Director to recommend public work sessions for council, the planning commission, BAR, etc., as might be beneficial—again, before an application is ever referred to the Commission for commencement of a formal public hearing process;

(C) Detailed requirements as to application materials—a list of supplemental information requirements that can be required of applicants, as deemed beneficial for adequate consideration and understanding of a particular project *(this list of supplemental requirements provides a selection of items that can be required, or not, depending on the complexity or extent of a proposed development)*, and

(D) Mandatory pre-application staff meetings—the requirement for a pre-application meeting at which, among other things, the required application submission materials will be established and the community meeting requirement will be explained by the Director.

Given the structure of our own City Ordinances, we do not believe that simply adding a pre-application requirement for a community meeting will achieve the desired additional level of public notice and information. Establishing specific details as to information that must be contained within an application is necessary to ensure a meaningful level of information and review by citizens at the community meetings. Additionally, reserving to the Director and City Council the ability to determine when an application is ready for formal consideration within the structure of a public hearing process (instead of the current practice of automatically referring it upon receipt) would add significant flexibility for a better-informed public vetting of proposed developments.

Alignment with Council Vision Areas and Strategic Plan:

This item aligns with the City Council Vision to be a smart citizen-focused government.

Community Engagement:

There has been no community engagement prior to preparation of this Resolution for your consideration; however, the purpose of the proposed text amendments is specifically to provide for enhanced community engagement on an ongoing basis. If you initiate the planning commission's consideration of the Discussion Draft Ordinance, the Discussion Draft will be studied within a public process and then the Planning Commission will return its recommendations for additions or revisions to you, within the next 100 days.

Budgetary Impact:

Not known at this time. The procedures suggested within the text amendment will potentially require a substantial additional amount of staff time to contribute information and support to the scheduling and conduct of community meetings.

Recommendation:

Approved the attached Resolution, to initiate a public hearing process for zoning and subdivision text amendments that would establish enhanced procedures for public review and citizen engagement, in relation to proposed development projects within the City.

Alternatives:

Take no action.

Attachments:

- (1) Resolution to Initiate Public Consideration of Amendments of the Zoning and Subdivision Ordinances, to Provide for Enhanced Citizen Engagement in the Review of Proposed Developments.
- (2) Discussion Draft Ordinance, dated February 2, 2015

FEBRUARY 2, 2015

DISCUSSION DRAFT AMENDMENTS

TO CITY ZONING AND SUBDIVISION ORDINANCES

I. CHANGES TO THE APPLICATION REQUIREMENTS FOR SPECIAL USE PERMITS AND REZONINGS (INCLUDING PUD AND PUD AMENDMENT)

Sec. 34-8. Disclosure of real parties in interest.

- (a) An applicant for a special exception, a special use permit, an amendment to the zoning ordinance or a variance shall make complete disclosure of the equitable ownership (i.e., the real parties in interest) of the real estate to be affected. The applicant shall provide the names and addresses of all of the real parties in interest, including, without limitation: each of the stockholders, officers and directors of a corporate entity (corporations, professional corporations, limited liability companies, professional limited liability companies, etc.). However, the requirement of listing names of stockholders shall not apply to a corporation whose stock is traded on a national or local stock exchange and which corporation has more than five hundred (500) shareholders.
- (b) All petitions initiated by property owners or the agents thereof, shall be sworn to under oath before a notary public, stating: (i) whether or not any member of the planning commission, or his immediate family member, has any personal interest in the property or transaction that is the subject of the application; and (ii) whether or not any member of the city council, or his immediate family member, has any such interest. A personal interest arises when a financial benefit or liability may accrue to a member of the planning commission or city council, or his immediate family member, as a result of an individual or business interest in the subject application. For the purposes of this section, the term "personal interest" shall have the meaning set forth within the State and Local Government Conflicts of Interests Act, Code of Virginia, § 2.2-3101, and may refer to an interest accruing to a person individually, as a result of business or professional relationships.¹

Sec. 34-41. Amendments to the zoning ordinance.

- (a) Whenever the public necessity, convenience, general welfare or good zoning practice require, the city council may, by ordinance, amend, supplement or change the city's zoning district regulations, district boundaries or zoning district classifications of property. Any such amendments may be initiated by:
- (1) Resolution of the city council;
 - (2) Motion of the planning commission; or
 - (3) Petition of any person who is the owner, owner's agent, or contract purchaser (with the owner's written consent) of property, where such petition proposes a change of the zoning district classification of such property ("zoning map amendments"). For purposes of this

¹ [Moved from 34-41(c)]

section, the term zoning map amendment includes, without limitation: petitions seeking to establish or to amend a planned unit development; petitions to amend established proffers; and petitions for approval of a special use permit.

(b) Petitions for zoning map amendments shall be made in writing, shall be addressed to the city council, and shall be filed in the department of neighborhood development services, and shall be submitted to the city's department of neighborhood development services at least forty nine (49) days prior to a regular meeting of the planning commission. Each application shall be accompanied by the required application fee, as set forth within the most recent fee schedule adopted by city council. Each application shall be composed of a completed city-provided application form and supplemental information required in order for the city to review and act on the application. At a minimum, a complete application shall include:

(1) Verification of the applicant's attendance at a pre-application meeting with a City planner, at which the applicant was provided a list of the application materials, including required supplemental information, required for an application;

(2) A city-provided application form, signed by the owner of the property. Alternatively, the application form may be signed by the owner's authorized representative, if the application form is accompanied by the owner's written authorization;

(3) Written certification of compliance with sec. 34-10(b);

(4) The required application fee, as set forth within the most recent fee schedule adopted by city council;

(5) All information required by any provision of this zoning ordinance (including, without limitation: sec. 34-158 and 34-other applicable city ordinances, or state law;

(6) All required supplemental information.

The director of neighborhood development services shall establish and maintain appropriate uniform application forms for zoning map amendments, documents and informational requirements for making such petition, as well as a list identifying all materials required to be submitted along with the petition, which shall include any information the director deems necessary for the planning commission and city council to adequately evaluate the request which is the subject of the petition. Upon receipt of an application, the director shall within ten (10) business days review the application for completeness. Incomplete applications shall be rejected and shall not proceed for review or decision, and the applicant shall be notified in writing of the rejection and the reasons therefor.

(c) All petitions initiated by property owners, contract purchasers, or the agents thereof, shall be sworn to under oath before a notary public, stating: (i) whether or not any member of the planning commission, or his immediate family member, has any personal interest in the property or transaction that is the subject of the application; and (ii) whether or not any member of the city council, or his immediate family member, has any such interest. A personal interest arises when a financial benefit or liability may accrue to a member of the planning commission or city council, or

~~his immediate family member, as a result of an individual or business interest in the subject application. For the purposes of this section, the term "personal interest" shall have the meaning set forth within the State and Local Government Conflicts of Interests Act, Code of Virginia, § 2.2-3101, and may refer to an interest accruing to a person individually, as a result of business or professional relationships. Following receipt of a complete application for a zoning map amendment:~~

- (1) Either the city council or the director may request work sessions or other public presentations to be scheduled before the city council, the planning commission, the board of architectural review (if property is within an historic district), or other public bodies, as the director determines to be appropriate, taking into consideration the nature of the approval requested, the acreage affected, potential impacts of an approved application, applicable legal requirements, and any other factors consistent with good zoning practices. The purpose of a work session or other public presentation is to allow an applicant to present a proposed project, to allow the department of neighborhood development services to present a preliminary scoping of major issues, to seek directions as to the board's or commission's expectations in addressing those issues, and to allow the board or commission to receive public comments. The applicant's consent to a work session is required, if the work session would extend the time for action by the board or commission beyond applicable deadlines established by law.

- (2) The applicant shall hold a community meeting for the application. The purposes of a community meeting are to provide citizens an opportunity to receive information about a proposed project, about applicable zoning processes and procedures, about applicable policies of the comprehensive plan and city ordinances or regulations that may apply to the project, and to give citizens an opportunity to ask questions about the project. The director of neighborhood development services is authorized to establish written guidelines pertaining to which applications should have community meetings, when in the process such meetings should be conducted, the manner in which the meeting should be conducted, and how (and to whom) notice of the community meeting should be given. The applicant's consent to a community meeting is required, if the community meeting cannot, due to no fault of the applicant, be scheduled in sufficient time to allow action by the board or planning commission within applicable deadlines established by law. **The director may waive the requirement for a public meeting, upon a determination that the meeting is not likely to achieve the public purposes intended to be served, after consideration of the following: (i) the nature of the approval requested, the acreage affected, the proposed density, the proposed scale, and potential impacts, (ii) any other factors deemed relevant upon applying sound zoning principles, (iii) whether other public work sessions or meetings have already been held regarding the application, so as to make a community meeting unreasonably duplicative.**

- (3) Unless otherwise directed by city council, upon the director's receipt of proof by the applicant that a community meeting has been held in accordance with applicable policies and procedures, the director is authorized to refer the matter to the planning commission's for review in accordance with sec. 34-42(c), by written notice given to the planning commission chair.

- (d) ~~Once a proposed amendment has been initiated as set forth within this section, it shall be deemed referred by the city council to the planning commission for study and recommendation reviewed by the director of neighborhood development for completeness. Incomplete applications shall be rejected and shall not proceed for review or decision. For each application for a zoning map amendment, the director may require supplemental information to be submitted along with the~~

application. In determining what supplemental information must be submitted, the director shall consider the proposed use, the proposed density, the proposed zoning district classification, and other considerations the director determines to be relevant according to sound zoning practices. Required supplemental information may consist of any or all of the following:

- (1) Project Proposal Narrative, consisting of a detailed written statement of the proposal, its public need or benefit, and of how the project satisfies the purpose, intent or objectives of the applicable zoning district classification.
- (2) Comprehensive Plan Analysis, consisting of a detailed written statement of the project's consistency with the comprehensive plan, including the land use map and any small area, strategic investment area or other plan for the applicable development area.
- (3) Impacts on Public Facilities and Infrastructure. A detailed narrative statement detailing the project's impacts on public facilities and infrastructure, including, without limitation: sidewalks and other pedestrian facilities; bicycle, public transit and motor vehicle transportation facilities; storm sewers; existing platted rights-of-way which have not previously been improved or accepted by the city for maintenance, etc.
- (4) Maps. One or more maps showing the proposed project's neighborhood context, existing natural and man-made conditions, and existing topography. If the proposal is to amend an existing planned unit development district, and the proposed amendment would affect less area than the entire district, the applicant shall submit a map showing the entire existing PUD and identifying any area to be added to or deleted from the district, or identifying the area to which the amended PUD plan or any amended proffers, would apply. If the proposal is for a special use permit, and the area proposed to be subject to the special use permit is less than an entire lot (or less than an entire PUD, if applicable) a map shall be provided showing the area proposed to be subject to the special use permit.
- (5) Impacts on Environmental Features. A narrative of environmental features of the property that would be affected by the project, including, without limitation: trees, existing pervious surfaces, steep slopes, streams, etc. Photographs shall be provided of features described in the narrative.
- (6) Project Concept Plan. For any zoning map amendment to establish a conventional zoning district (i.e., a district other than a PUD) or seeking approval of a special use permit, a conceptual plan shall be provided showing, as applicable: (i) street network, including circulation within the project and connections to existing and planned streets within and outside the project; (ii) general location of pedestrian and bicycle facilities; (iii) building envelopes; (iv) parking envelopes; (v) public spaces and amenities; (vi) conceptual stormwater management facility locations and types; (vii) conceptual grading; (viii) conceptual landscape plan, (ix) topography, and identification of the source of the topographical information, supplemented where necessary by spot elevations, and identification of areas of the site containing slopes in excess of 25%; (x) general location of central features or major elements within the project that are essential to the design of the project, such as parking areas and structures, civic areas, open spaces, green spaces, recreation areas and other amenities.

- (7) PUD Concept Plan. In addition to any information required by city code sec. 34-517, a PUD concept plan shall include: (i) typical cross-sections to show proportions, scale, and streetscape/cross-sections/ circulation; (ii) conceptual stormwater management facility locations and types; (iii) conceptual grading; (iv) a use table listing the specific uses to be included by right, and the number of dwelling units, by type; (v) building envelopes; (vi) topography, and identification of the source of the topographical information, supplemented where necessary by spot elevations, and identification of areas of the site containing slopes in excess of 25%; (vii) general layout for water and sewer systems; (viii) the general location of central features or major elements within the project that are essential to the design of the project, such as parking areas and structures, civic areas, open spaces, green spaces, recreation areas and other amenities; (viii) a code of development identifying standards for proposed yards, open space characteristics, and any landscape or architectural characteristics relating to scale, proportions, and massing; and (ix) a conceptual lot layout.
- (8) Proposed Proffers to Address Impacts, consisting of a written statement of conditions, limitations, restrictions or amenities that the property owner offers as a means of mitigating impacts of a project or enhancing the public benefits of a project.
- (9) Other Information, including, without limitation, special studies or documentation, identified by the director as being necessary for a full and complete review of the proposed zoning map amendment consistent with good zoning practices.

Sec. 34-42. Commission study and action.

- (a)....[NO CHANGE PROPOSED]
- (b)....[NO CHANGE PROPOSED]
- (c) The planning commission shall review the proposed amendment and shall report its findings and recommendations to the city council, along with any appropriate explanatory materials, within one hundred (100) days after the proposed amendment was referred to the commission for review. Owner-initiated petitions for zoning map amendments shall be deemed referred to the commission as of the date on which: (i) city council, by motion or by resolution, refers an amendment to the commission for review, or (ii) the first planning commission meeting following the referral acceptance of the petition by the director of neighborhood development services pursuant to sec. 31-41(c)(3). Failure of the commission to report to city council within the 100 one hundred-day period shall be deemed a recommendation of approval, unless the petition is withdrawn. In the event of and upon such withdrawal, processing of the proposed amendment shall cease without further action.

II. CHANGES TO SPECIAL USE PERMIT APPLICATION REQUIREMENTS

Sec. 34-158. Application generally.

- (a) The procedure for filing and consideration of an application for a special use permit is the same as that required by sec. 34-41 for an owner-initiated rezoning petition for a zoning map amendment, except that each a complete application for a special use permit shall also include:
- (b)[NO CHANGE PROPOSED]

Sec. 34-160. Review and action on application.

(a)...[NO CHANGE PROPOSED]

(b) The planning commission shall review and make recommendations to city council in the same manner as provided within sec. 34-41 for an owner-initiated petition for a zoning map amendment ~~rezoning application~~. The planning commission may concurrently approve a preliminary site plan, subject to city council's approval of a special use permit, and subject to any necessary amendments to the site plan as a result of the city council's action. Alternatively, the planning commission may choose to defer consideration of a site plan until after council has rendered a final decision on the application for a special use permit.

III. CHANGES TO PUD APPLICATION REQUIREMENTS

Sec. 34-515. Pre-application review process.

(a)...

(b) Upon confirmation by the director that all materials and information submitted by the applicant satisfy the requirements referenced within paragraph (c), below, in this section, the pre-application will be scheduled for a preliminary discussion to be held at a regular planning commission meeting application will be reviewed and acted upon in the manner prescribed within sec. 34-41.

(c) Each application shall ~~be accompanied by the required fee, as set forth within the most recent fee schedule adopted by city council~~ satisfy the requirements of sec. 34-41 as well as all of the requirements of this article.

IV. CHANGES TO SITE PLAN APPLICATION REQUIREMENTS

Sec. 34-804. Pre-application conference requirements

(a) No application seeking approval of a site plan, preliminary or final, for property that will be used for any commercial or industrial purpose, or that will contain six (6) or more residential dwelling units, shall be accepted for review, unless and until the applicant has participated in a pre-application conference and has held a community meeting in accordance with guidelines established by the director of neighborhood development services in accordance with sec. 34-41(c)(2). Any application that fails to demonstrate compliance with these requirements shall be rejected as incomplete. The director may waive the requirement for a community meeting, if a community meeting was previously held for the same development at the time of city council's consideration of an application for approval of a special use permit or petition for a zoning map amendment. The purpose of a pre-application conference is to discuss the required site plan, its contents, and the various city requirements pertaining to zoning, erosion and sedimentation control, building code regulations, and to consider preliminary features of a proposed site. Prior to submission of a preliminary site plan, an applicant for site plan review should meet with the

~~director to verify determine whether a site plan will be required and if so, what information and application materials must be provided in either case.~~

- (b) The purpose of a pre-application conference is to discuss the required site plan, its contents, and the various city requirements pertaining to zoning, erosion and sedimentation control, building code regulations, and to consider preliminary features of a proposed site. At a pre-application conference, the director will verify whether a site plan will be required for a proposed development and if so, what information and application materials must be provided. As part of the pre-application conference the developer shall confer with the director to determine if the site plan should include provision for the reservation and/or dedication of suitable areas for parks, open space and other public facilities, utilities and uses as recommended in the comprehensive plan. The developer shall also confer with the director and/or other appropriate public officials of the city, to ascertain if, and when, and in what manner, any such areas should be reserved for acquisition by the city. Nothing in this provision shall be construed to preclude the dedication of any property for public use which is not included in the comprehensive plan, provided such property is acceptable to the city for dedication and maintenance.

V. CHANGES TO SUBDIVISION APPLICATION REQUIREMENTS

Sec. 29-59. Review and approval.

- (a) No application seeking approval of a subdivision, preliminary or final, that would divide any parcel(s) of land into six (6) or more lots, or involving a new street, shall be accepted for review, unless and until the applicant has participated in a pre-application conference and has held a community meeting in accordance with guidelines established by the director of neighborhood development services in accordance with sec. 34-41(c)(2). Any application that fails to demonstrate compliance with these requirements shall be rejected as incomplete. The director may waive the requirement for a community meeting, if a community meeting was previously held for the same development as part of city council's consideration of an application for approval of a special use permit or a petition for approval of a zoning map amendment. Within fourteen (14) days of receipt of such an applicant's official submission of a complete application for approval of a subdivision, ~~plus~~ the agent shall forward copies to the affected city departments for their review and comments.
- (b)[NO CHANGE PROPOSED]
- (c)[NO CHANGE PROPOSED]

CITY OF CHARLOTTESVILLE
DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES
STAFF REPORT



REQUEST FOR A ZONING TEXT AMENDMENT

ZT15-00006: SIDEWALK WAIVER PROVISIONS

JOINT PUBLIC HEARING

DATE OF PLANNING COMMISSION MEETING: May 12, 2015

Author of Staff Report: Brian Haluska

Date of Staff Report: April 30, 2015

Applicable City Code Provisions: Chapter 34 (Zoning Ordinance)

Executive Summary

An ordinance to provide the option of contributing to a sidewalk fund rather than dedicating land and constructing sidewalks for residential lots on existing streets.

Background

On March 17, 2015, the Virginia General Assembly approved an amendment to the Code of Virginia that permits the City of Charlottesville to extend the sidewalk waiver provisions previously permitted in the subdivision ordinance to the zoning ordinance, and to also broaden the circumstances in which it applies.

Standard of Review

As per state law and §34-42 of the City Code, the planning commission is required to review this proposed amendment to determine:

- (1) Whether the proposed amendment conforms to the general guidelines and policies contained in the comprehensive plan;
- (2) Whether the proposed amendment will further the purposes of this chapter and the general welfare of the entire community;
- (3) Whether there is a need and justification for the change; and
- (4) Whether the amendment is required by the public necessity, convenience, general welfare or good zoning practice.

Discussion of the Proposed Draft Ordinance

The full text of the proposed draft ordinance is attached to this report. The section proposed for modification is section 34-1124 of the zoning ordinance, which addresses improvements required when building on a vacant lot. The specific changes to the ordinance are:

Section 34-1124(a)

This section would be modified to make the Planning Commission responsible for the promulgation of sidewalk criteria, rather than the director of NDS. It also would state that the sidewalk criteria are to be considered when decisions are made about the use of the City sidewalk fund.

Section 34-1124(b)

The proposed changes would clarify the requirement for sidewalk, curb and gutter on previously unimproved lot, including stating the process for verifying that the improvements have been made. The amended section would also give the owner the option to seek a waiver of the sidewalk requirements from City Council or pay into a sidewalk fund in lieu of building the sidewalk on the property.

Section 34-1124(d)

The proposed changes would create a new section of the ordinance that states that the above sections do not apply to developers of new public streets.

Staff Analysis

1. Does the proposed amendment conform to the general guidelines and policies contained in the comprehensive plan?

The Land Use chapter of the Comprehensive Plan lists the following goal:

- “Enhance pedestrian connections between residences, commercial centers, public facilities, amenities and green spaces.”

The Transportation chapter of the Comprehensive Plan lists the following goal:

- “Provide convenient and safe pedestrian connections within 1/4 miles of all commercial and employment centers, transit routes, schools and parks.”

2. Does the proposed amendment further the purposes of the Zoning Ordinance (Chapter 34, City Code) and the general welfare of the entire community?

Section 34-3(3) of the City Code states that a purpose of the zoning ordinance is “to reduce or prevent congestion in the public streets, to facilitate transportation and to provide for safe and convenient vehicular and pedestrian travel”.

3. Is there a need and justification for the change?

In prior sidewalk waiver requests, City Council has repeatedly asked about the possibility of permitting developers to pay into a sidewalk fund in lieu of constructing sidewalk on vacant lots. The proposed would address this concern.

Public Comment

Staff has received no comment on this matter.

Recommendation

Staff recommends approval of the zoning text amendment.

Possible Motions

1. “I move to recommend to City Council that it should amend Section 34-1124 of the zoning ordinance, to provide persons constructing a dwelling on a previously vacant lot the option of contributing to a sidewalk fund rather than dedicating land and constructing sidewalks, as presented in the draft ordinance provided by staff, because I find that this amendment is required by the public necessity, convenience, general welfare or good zoning practice.

2. I move to recommend to City Council that it should amend Section 34-1124 of the zoning ordinance, to provide persons constructing a dwelling on a previously vacant lot the option of contributing to a sidewalk fund rather than dedicating land and constructing sidewalks, with the following changes:
 - a. _____
 - b. _____

I find that the draft ordinance presented by staff, with these changes, is required by the public necessity, convenience, general welfare or good zoning practice.

3. “I move to recommend to City Council that it should not amend Section 34-1124 of the zoning ordinance, to provide persons constructing a dwelling on a previously vacant lot the option of contributing to a sidewalk fund rather than dedicating land and constructing sidewalks, because I find that the amendment is not required by the public necessity, convenience, general welfare or good zoning practice.

Attachments

Proposed amendment to Section 34-1124
Applicable city code section 34 -1124

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

- (a) ~~The planning commission director of neighborhood development services shall, from time to time, promulgate criteria by which the utility and necessity (i.e., high-priority versus low-priority, taking into account public necessity versus cost to the property owner) of community sidewalks may be assessed ("sidewalk criteria"). These criteria shall guide the city's expenditure of funds within the sidewalk improvement fund referred to in paragraph (b), below. A copy of these sidewalk criteria shall be maintained within the department of neighborhood development services.~~
- (b) ~~For the protection of pedestrians and to control drainage problems, sidewalks, curbs and gutters shall be required along all public rights-of-way when any building or structure is constructed upon a when not more than two (2) dwelling units are to be constructed upon a previously unimproved lot or parcel, or when any single-family detached dwelling is converted to a two-family dwelling, sidewalk, curb and gutter (collectively, "sidewalk improvements") shall be constructed within public right-of-way dedicated along the adjacent public street frontage for that purpose. No certificate of occupancy shall be issued for the dwelling(s) until the sidewalk improvements have been accepted by the city for maintenance, or an adequate financial guaranty has been furnished to the city conditioned upon completion of the sidewalk improvements within a specific period of time. The requirements of this paragraph shall not apply, if unless (i) the owner of the lot or parcel obtains a waiver of the required sidewalk improvements this requirement is waived by from city council, or (ii) the owner of the lot or parcel, at the owner's sole option, elects to contribute funds to a sidewalk improvement fund in an amount equivalent to the cost of dedication of land for and construction of the required sidewalk, curb and gutter.~~
- (c) Sidewalks, curbs and gutters required by this section shall be constructed in accordance with the standards set forth within the city's subdivision ordinance.
- (d) ~~Nothing within this section shall in any way affect the city's authority to require sidewalks, curb and gutter to be bonded and constructed by a developer on any newly constructed public street. The provisions of paragraph (b), above, shall not apply with to any lot or parcel of land within a "development", as that term is defined within § 34-1200.~~

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

- (a) The director of neighborhood development services shall, from time to time, promulgate criteria by which the utility and necessity (i.e., high-priority versus low-priority, taking into account public necessity versus cost to the property owner) of community sidewalks may be assessed ("sidewalk criteria"). A copy of these criteria shall be maintained within the department of neighborhood development services.
- (b) For the protection of pedestrians and to control drainage problems, sidewalks, curbs and gutters shall be required along all public rights-of-way when any building or structure is constructed upon a previously unimproved lot or parcel, or when any single-family dwelling is converted to a two-family dwelling unless this requirement is waived by city council.
- (c) Sidewalks, curbs and gutters required by this section shall be constructed in accordance with the standards set forth within the city's subdivision ordinance.

(9-15-03(3); 7-16-12)

**CITY OF CHARLOTTESVILLE
ENTRANCE CORRIDOR REVIEW BOARD
STAFF REPORT**



Special Use Permit Recommendation

Property Street Address: 1725 Jefferson Park Avenue

Zoning: R-3 Residential

Tax Parcel: 160016000

Site Acreage: 0.385 acres (16,770 sq ft)

Date of Hearing: May 12, 2015

Application Number: SP-15-00001

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

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

Background: This site is currently occupied by a small, two-story brick apartment building. The applicant is requesting a SUP to increase the residential density of the subject property, from its current (8) units maximum (21 DUA) to a (24) units maximum (64 DUA), although the corresponding site plan only calls for (19) units. The proposed development would reduce side yard setbacks from the current (1') setback per every (4') of height (minimum 10') and (20') corner street minimum to a proposed (5') minimum.

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

In staff opinion, the proposed SUP request for additional density and reduced side yards will not have an adverse impact on the EC district. The added density does not impact the building visually; the reduced side yards will not appear out of character with the corridor.

The required entrance corridor review will address visually important elements, including the landscape plan, building materials and type of windows.

Suggested Motions: I move to find that the proposed special use permit to allow additional density and reduced side yard setbacks at 1725 Jefferson Park Avenue will not have an adverse impact on the Jefferson Park Avenue Entrance Corridor district.

CITY OF CHARLOTTESVILLE
DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES
PLANNING COMMISSION

PRELIMINARY DISCUSSION: PLANNED UNIT DEVELOPMENT

Author of Memo: Brian Haluska, Principal Planner

Date of Meeting: May 12, 2015

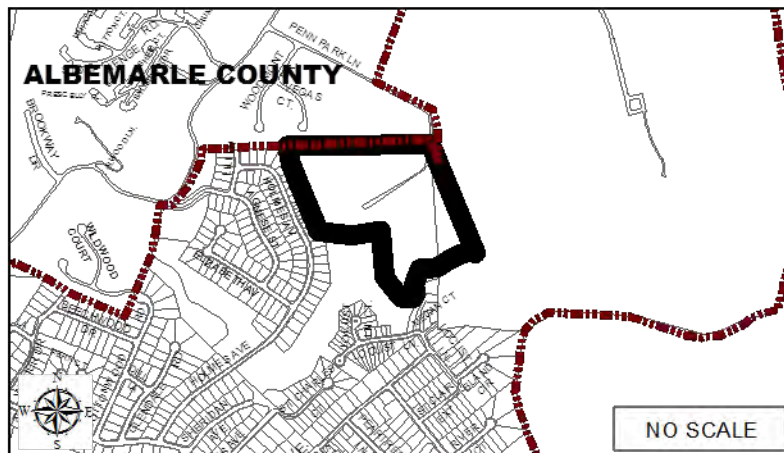
RE: Lochlyn Hill PUD

Background

LJ Lopez of Milestone Partners; acting as agent for Meadowcreek Development, LLC has submitted a rezoning request to amend an existing planned unit development.

The proposal is to clarify the PUD concept plan associated with the Lochlyn Hill Planned Unit Development, as well as modify the concept plan with regards to the development of the phase of the project known in the concept plan as Block 2B.

Vicinity Map



Preliminary Analysis

Reason for the Rezoning

The applicant has previously appeared before the Planning Commission seeking approval of the design for block 2B. The Commission indicated, however, that the design was not in conformance with the approved concept plan for the planned unit development. The applicant has elected to seek an amendment to that concept plan so that the engineered design for the block will comply.

Questions for Discussion

- Is the change to the project in keeping with the standard and objectives of the Planned Unit Development ordinance?

Attachments

Rezoning Application and Attachments

REZONING PETITION

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

RECEIVED

APR 21 2015

NEIGHBORHOOD DEVELOPMENT SERVICES

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

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

Reasons for Seeking This Change: PUD Modification / Clarification

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

1. _____ feet of frontage on _____ (name of street)
2. Approximate property dimensions: _____ feet by _____ feet.
3. Property size: 25 acres (square feet or acres)
4. Present Owner: Meadowcreek Development (Name) as evidenced by deed recorded in Deed Book Number _____ Page _____, with the Clerk of the Circuit Court.
5. Mailing Address of Present Owner: 300 2nd Street NE, Charlottesville, VA 22902
6. City Real Property Tax Map Number 48A, Parcel(s) 39, 40; Lot(s): _____

A. PETITIONER INFORMATION

Petitioner Name (Print or Type) Milestone Partners
 Petitioner Mailing Address: 300 2nd Street NE, Charlottesville, VA 22902
 Work Phone: 434.245.5803 Fax NA
 Home Phone: NA Email llopez@milestonepartners.co
 Does Petitioner currently own the property where the rezoning is requested? NO
 If no, please explain Milestone is the designated Agent for Meadowcreek Development

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

| Property Owner Name | Mailing Address | City Tax Map and Parcel # |
|---------------------|-----------------|---------------------------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

C. ATTACHMENTS TO BE SUBMITTED BY THE PETITIONER

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

David J. Lopez
 Signature of Petitioner(s)

For Office Use Only (Sign Posting)

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

Signature _____

Date Paid: 4/21/15 Amt. Paid: 2,000.00 Cash/Check #: 1125 Recorded by: _____

April 15, 2015

milestone

City of Charlottesville
Neighborhood Development
Attn: Brian Haluska
PO Box 911, City Hall
Charlottesville, VA 22902

RE: Lochlyn Hill Rezoning Petition Cover Letter – PUD Modification

Dear Brian:

Please find enclosed the following:

- Rezoning Petition and Applicable Fee
- Adjacent Property Owner List
- Revised Pages to Code of Development
- Revised Lochlyn Hill Conceptual Master Plan (11X17)

We are seeking a modification of the PUD rezoning that was approved on September 4, 2012 and these materials are submitted in accord with Chapter 34, Article 5, Division 3 of the Zoning Ordinance. This modification incorporates a clarification to Block 2B of the Code of Development and also the Concept Plan, specifically the Cottage Use. Page 6 of the COD and the Concept Plan has been modified to reflect the Cottage Use change; Page 15 of the COD has been modified to correct a typographical in the originally approved Density by Block table.

We look forward to working with you on this exciting residential development project that spans both the City and County jurisdictions. If there are any questions, please do not hesitate to contact me directly at llopez@milestonepartners.co or 434.245.5803 (o) or 434.409.1005 (c).

Very truly yours,



Louis J. Lopez III



14000
14000
14000

ADJACENT PROPERTY OWNERS TO TMP 48A - 39 AND 40

| Tax Map & Parcel | Current Owner | Current Address | City, State | Zipcode | Property Address |
|------------------|-----------------------------------|-----------------------------|--------------------|---------|-----------------------|
| 47A125000 | WOOTEN, LAWRENCE B & CAROLYN H | 1240 HOLMES AVENUE | CHARLOTTESVILLE VA | 22901 | 1240 HOLMES AVE |
| 47A126000 | BROWN, CLAYTON H JR & PERRI R | 1238 HOLMES AVENUE | CHARLOTTESVILLE VA | 22901 | 1238 HOLMES AVE |
| 47A127000 | MINCER, BARBARA L, TRUST | 1128 DRYDEN LANE | CHARLOTTESVILLE VA | 22903 | 1236 HOLMES AVE |
| 47A128000 | GLEESPEN, JAMES & CHUN LI DENG | 1234 HOLMES AVENUE | CHARLOTTESVILLE VA | 22901 | 1234 HOLMES AVE |
| 47A129000 | SCOTT, LARRY LESTER & MONIQUE | 1232 HOLMES AVENUE | CHARLOTTESVILLE VA | 22901 | 1232 HOLMES AVE |
| 47A130000 | LONG, PRINCESS | 1230 HOLMES AVENUE | CHARLOTTESVILLE VA | 22901 | 1230 HOLMES AVE |
| 47A131000 | HODOCK, FRANK JOSEPH, JR | 3882 CEDAR BUSH RD | HAYES VA | 23072 | 1228-B HOLMES AVE |
| 47A131100 | NUCKOLLS, RICHARD L & JOY R | 1228-A HOLMES AVENUE | CHARLOTTESVILLE VA | 22901 | 1228-A HOLMES AVE |
| 47A132000 | RHR #1, LLC | 1988 MARTIN FARM LN | CHARLOTTESVILLE VA | 22901 | 1226-B HOLMES AVE |
| 47A132100 | CHR PROPERTIES #1 LLC | 404 8TH STREET NE | CHARLOTTESVILLE VA | 22902 | 1226-A HOLMES AVE |
| 47A133000 | ISMAIL OV, ASIM O | 1224-B HOLMES AVE | CHARLOTTESVILLE VA | 22903 | 1224-B HOLMES AVE |
| 47A133100 | HANEY, LINDA J | 1224-A HOLMES AVENUE | CHARLOTTESVILLE VA | 22901 | 1224-A HOLMES AVE |
| 47A134000 | ANDERSEN, ERIC T & EDWARD A | 4720 BURMLEY BRANCH LANE | BARBOURSVILLE VA | 22923 | 1222 HOLMES AVE |
| 47A135000 | SCHILLING, ROBERT S & JOAN CARLIN | P O BOX 5471 | CHARLOTTESVILLE VA | 22905 | 1220 HOLMES AVE |
| 48A038000 | 2010, LLC | 3666 LONESOME MOUNTAIN ROAD | CHARLOTTESVILLE VA | 22911 | 1218 HOLMES AVE |
| 48A041000 | CITY OF CHARLOTTESVILLE | P O BOX 911 | CHARLOTTESVILLE VA | 22902 | HOLMES AVE |
| 48B001000 | CITY OF CHARLOTTESVILLE | P O BOX 911 | CHARLOTTESVILLE VA | 22902 | 1300-1400 PEN PARK RD |

LOCHLYN HILL -- CODE OF DEVELOPMENT

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

Block 2A

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

Block 2B

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

Block 3

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

Block 4A

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

Block 4B

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

Blocks 5 and 6

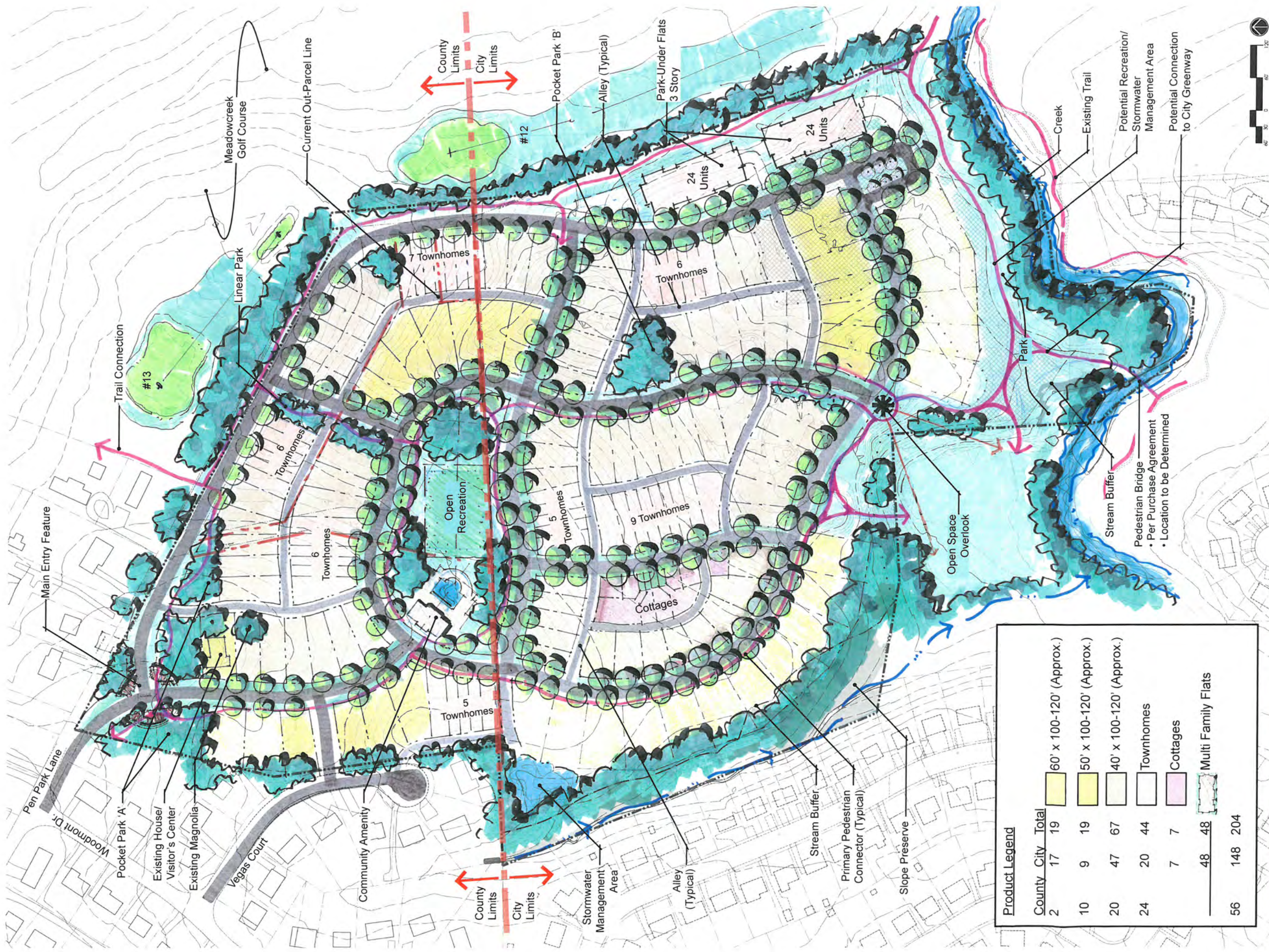
In Blocks 5 and 6 the pedestrian friendly, tree lined streets, alley access, integrated townhome and single family pattern of development continues. This block is adjacent to greenspace on its north and south boundaries. To the north is the Meadowcreek Golf Course, offering great views, and to the south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

* All uses described above may be included in any of the blocks with the exception of Block 4B. It will be solely comprised of Multifamily.

*Cottages shall be allowed in any of the residential blocks except Block 4B.

LOCHLYN HILL -- CODE OF DEVELOPMENT

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



Product Legend

| County | City | Total |
|--------|------|-------|
| 2 | 17 | 19 |
| 10 | 9 | 19 |
| 20 | 47 | 67 |
| 24 | 20 | 44 |
| | 7 | 7 |
| | 48 | 48 |
| 56 | 148 | 204 |

CITY OF CHARLOTTESVILLE
DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES
PLANNING COMMISSION

PRELIMINARY DISCUSSION: SPECIAL USE PERMIT

Author of Memo: Brian Haluska, Principal Planner

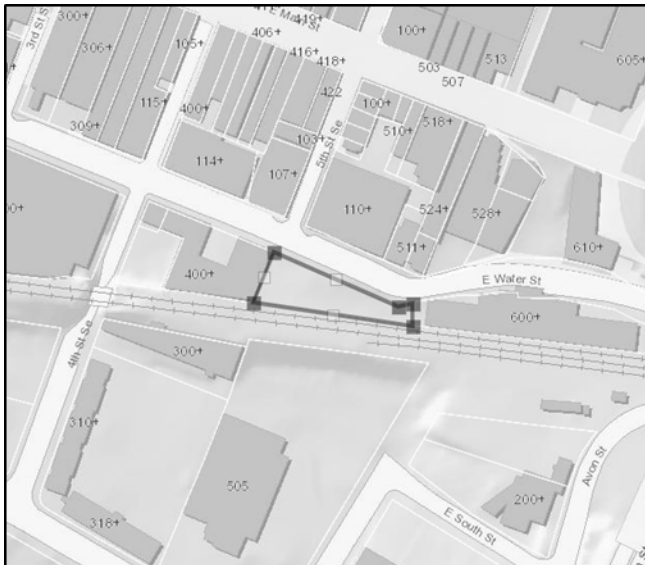
Date of Meeting: May 12, 2015

RE: 550 Water Street

Background

Core Real Estate and Development has submitted a special use permit for additional height at 550 East Water Street. The site plan proposes 7 new multi-family residential units, 11,487 square feet of office space, and 16 on-site parking spaces. The property is further identified on City Real Property Tax Map 53 Parcel 162.3. The site is zoned Water Street Corridor with Architectural Design Control District and Parking Modified Zone Overlays. The property is approximately 0.28 acres.

Vicinity Map



Preliminary Analysis

Reason for Special Use Permit

The applicant is requesting a special use permit for additional building height.

The maximum by-right height in the Water Street Corridor is 70 feet. The applicant has requested a building height of 101 feet, which is the maximum allowed under a special use permit.

Questions for Discussion

- Massing and Scale – The proposed project would entail the construction of a three-story building along the entire front of the property, and a nine story tower at the west edge of the property. Surrounding buildings range in height from 1 to 5 stories.
- Façade treatment – the project will be reviewed by the BAR, and will alter a portion of the pedestrian realm along the south side of Water Street. The current proposal for office space offers little permeability along the street as designed.

Attachments

Special Use Permit Submission Booklet



550 WATER STREET MIXED-USE DEVELOPMENT

**SPECIAL USE PERMIT SUBMISSION PACKAGE
APRIL 21, 2015**

Location

The Project is located on the southwest quadrant of the intersection of 5th Street SE and Water Street. The address is 550 Water Street.

Zoning

The Project is located within the Water Street District (“WSD”).

Special Use Permit Request

We request a special-use permit request to increase the allowable building height to one-hundred-one (101) feet as described by the zoning ordinance.

Justification

The attached views are provided in support of a special-use permit request to increase the allowable building height to one-hundred-one (101) feet.

We are proposing to accommodate our program in a composition of two primary volumes: 1) a nine-story tower; and 2) a three-story wing.

The benefits of the tower include:

- Providing a focal point for the building on the parcel’s northwest corner, the intersection of 5th Street SE and Water Street. This intersection is noteworthy as an edge to the downtown area bounded on the south by the railroad tracks. Within this district, the intersection of 5th and Water is the south-westernmost intersection determined by the city street grid.

The benefits of the three-story wing include:

- Allowing for views by some occupants of the Holsinger building to areas south, beyond the Project.
- Mediating between the height of the tower, the by-right maximum building height of seventy (70) feet, and the historic C&O train station building, adjacent to the eastern boundary of the Project.



550 WATER ST MIXED-USE VIEW FROM EAST

4/21/15



550 WATER ST MIXED-USE VIEW FROM WEST

4/21/15



550 WATER ST MIXED-USE VIEW FROM NORTH

4/21/15